

Section 1

1. Petition for Commutation of Sentence

Besides the basic biographical data and listing of the crimes for which he was convicted, this document concisely describes our reasons why Larry's petition for commutation should be honored.

Petition for Commutation of Sentence- Laurence J. Layton

Attachment B- Reasons for clemency

The Jonestown tragedy will forever be etched in the minds of millions. The unprecedented mass suicide of over 900 people was ignited by the murder of Congressman Leo Ryan, who visited Jonestown to investigate allegations of wrongdoing there. No one disputes that it was Jim Jones who orchestrated these deaths. However, Jones, his top lieutenants, and the actual murderers of Ryan and the five other people murdered at the airstrip, also died that day. In the aftermath, only one person was prosecuted and held accountable for these tragic events-- the Petitioner, Laurence (Larry) J. Layton.

Larry shot and wounded two people, and he attempted to shoot a third (see Attachment A to the Petition (Section 1) for a specific account of his actions). Due to the extraordinary mitigating circumstances emphasized by the judge at sentencing, the court fixed his parole eligibility at five years, concurrently on all counts, pursuant to 18 USC Section 4205(b)(1).

Chief Judge Robert F. Peckham of the U.S. District Court, Northern District of California cited two important mitigating factors in crafting his sentence:

- ◆ That Jim Jones was primarily responsible for the deaths and injuries that occurred; and
- ◆ That Larry's role in the conspiracy to kill Congressman Ryan and Deputy Chief of Mission Dwyer (who survived) was less significant than that of a number of others-- Larry did not participate in the shooting of those individuals, nor in the planning of the murders.

Chief Judge Peckham cited other factors as well, ones not directly related to the events of November 18, 1978. Those factors included:

- ◆ The extreme mental and physical pressures and the stress exerted by Jones on Larry. (Former Peoples Temple members testifying for the prosecution described how Larry was a particular target of Jones' manipulations. This "coercive persuasion" was exhaustively described by both prosecution and defense psychiatrists. Both sides agreed that the domination of Jim Jones over the residents of Jonestown, and his destruction of their individual wills, ultimately led to the mass suicides. Chief Judge Peckham stated that a just sentence required consideration of this environment in which Larry was virtually imprisoned.);
- ◆ Letters from prosecution witnesses, including Larry's shooting victims, pleading for compassion and leniency;
- ◆ Letter from jurors requesting leniency. (Chief Judge Peckham was especially impressed with these letters, saying that they were "unprecedented" in all of his years on the bench);

- ◆ Letters from people who had been in Jonestown or who had lost relatives there, also requesting leniency;
- ◆ Larry's great regret and remorse; and
- ◆ The time Larry had already spent in custody.

Chief Judge Peckham presided over both of Larry's trials. The first trial took place from October 9, 1980 until September 26, 1981 (eleven and a half months) and ended in a mistrial, with the jury voting 11-1 for acquittal on the conspiracy charges and 7-5 for acquittal on the aiding and abetting charges. Larry was released on bond for five years until the second trial, lasting from October 9, 1986 until March 3, 1987 (almost five months), which ended in his conviction.

A parole hearing was held on June 4, 1991 at Federal Correctional Institute Terminal Island. Larry's attorney, Frank Bell, submitted over 450 pages of material to the initial hearing examiners documenting the circumstances and conditions that Chief Judge Peckham found so persuasive, and virtually all of which supported a decision for early release. The examiners indicated that they spent hours, during a two day period, going over this material, but throughout the hearing they repeatedly mis-cited facts stated in the documentation. Perhaps the most significant misapprehension was that of Mr. Aranda who asked Larry, "...what are the names of the two people who you killed?" *Larry killed no one.* In announcing their decision, the examiners stated that they had very carefully considered the information submitted and the pre-sentence report, but they made no mention of any of the mitigating factors that comprised the crux of those documents. An indication that these factors did not impact their decision is the fact that the examiners recommended not only to deny immediate parole, but to apply a maximal continuance of fifteen (15) years until Larry could even be reconsidered for parole. This recommendation exceeded by 80 months the parole guidelines of 100+ months and clearly contradicted Chief Judge Peckham's sentencing intent. The reason the examiners gave for this extreme recommendation was that "... there were multiple victims who were murdered in this entire incident and there were an (*sic*) attempt of multiple murder of others, especially by you [*Larry*]" (Pg. 33, Initial Hearing Transcript, see Section 8.3). The case was referred to the Parole Commission as an Original Jurisdiction matter, and the recommendations of the original examiners were upheld, in spite of a lengthy letter sent to the commissioners by Chief Judge Peckham reiterating his position and his reasoning for sentencing as he did. An appeal to the Parole Commission's National Appeals Board was unsuccessful. In short, two examiners, who spent hours reviewing 450 pages of documentation of this complex and difficult case, cast aside the judgment of Chief Judge Peckham who spent over sixteen months in trial learning and deliberating on the facts of this case.

Chief Judge Peckham's careful consideration of the entire case reflected the meticulous and thoughtful work that characterized his career. A nationally renowned jurist with over 25 years on the bench and an impeccable reputation, his judgment was based solely on the facts and the testimony presented to him. By the end of the two trials, he was an expert in the intricacies and subtleties of the case. In determining the sentence, Chief

Judge Peckham had the benefit of and depended heavily on an exhaustive pre-sentence report prepared by Loren Buddress, now Chief Probation Officer of the Northern District of California, who served as Larry's probation officer at the time. Mr. Buddress spent three months, full-time, six and seven days a week, conducting an investigation and writing his report. Typically, the presiding judge and the probation officer spend 15-45 minutes discussing a case before the judge decides on the sentence. Chief Judge Peckham and Mr. Buddress spent over twenty (20) hours discussing Larry's case in minute detail. When one contrasts the many months of dedicated study, deliberation, and analysis carried out by Chief Judge Peckham and Mr. Buddress with the few hours spent by the Hearing Examiners and Parole Commissioners, the propriety of their decision to overrule the careful consideration and judgment of the court is questionable.

Granting this commutation request would uphold the dedicated work and considered judgment of Chief Judge Peckham and Mr. Buddress. Further incarceration of Larry does not serve any useful purpose. His behavior while under the probation office's supervision and while in custody has been exemplary. He needs no further rehabilitation. He poses no threat to anyone, and he has demonstrated his ability to live a productive life as a responsible citizen. His criminal actions were contrary to his nature and occurred only under unique and bizarre circumstances-- he will never repeat them. He has demonstrated great regret and remorse for his acts; and, he has family and friends that will look after him to assure that he will not become a drain on society.

We ask that Chief Judge Peckham's desires regarding Larry's punishment, as well as those of the probation office, be followed. Chief Judge Peckham recommended parole for Larry after five years. Larry has now served more than fourteen years in custody. Justice has been served. Releasing Larry will in no way impugn the law. We respectfully request that Larry's sentence now be commuted.

NOTE: In order to avoid excessive redundancy, this narrative is, intentionally, only a very brief summary of the facts of this unique case. The heart of the petition lies in the many pages of accompanying documentation.

PETITION FOR COMMUTATION OF SENTENCE

Print or type legibly

Relief sought: (check one)

☒ Reduction of Prison Sentence Only

☐ Reduction of Prison Sentence and Remission of Fine

☐ Remission of Fine Only

☐ Other _____

TO THE PRESIDENT OF THE UNITED STATES:

PETITIONER, Laurence John Layton, a Federal prisoner,
First Name Middle Last

Reg. No. 20752-053, confined in the Federal Institution at Lompoc, California,

in seeking a commutation of sentence, states that he was born on January 11, 1946,

and has Social Security No. 549 78 2776. (If not a United States citizen, indicate country of citizenship: U.S.A..)

PETITIONER was convicted on a plea of not guilty in the United States District Court
guilty, not guilty, nolo contendere

for the Northern District of California of the crime of: _____

1) 18 USC §351(d)- Conspiracy to Kill a Congressman

(Describe the offense(s) of which you were convicted; provide citation of statute(s) violated, if known.)

2) 18 USC §351(a)- Aiding & Abetting the Murder of a Congressman

3) 18 USC §1117- Conspiracy to Kill an Internationally Protected Person

4) 18 USC §1116(a)- Aiding & Abetting the Murder of an Internationally

Protected Person

involving the following circumstances:

(Describe accurately what you did, including your role in the offense.)

SEE ATTACHMENT A

1. from cl
on June 4

If your conviction or sentence was appealed or otherwise challenged, complete the following paragraph:

PETITIONER appealed to the United States Court of Appeals, where the judgment was affirmed on August 16, 1988. A petition for a writ of certiorari (☐ was ☒ was not) sought from the Supreme Court, and (☐ granted ☐ denied) on N.A., 19 . Petitioner (☒ did ☐ did not) challenge his conviction or sentence under 28 U.S.C. §2255 (habeas corpus). (Provide citations to court opinions, if known: Not known.)

In this paragraph, list every arrest, either as a juvenile or an adult, whether or not resulting in a conviction. For each incident list date, nature of offense charged, law enforcement authority involved, location, and disposition, if known.

PETITIONER'S criminal record, other than the instant offense, is as follows:

NONE

PETITIONER respectfully prays that he be granted clemency for the following reasons: _____

SEE ATTACHMENT B

The statements contained herein are true to the best of my knowledge and belief, and I understand that any misstatements of material fact contained herein may subject me to criminal prosecution and/or cause adverse action on my petition for executive clemency.

-21-97

X Laurence J. Rayton
Signature of Petitioner

ient, additional pages may be added. Letters and/or other supporting material may be submitted with petition.