

**ARIZONA**

# 'This is a rebirth': Arizona man given 292 years for nonviolent crimes gets clemency

**Jimmy Jenkins**

Arizona Republic

Published 6:01 a.m. MT Sept. 6, 2024 | Updated 6:01 a.m. MT Sept. 6, 2024

The sentence was so long, even the judge had a hard time believing it.

“Mr. Patsalis, I don't know if you were doing the math, but I have sentenced you to 292 years in prison,” Judge Pro Tempore Billy K. Sipe Jr. said to Atdom Patsalis. “I realize that the sentence that I just imposed is a very harsh sentence. It’s — quite frankly, the court even agrees — it’s an incomprehensible sentence.”

On Wednesday, after years of fighting for relief — and being denied over and over — Patsalis, 10 years older and with a decade in prison behind him, was granted a reprieve and is getting out.

Sipe had said the sentence was necessary and appropriate for Atdom, who had been convicted on 25 felony counts stemming from a string of residential burglaries in Bullhead City over three months in late 2013 and early 2014. All of the crimes were nonviolent.

In 2014, Patsalis was in his early 20s. By his own account, he was homeless, battling drug addiction and in the worst patch of his life. His mother had kicked him out of the house to protect Atdom’s sister because she feared he had become a bad influence. She still questions that act of tough love today.

In June 2015, he stood in front of Sipe, who had just recently been appointed as a court commissioner/judge pro tempore in Mohave County following 26 years as a criminal law attorney.

Sipe found Patsalis to be a category three repeat offender, with prior convictions as an adult and a juvenile record. The judge said he could see no remorse in Patsalis and pondered the nature of his morality aloud.

“I sit here and wonder, what has horribly gone wrong in your life that has led you to this, or are you simply a criminal?” Sipe asked. “Are you just simply somebody who has a criminal mindset? You’re a sociopath, and you’re going to simply prey on people for as long as you can, and if I let you out of jail today, you would be robbing over the weekend?”

The juvenile system had not deterred him, nor had the adult prison system. Sipe said he needed to set an example with Patsalis’ sentence, to create a deterrence for others.

Sipe said he had spent weeks determining the sentencing amount for each individual charge.

“Mr. Patsalis, I cannot send the message to the community that you can burglarize multiple houses and victimize multiple people on multiple occasions, and you’ll simply get one sentence for it,” Sipe said. “There has to be accountability and responsibility for each separate offense that you commit and have been convicted of.”

Sipe ordered the sentences to be served consecutively instead of concurrently, a choice he said he believed was compelled by law. He had ordered Patsalis to be imprisoned for the rest of his life.

Patsalis filed an appeal, arguing that his 292-year sentence violated the Eighth Amendment’s prohibition against cruel and unusual punishment. But his argument was rejected by the Arizona Court of Appeals, and the Arizona Supreme Court refused to consider the case.

## **Volunteer lawyers with nonprofit bring case to Clemency Board**

In 2016, Patsalis reached out to the Arizona Justice Project for help.

“When I lost my hope, it was their hope that I held onto that got me through,” Patsalis said of the Phoenix-based nonprofit that advocates for the innocent and wrongly convicted.

Despite petitions from volunteer Arizona Justice Project attorneys, the federal courts, including the U.S. Supreme Court, denied consideration of Patsalis’ case.

While the U.S. Court of Appeals for the 9th Circuit affirmed a lower court's determination that the proportionality of Patsalis’ sentences should be assessed based on each individual crime and sentence, one judge dissented.

Judge Morgan Christen called Patsalis’ case “extreme” and “exceedingly rare.”

Patsalis’ “cumulative sentence is grossly disproportionate to the offenses he committed,” Christen wrote, saying she believed Patsalis’ cumulative sentence violated the Eighth Amendment’s ban on cruel and unusual punishment.

Following this loss, the Arizona Justice Project helped Patsalis file an application with the Arizona Board of Executive Clemency, asking the board to consider a commutation, or shortening, of Patsalis’ sentence.

After a three-hour hearing analyzing Patsalis’ case in May, the Clemency Board voted unanimously to recommend a commutation of his sentence. Gov. Katie Hobbs granted the commutation on July 24.

At a clemency hearing on Wednesday, Patsalis' supporters asked the board to allow him to be released to transitional housing under general parole, which would involve no electronic monitoring.

Lindsay Herf, executive director of the Arizona Justice Project, said she felt like it was a miracle to be appearing before the board on behalf of Patsalis. She recalled her thoughts upon first meeting him.

“What struck me about him was the hope he still had and how he had developed this daily disciplined life, hour by hour,” she said, noting Patsalis had been working prison jobs, learning through educational classes, reading and practicing yoga while incarcerated.

Herf thanked the board for helping to right what she said was an unconscionable wrong committed by the justice system.

“It was this board that, for the first time, of any actor in the criminal justice system, holistically looked at not just the case and the excessive sentence, but at Atdom and the person underneath it all,” she said.

Speaking via video conference from prison in Yuma, Patsalis told the board that circumstances in his life led to his string of thefts.

“Basically, I was in a situation of survival,” he said. “It's a rationalization. But it's also the truth.”

## **Sentenced to life in prison, now planning for a future outside**

He told the board he had developed a plan for his release and had a strong support network waiting on him should he feel depressed or fall victim to addiction again.

Patsalis said he had been offered a job at an automotive repair shop and would begin working on a commercial real estate license upon his release. He also planned on writing a book and producing music about his experiences, he said.

“The last 11 years, I’ve been working toward the hope of a chance like this,” he told the board. “I would love to show everyone what I have to offer.”

Khalil Rushdan, who was himself exonerated after serving 15 years in prison for a wrongful conviction, told the board that Patsalis would have a network of support awaiting him on the outside.

“He will have a solid foundation when he gets out,” Rushdan said. “We will have a village of support ready for him once he is released.”

Board member Susan Stodola asked Patsalis what his long-term plan was.

“Where do you see yourself in 10 years?” she asked.

“I’d like to have a family,” said Patsalis, 31. “That’s a blessing that someone like me is able to recognize now. I hope that’s in my future.”

When taking the terms of his release under discussion, board members expressed how impressed they were by Patsalis' efforts to reform and by the outpouring of support from the community.

Board Chair Mina Mendez said that while she was a big believer in the criminal justice system, it was not infallible, and Patsalis' case was a perfect example of that.

"I don't think the system should be designed to take a 21-year-old kid and just throw them away, and that's what happened here," Mendez said. "It's still unclear to me how exactly, how that happened or why. Maybe someone needs to take a look at what's going on in Mohave County."

The Clemency Board ordered Patsalis to home arrest. In four months, he will have an opportunity to go before the board again to potentially be given general parole without any more monitoring. Mendez said she was hopeful that Patsalis would eventually receive an absolute discharge.

She told Patsalis there was a great deal of pressure on him because not many people get a gubernatorial commutation.

"So it's really important that you do everything that you can to continue to improve and remain law-abiding. You're confident that you can do that?" she asked.

"Yes," Patsalis said. "I won't let you down."

Outside the hearing, Wednesday morning, Patsalis' mother, Daiana Patsalis, was moved to tears with joy.

"At the prison visitations — you can only give them a hug for less than a minute — or else they'll come and separate you," she said. "I can't wait to give him a hug that no one can stop."

Reached by phone Wednesday, an assistant for Sipe, who is still a judge in Mohave County, said "he has a lot of things he would like to say" about the case, "but he does not think he should."

In a phone interview following the board hearing Wednesday, Patsalis reflected on the day of his sentencing and his pending release.

“That day. That was a death,” he said. “This is my rebirth.”

*Have a news tip? Reach the reporter at [jjenkins@arizonarepublic.com](mailto:jjenkins@arizonarepublic.com) or 812-243-5582. Follow him on X, formerly known as Twitter, @JimmyJenkins.*