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Pro Se Supplemental
Addendum to Government's
Response of Compassionate
Release Motion 3582c

United States v. Amber Brucey

Case #: 2:21-cr-0074-TPM-KCD

I am submitting this final addendum to the government's response to support my compassionate release request. I'm filing pro se and in forma pauperis. Please include the following information with my request for compassionate release.

After researching and consulting with a previously practicing physician regarding my health conditions, medications, and lack of medical care that is proper and effective, there are several medical diagnoses that FPC Alderson/BOP is no longer providing medication or any other consistent therapeutic evaluation of health status due to lack of treatment. My chronic, severe conditions of cardiomyopathy, genetic spinal fusion causing debilitating neurological damage, depression and anxiety, as well as chronic asthma is not only not consistently monitored, but also not medically managed by FPC Alderson/BOP or treated effectively or properly due to lack of on-site physicians at FPC Alderson as well as improper pharmacological changes and eliminations. Clear examples of this medication deficiency are:

1. Switching my long-term, well managed depression and anxiety medication regimen of Wellbutrin XL, topamax, Klonopin and buspar to Depakote 500mg and buspar. Despite blood work showing this medication is not working and multiple requests to health services

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Saying its not working and asking to resume my prior medication or try something else nothing has been changed in 8 months. Health services shows complete indifference to my requests for help, including therapy I was receiving weekly.

2. Switching my cardiology medication to Lisinopril could be a potentially life threatening medication change with me already being at high risk for anaphylaxis. Lisinopril is the most common blood pressure medicine known to cause anaphylaxis
3. There has been no treatment for my spine and back issues. Without any meds and the purposeful elimination of medications for this known genetic disorder as well as sleeping on hard metal beds with no accommodations for my back issues FPC Alderson/BOP is imposing a debilitating and disabling condition of potential future paralysis. Flexeril, Lyrica, and hydrocodone were eliminated from the neurologic treatment profile. This is not proper, effective, or equivalent medical care to what I was receiving with my doctors.
4. FPC Alderson further shows medical indifference and lack of providing proper medical care in eliminating Singular and Treligy from my medication profile for treatment of chronic asthma and severe allergies. FPC Alderson has documented that I am hyperallergic to dogs and carry an epipen, yet I am housed with dogs. I have also been refused my nebulizer which is life

Saving for asthmatics.

In summary, these are just some of the examples displaying improper and ineffective medical treatment by the BOP as well as indifference to health status and medical well being of inmates at FPC Alderson. This is why I need to be able to return to my doctors in the community to obtain the proper medical treatment and not live worried about having a life threatening allergic reaction or asthma attack because BOP forces me to live with dogs and other allergens I have.

Additionally, my separation from my 5 children and inability to maintain a mother-infant bond with my baby has contributed to increased depression and anxiety, as noted by the low serotonin levels lab test performed by BOP, but as stated is not being properly treated by FPC Alderson, despite multiple requests. This is further exacerbated by the fact that my family is struggling to care for my kids. My mom sold everything she owned to care for my kids and now her health has worsened also. In addition, the fact that 2 of my kids (the youngest 2) are requiring surgical procedures that my mom can not provide proper care for despite all her best efforts. And, my sister, Marissa, as previously mentioned can not take on care of the kids because she is a full time teacher who works 7:00 am - 4 or 5:00 pm. Her schedule is not flexible to accommodate the kids' needs and she barely makes ends meet as it is. She could not afford childcare and could not homeschool the 10 & 12 year old like they need. I am the only available caregiver for my kids and now my mom. Please see case law: US v. Danielle Work's criminal number: 20-cr-30032-MGM where compassionate release was granted by the court so she could care for her child because her husband and sister could not since they needed to work.

In December 2018, President Trump signed the First Step Act into law. The Act was a momentous "culmination of a bipartisan effort to improve criminal justice outcomes, as well as reduce the size of the federal prison population while also creating mechanisms to maintain public safety." The statute amends numerous portions of the U.S. Code "to promote rehabilitation of prisoners and unwind decades of mass incarceration" *United States v. Brown*, 411 F. Supp. 3d 446, 448 (S.D. Iowa 2019). Compassionate release, codified in its amended form at 18 U.S.C. 3582(c) provides the means for inmates with "extraordinary and compelling reasons" to be released from prison early when warranted. *United States v. Cantu*, No. 1:05-cr-458-1, 2019 WL 2498923, at *5 (S.D. Tex. June 17, 2019). The correct interpretation of 3582(c)(1)(A) based on the text, statutory history and structure, and consideration of Congress' ability to override any of the Commission's policy statements at any time is that when a defendant brings a motion for sentence reduction under the amended provision, the court can determine whether any extraordinary and compelling reasons other than those delineated in U.S.S.G. 1.BP.13 cmt, n.1(A)(c) warrant granting relief.

The extreme hardship on my mom to provide proper care for my 5 children, Andrew, Aidan, Avery, Asher, and Autumn, along with the deteriorated health of my mom and my need to obtain proper medical care and medications to regain my health and prevent it from worsening further presents "extraordinary and compelling reasons" that justify my compassionate release request. Four of my kids need full-time care. Two of them have to be homeschooled and two of them are too young for school. The 12, 10, and 4 year old require multiple weekly appointments and need therapies that haven't even been able to be scheduled due to physical and financial limitations of my mom. And, as the court is aware,

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The baby, due to her premature birth and health complications requires breastmilk for nutrition, in addition to an impending needed surgical procedure. My mom, as the only available caregiver has been trying to care for them, but her muscular dystrophy severely limits her ability to do so. As mentioned, her eyesight is extremely poor and her health has deteriorated making it hard for her to pick up the younger 2 kids, change, bathe, and care for them due to the added physical stress caring for my kids has put on her body. As stated, being separated from my premature baby at 3 months old has made it hard to develop the bond with her which is crucial for mom and baby at this stage as noted in US v. Works 20-cr-30032-MGM (District Court of Massachusetts). Other district courts have granted compassionate release in similar, if not the same circumstances. See US v. Perez-Cubertier, 3:10-cr-00212-JAG (District of Puerto Rico) (November 20, 2020) where compassionate release was granted when the defendant's spouse was overwhelmed by the round the clock care and medical needs of their 12 year old son and the spouse lacked family support to care for the child. See also US v. Morrison 13-cr-00084-LRHwtG (District of Nevada, November 19, 2020) where compassionate release was granted where the only care giver of the defendant's two children was her 60 year old mother who was no longer able to provide care for the children. See also, US v. Little 14-cr-00190-SEB-MJD (S.D. Ind., August 10, 2020) where compassionate release was granted to defendant whose wife and sole caregiver for his 4 children died in an auto accident. In US v. Fortson 1:18-cr-00063-TWP-MJD (DKt #79) (S.D. Ind. July 13, 2020), the court ruled that extraordinary and compelling reasons existed after Mr. Fortson's son's mother died and he didn't have another relative to take care of him long term. Additionally, please see US v. Sheena Strong, 1:18-cr-00167HG who was granted compassionate release to care for her baby even after violating terms of the MINT program and being sent back to her facility. I am incident free and received a judicial recommendation for MINT, but FPC Anderson case worker refused

to ask for placement, despite proof from the RRM that they would make an exception and accept me and my baby). Also see *US v. Ivana Yartizcu Rodriguez*, 3:19-cr-04693-GPC where the court found that "separation three months after the newborn's birth is an extraordinary and compelling reason justifying a sentence reduction." Further stating that, "separation of a newborn child from their mother is an extreme measure that should occur rarely." compassionate release was granted. Lastly, see *US v. Danielle Works* 20-cr-30032-MGM (District Court of Massachusetts, 2021). Ms. Works emergency motion for compassionate release was granted for similar circumstances as mine (improper medical care by BOP/FPC Alderson and the need to care for her one child). She too had a guideline range of 43-78 months but received a below guideline sentence. She was granted compassionate release with time served plus stipulations of home confinement with location monitoring for the unserved portion of her sentence, followed by 3 years supervised release.

I have exhausted my administrative remedies under the Statute. I submitted my request for compassionate release to the warden of FPC Alderson and it was denied on June 28, 2023. Pursuant to 18 U.S.C. 3582(c)(1)(A), a defendant ordinarily must exhaust administrative remedies with the BOP or wait 30 days after submitting a request for compassionate release to the warden, whichever comes first. I have satisfied this prerequisite. Consequently, this court has the authority to grant this request now.

The relevant 3553(a) sentencing factors warrant reducing my sentence to time served or time served plus the unserved portion on home confinement with location monitoring.

Under the compassionate release statute, when the defendant establishes the existence of extraordinary and compelling circumstances justifying relief, courts must consider the relevant sentencing factors of 18 U.S.C. 3582(c)(1)(A)(i). Section 3553(a)'s primary directive is for

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Sentencing courts to "impose a sentence sufficient, but not greater than necessary"; to comply with the purposes set forth in section 3553(a), paragraph 2 which states that such purposes are:

1. To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.
2. To afford adequate deterrence to criminal conduct
3. To protect the public from further crimes of the defendant
4. To provide the defendant with needed educational, or vocational training, medical care, or other correctional treatment in the most effective manner.

The time I have served, in addition to the projected FSA credits that, if applied correctly by FPC Alderson, could have put me in home confinement / FLM in November 2023 to February 2024, as well as the period of supervised release to follow, satisfy the sentencing factors set forth in 18 U.S.C. 3553(a). Therefore, compassionate release in this case would not undermine the goals of the original sentence. Moreover, my young children's needs for me to come home and serve as primary caregiver and my need to obtain proper and effective medical care from my doctors that know my health and needs to regain my own health, when combined with the 3553(a) sentencing factors warrant relief.

The time I have served reflects the seriousness of the offense, promotes respect for law, and provides just punishment for the offense. I acknowledge I committed a serious crime and I am aware that the court graciously imposed a below guidelines sentence which was less than the government recommended at sentencing. (The same was true in *US. v. works*). Although I have served less than half the sentence (almost 9 months), a reduction would not diminish the seriousness of the offense I committed. At the time of sentencing I had a minimal criminal record, no convictions and no prior jail sentences. Since incarceration I have lowered my recidivism risk level and I am at camp status. This court has the authority to enter a time served reduction in sentence order and then modify my term of

Supervised release to include home confinement and a term of extended time on supervised release. Moreover, to further ensure that I continue to be held accountable in accordance with 3553(a) factors, this court can also modify the terms of home confinement to include GPS monitoring.

The time served provides adequate deterrence to criminal conduct and protects the public from further crimes. If I was granted this compassionate release, although I have only served approximately 9 months, this period of time served still serves as a strong deterrent to any future criminal activity. As previously mentioned, this period of time served has deprived me of necessary medical care as well as the ability to care for my five kids and spend the needed time with them during the most crucial time of child development. I fully complied with all terms of pretrial release for 20 months and have been incident free during incarceration which shows I would have no reasons not to continue to do the same. If granted this release, I would have a great support system at home, I could get the healthcare I need and resume mental health therapy with Ms. Ashlyn Vinson and Dr. Byron Strother at Lifespan Health. Of big importance, I will be able to reunite with my 5 kids (1 of which I have been separated from for most of her life) where I can provide the breastmilk required for my baby's nutrition, and provide the emotional support that my kids need from their mom as well as meet their healthcare and educational demands and my financial repayment. I have no desire to go through this or put my family through anything like this ever again so I have no option but to refrain from any future criminal activity. I can never put myself or my family in a situation like this ever again. The circumstances of my life and those closest to me will not allow me any room for error. I know if I were to commit any more crimes I would be held accountable and once again have to leave my kids in a difficult

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Situation. Nothing is worth what I have put my family through, especially my kids. Because of all of this, it is highly unlikely for me to ever recidivate. I know what is at stake. Getting relief in this case is far too important to me and my family so I know this is not an opportunity I could squander.

Upon release I will be responsible for providing my own healthcare and for providing for and caring for my 5 kids as well as helping care for my mom. I am seeking this relief because I am worried for the wellbeing of my kids, my mom, and myself. Given the lack of proper and effective medical care I've received in BOP and the extreme hardship my actions caused my family.

All of the reasons addressed here and in my original motions for compassionate release have created "extraordinary and compelling reasons" to grant my motion for compassionate release under 18 U.S.C. 3582(c)(1)(A). This court has the authority to reduce my sentence to time served and order any additional conditions of supervised release that it sees fit and to ensure I continue to be monitored by the U.S. probation Office (who already confirmed they could monitor me on Fm) and that I am not a threat to the community.

For these reasons, and those submitted in my original motion and addendum, I respectfully request that the court immediately reduce my sentence to time served and impose a period of home detention with supervised release that the court seems fit.

Respectfully Submitted,

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