

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

FILED

DEC 04 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY CO
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UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.)
)
AARON ASHCRAFT)
)
Defendant.)

Case No.: 2:22CR00087-1

2:22-cr-0087-KJM-1

DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE

Now comes the Defendant, Aaron Ashcraft, proceeding pro se Defendant's Motion for Release pursuant to 18 U.S.C. 3582 (c)(1)(A) (i). The Defendant respectfully requests an order reducing his sentence or placing him on home confinement based on extraordinary and compelling circumstances that have been presented by the current medical condition of the Defendant's son (Dhameon Ashcraft) and his inability to take care of herself or our family.

I. Introduction

The Defendant is currently serving a 41 month sentence imposed by this Honorable Court at FCI Sheridan Camp in Sheridan, Oregon.

The Defendant's son was recently diagnosed with an aggressive and advanced strain of Multiple Sclerosis and is unable to care for himself and there are no other family members other than the Defendant that provide for him.

The U.S.S.G. expanded the circumstances related to Compassionate Release in April 2023 addressing in part the expanded justification for release due to a defendant's family's need for support.

Set forth below is a detailed summary of events that rise to the level of extraordinary and compelling circumstances under 18 U.S.C. 3582(c)(1)(A)(i).

(II) suffering from a serious functional or cognitive impairment, or
(III) experiencing deterioration of physical or mental health because of the aging process that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.

Following the passage of the First Step Act of 2018, a number of United States District Courts have granted sentence reductions under 3582(c)(1)(A)(i). See *United States v. Beck* (Case No.: 1-13-CR-1 86, 2019 WL 2716505, M.D.N.C., June 28, 2017); *United States v. Canto-Rivera* (Case No.: 4:89-CR-204, Dkt.492, S.D. Tx., June 24, 2019).

The Defendant has made every effort to seek support through extended family and friends to address the needs of his son. However, all of the Defendant's efforts have proven fruitless.

IV. Consideration of the Defendant's Personal 3553(a) Factors.

When considering the 3553(a) factors, a reduction in the custodial term should be granted and he should be released from Bureau of Prisons custody. Based on the non-violent crime that the Defendant committed, he was placed in a camp. The Defendant has maintained a Minimum Recidivism (the lowest risk level) classification while incarcerated. The Defendant has also completed all offered classes as part of his Initial Needs requirements.

The Defendant poses no risk to the community he will return to. The Defendant has the ability to pay for his health insurance and support his family. Although the reality of what the Defendant will return to when either released with this Motion for Compassionate Release or the completion of his sentence (current release date from custody is March 24, 2026, after the application of 18 U.S.C. 3621e sentence reduction), does not impact the 3553 factors, the fact that he will be the sole support of his family and his son weighs significantly on any perceived threat that he may pose to society.

V. The Exhaustion Requirement for Compassionate Release Has Been Satisfied.

The Court may reduce the terms of the Defendant's sentence upon Motion of the defendant after the defendant has fully exhausted all administrative remedies or waiting 30 days after the warden's receipt of their request per 18 U.S.C. 3582 (c)(1)(A)(i). The Sixth Circuit Court of Appeals in *U.S. v Alam* (960 F. 3d 831, 835, 6th Cir 2020) held that if a prisoner's pursuit of administrative remedy review

II. Exceptional Circumstances

The diagnosis of the Defendant's son's medical condition was not known to the Defendant, nor his son at this time of sentencing. Therefore, the Court could not possibly consider this issue at the time of sentencing.

The Defendant's son has no family to care for him. The Defendant's son is currently undergoing additional testing to specify the strain of his illness.

The Defendant draws the Court's attention to the recent ruling of Honorable Judge Bashant (Southern District of California) on a Compassionate Release submission by Carlos Daniel Resendiz (see US v. Resendiz, November 2023). Judge Bashant granted Compassionate Release for the FCI Sheridan Camp (same as the Defendant) inmate (Resendiz) due to his son's terminal diagnosis.

III. Legal Standards for Seeking Compassionate Release Under U.S.C. 3582(c)(1)(A)(i).

Section 3582(c)(1)(A)(i) authorizes the modification of a sentence if "extraordinary and compelling reasons warrant such a reduction" and "such a reduction is consistent with the applicable policy statement issued by the Sentencing Commission", as set out in the United States Guideline 1B1.13. This Court has the discretion to reduce the term of imprisonment imposed in this case based on 3582(c)(1)(A)(i), which states in relevant part that the Court "may reduce the term of imprisonment, after consideration of the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that extraordinary and compelling reasons warrant such a reduction[.]".

Pursuant to the requirement of 28 U.S.C. 994(t), as authorized by 28 U.S.C. 994(a)(2)(C), the Sentencing Commission promulgated a policy statement that set our criteria for a reduction in sentencing, which, as set forth in U.S.S.G. 1B1.13, includes in relevant part:

- (1) extraordinary and compelling reasons warrant the reduction;
- (2) the defendant is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. 3142(g) and
- (3) the reduction is consistent with this policy statement.

Further, the application note (1B1.13, Application Note 1 9A) provided insight into what constitutes "extraordinary and compelling reasons" which include the defendant's medical condition, and further detailed as:

- (ii) The defendant is:
 - (I) suffering from a serious medical condition,

"comes up short (or if 30 days pass), prisoners have the option to go the the federal court". This requirement of the 30 day wait for the warden to respond has already been surpassed by the Defendant.

In order to satisfy this requirement, the Defendant submitted a request to FCI Sheridan's Warden on October 16, 2023 (see attached "A"). This request was ignored by the warden (Israel Jacquez).

VI. Argument

The Defendant was convicted of Wire Fraud which this Honorable Court mercifully sentenced him to a term of 41 months. The Defendant is not asking that his sentence be vacated, but for a modification via Compassionate Release to allow him to care for his sone. In United States v. Agomouh (E. Dist of Michigan, Compassionate Release Motion, 2020), Honorable Judge Judith Levy granted the Agomouh Compassionate Release having served less than one year of a 6 year sentence. However, Judge Levy modified the terms of supervised release to maintain the intergrity of the imposed sentence. The Defendant asks this Honorable Court to grant his Motion and allow him to be placed on an extended supervised release that would have him serve out his sentence on home confinement.

Placing the Defendant on home confinement would save the United States Taypayers \$28,000 per year according to a study by the US Department of Justice (2022). This amount represents the difference between incarceration at a camp and the cost to supervise the individual by Probation. The cost to maintain the ankle monitor device would be paid for by the Defendant. The Defendant will maintain employment which will include insurance to take care of himself and his son. Thereby relieving the public of the necessity for supporting the Defendant's family through the Department of Public Social Services.

The argument for saving society the cost of incarceration is not new and the Defendant does not bring it to this Court as a novel social issue. The United States Sentencing Commission in examining the need for incarceration against the issues of a Defendant's family recognized in their wisdom the necessity to expand Compassionate Release. The fact that that Defendant is non-violent and is incarcerated at a camp with no fenses, no cells, no locked doors and is classified as "Out Custody" illustrates that the Bureau of Prisons sees him as no threat to society. There is a facility 100 yards away from the Defendant's bunk that houses such people. If the Defendant was deemed to be violent, he would be "across the street". What is also without question is the Defendant's son's condition. The Defendant asks this Honorable Court to weigh the costs of further camp incarceration against home confinement and allow the Defendant to care for his son.

VII. Conclusion

The Defendant committed Wire Fraud that have no excuse. The Defendant can truly re-pay society by unburdening social services of providing financial support to his son. The Defendant also owes a huge debt to his family by putting them in this position. The only way he can re-pay this debt to his family is by the very conditions laid out by home confinement. If granted by this Court, the Defendant would be placed on an ankle monitor where he will be supervised 24 hours a day. He will be required to work and immediately return from each shift. The Defendant will otherwise be home at all times to care for his son. The Defendant will be subject to regular drug test and evaluation by the Probation Office. All would amount to considerably more supervision that he receives in the camp at a fraction of the cost to society.

In conclusion, the Defendant asks this Honorable Court to grant this Motion and allow the Defendant to care for his son.

Respectfully Submitted,

S/ 

Aaron Ashcraft
Reg. No.: 00025-510
FCI Sheridan Camp
P.O. Box 6000
Sheridan, Oregon 97378

Dated: November 25, 2023
Sheridan, Oregon

CERTIFICATE OF SERVICE

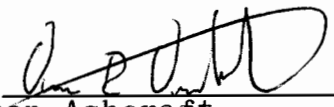
I, Aaron Ashcraft, certify that I served a true copy of the attached Defendant's Motion for Compassionate Release by placing a copy in the United States Mail addressed to:

United States Attorey's Office

501 I Street Ste 10-100

Sacramento, CA 95814

Dated: November 25, 2023
Sheridan, Oregon

S/ 
Aaron Ashcraft
Reg. No.: 00025-510
FCI Sheridan Camp
P.O. Box 6000
Sheridan, Oregon 97378

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INMATE REQUEST TO STAFF CDFRM

S. DEPARTMENT OF

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) I. Jacques, Warden	DATE: 10/16/2023
FROM: Aaron Ashcraft	REGISTER NO.: 00025-510
WORK ASSIGNMENT: NA	UNIT: 5

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.

Warden I. Jacques,

I respectfully request a commutation of my sentence due to recent terminal health diagnosis made to my son Dhamon Ashcraft. He has been preliminarily diagnosed with an aggressive and advanced strain of Multiple Sclerosis. He is unable to care for himself and has no family or caregivers to help him out. They are performing further diagnosis to determine the specific strain and rule out ALS or Brain Tumor/Cancer.

(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Record Copy - File; Copy - Inmate

PDF

Prescribed by P5511