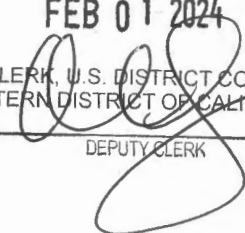


FILED

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

FEB 01 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
v.)
)
AARON ASHCRAFT)
)
 Defendant.)

)

Case No.: 2:22-CR-00087-KJM

DEFENDANT'S REBUTTAL TO PLAINTIFF'S OPPOSITION TO MOTION FOR COMPASSIONATE RELEASE

Now comes Defendant, Aaron Ashcraft, proceeding pro se Defendant's Rebuttal to Plaintiff's Opposition to Motion for Compassionate Release.

BACKGROUND

The Defendant submitted a Request for Compassionate Release to this Honorable Court in late 2023. In January 2024, the Plaintiff responded and opposed the Defendant's Motion. The following is the Defendant's Rebuttal of the Plaintiff's Opposition.

REBUTTAL

The Plaintiff's Opposition to the Defendant's Motion, essentially, identifies two arguments to deny the Defendant's request. They are: 1) Defendant has not established Extraordinary and Compelling Circumstances due to "Family Circumstances"; and 2) Defendant's release would upset the 3553 factors. Defendant responds to these arguments as follows:

1) Defendant has not established Extraordinary and Compelling Circumstances due to "Family Circumstances".

The Plaintiff states the Defendant's family circumstances do not rise to the level of extraordinary and compelling. The Defendant outlined these circumstances in his original filing, but has attached a handwritten 5 page detailed description of his son's condition and the issues his family is facing.

The factual circumstances set out in the attachment are the very definition of extraordinary and compelling. It is understandable that Plaintiff would argue that these circumstances do not exist for the purpose of further incarceration in a camp with no fences or locked doors, but the United States Sentencing Commission amended guidelines for request for Compassionate Release for these undeniable circumstances. This burden has been met by the Defendant.

2) 3553 Factors

This Honorable Court mercifully sentenced the Defendant based on his crimes. The second aspect of the United States Sentencing Guidelines Amendment 821 afforded the Defendant a 2 point drop in his sentencing guidelines which this Honorable Court expeditiously applied and lowered the Defendant's sentence. Prior to self-surrender, the Bureau of Prisons assessed the Defendant to determine his risk to society and placed him in a facility with the lowest possible security level. The Defendant addressed this issue in his filing, but reminds the Court that he poses no threat to society.

It is the Defendant's understanding that within his Motion he made it clear what exactly he was asking for. The Defendant apologizes to the Court if this is not the case. The Defendant is asking not to be released. In fact, the Defendant is asking to remain in custody, but be allowed to care for his family. As detailed in the Defendant's original Motion, the Defendant asks this Honorable Court to maintain the integrity of his sentence by converting the sentence to home confinement with modified supervised release (see original Motion). If the Motion is granted, the Defendant would not be released, but be on an ankle monitor tethered to his house. By doing so, the sentence imposed by this Honorable Court would be respected and maintained.

If the Plaintiff truly believed that the Defendant required the supervision of a dangerous individual, the Plaintiff would embrace the Motion submitted by the Defendant. The Defendant is asking for the ability to work and take care of his family while on an ankle monitor with strict supervision. If the Defendant's Motion is granted, the Defendant actions will be considerably more scrutinized than they currently are.

CONCLUSION

The Defendant makes no excuses for his crimes or to be allowed to be relieved of his obligation to society. However, the issues as stated in the Defendant's Motion present extraordinary circumstances for consideration for Compassionate Release.

Therefore, the Defendant asks this Honorable Court to grant his Motion and allow him to care for his family.

Facts for Rebuttal

D Evidence of incapacitated or deceased parent/caregiver

a. My son, Dhameon Ashcraft is 21 years old and his mother has no legal requirement to care for him anymore.

b. I have been raising my son as a single parent since 2005, his mother and I ended our relationship as she was involved in drug use and multiple relationships and was not involved in raising our son in any capacity. His mother did not make contact with our son until he was 20 years old and living in his own rented apartment. In my PSR I had stated he was living with his mother, however I did not specify that she was only temporarily living with our son while she was homeless. She only stayed with him for approximately one month and then moved out of state to Michigan to care for her mother who has stage 4 Breast cancer. Both my son and I have had no contact with her and have no contact information for her. She also has a daughter under the age of 18 that went with her and she cares for.

c. The court has record of me being the caretaker of my son because in _____ of 2023 he was diagnosed with cervical myelopathy and

had to undergo a delicate surgery that would require months of rehabilitation. I petitioned the court to delay my self surrender so that I could provide medical care for my son. The court granted the motion to delay my self surrender. The diagnosis of cervical myelopathy was an underlying unseen diagnosis of my sons later diagnosis in October of 2023 of Multiple Sclerosis.

d. Other family members listed in PSR - My mother and my sister live together in a home in Las Vegas, NV where my mother helps my sister care for her 2 children. They both also work full time and do not have the time or available financial resources to also care for my sons medical and financial need. Furthermore, since my incarceration my mother and sister have cut all ties with me. My brother Christopher Ashcraft lives in San Antonio, Texas and is raising two daughters with his wife and he does not have the time to also care for my son. My brother Josh Ashcraft lives in Maine, married taking care of 3 kids, one of which is a toddler with autism. They are barely able to make ends meet and are unable to care for my son.

e. My wife is unable to care for my son as she is both homeless and an alcoholic. She also has severe mental/psychological conditions of the extent of being classified as "gravely disabled" and who also is suffering without my support as she is unemployed, has no drivers license, and no education beyond the 8th grade.

(4)

2) Evidence of medical Diagnosis

a. My son was Diagnosed with an aggressive form of Multiple Sclerosis in October of 2023 after I had already begun my sentence.

In my motion and my attempt for an administrative remedy through the B.O.P. I stated he was undergoing further testing to determine the exact strain of multiple sclerosis which has no bearing on the fact that he was diagnosed with multiple sclerosis. Prior to his diagnosis my son was employed and attending college. The symptoms of the disease prevented him from continuing employment and he had to dropout of school. He has been physically handicapped from the symptoms of his disease which have affected his ability to walk, speak, and deteriorated his cognitive function. He does not have a drivers license or a vehicle and only gets rides to the hospital when the few friends he does have are available. To treat the symptoms of his disease he is required to receive intravenous infusion of medication every 6 weeks at the hospital. The last time I was in contact with my son he was depressed and having financial difficulty. A friend of mine agreed to take possession of my car as collateral for a small

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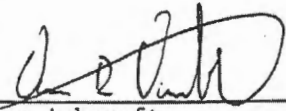
loan that he gave to my son to help him with money. My son is unable to attend to getting groceries except for the occasional and inconsistent assistance from his friends.

As of December 2023 I have not been able to contact my son, his phone number is no longer in service and he is not answering my emails.

I asked my wife to have her children try to make contact with my son. They were able to contact him but only received a brief report of his treatment for his disease and the fact that he had exhausted the money loaned to him and he was facing eviction. Further contact with him has been unsuccessful due to my wife's children not being able to contact him and nearly a month and a half of lockdown conditions at the prison in which I am serving my sentence making contact with the outside extremely difficult. Even my attempts of hand written letters have been unsuccessful, being returned to the prison as undeliverable. I am the only means of financial, medical, and emotional support he desperately needs.

Respectfully Submitted,

Dated: January 29, 2024
Sheridan, Oregon

S/ 
Aaron Ashcraft
FCI Sheridan Camp
P.O. Box 6000
Sheridan, Oregon 97378

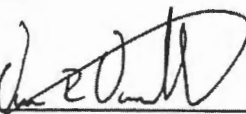
CERTIFICATE OF SERVICE

I, Aaron Ashcraft, certify that I served a true and correct copy of this Defendant's Rebuttal to Plaintiff's Opposition to Motion for Compassionate Release to the United States Attorney at:

United States Attorney

501 I Street # 10-100
Sacramento, Ca. 95814

Dated: January 29, 2023
Sheridan, Oregon

S/ 
Aaron Ashcraft
FCI Sheridan Camp
P.O. Box 6000
Sheridan, Oregon 97378