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MAY 06 2024

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY ak

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 2:22-CR-00087-KJM-1

AARON ASHCRAFT

Defendant,

**DEFENDANT'S REBUTTAL TO PLAINTIFF'S OPPOSITION TO MOTION FOR
RECONSIDERATION**

Now comes the Defendant, Aaron David Ashcraft, proceeding pro se Defendant's Rebuttal to Plaintiff's Opposition to Defendant's Motion of Reconsideration filed on April 17, 2024.

BACKGROUND

The Defendant submitted a Motion for Reconsideration filed on March 19, 2024 in response to this Court's stipulated lack of supporting evidence pertaining to the Defendant's Son, Dhameon James Ashcraft, specifically medical reports showing the diagnosis of Multiple Sclerosis and clarification of his age. This Court also requested evidence supporting the Defendant's claim that the only available caretaker is mentally incapacitated and unable to provide care for Dhameon. 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 Motion. They are 1) Defendant has not established Extraordinary and Compelling Circumstances due to "Family Circumstances"; and 2) Defendant's release would upset the 3533 factors. Defendant responds to these arguments as follows:

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

The Plaintiff Opposition states that the records the Defendant provided in the Motion for Reconsideration filed March 19, 2024 in regards to both his son's inability to care for himself and the absence of any available family member to provide care for Dhameon was not

sufficient. Contrary to the Plaintiff's claim, the evidence was in fact very extensive, detailing the multiple medical issues and procedures that Dhameon has suffered and is suffering from. The Defendant believes the 106 pages of medical information that was provided is indicative of Dhameon's inability to provide self-care. The Defendant also provided supporting evidence, which was also included in the Motion for Reconsideration filed March 19, 2024, in the form of emails between the Defendant and his son. These emails were conveyed through the Bureau of Prison's Electronic Mail System known as "Corrlinks". The emails detail many of the difficulties Dhameon has faced and is facing without the support of a caregiver.

The Defendant has provided a written statement from Dhameon clarifying the lack of an available caregiver and attesting to the fact that Dhameon is not able to care for himself. It has been included in this Rebuttal to the Plaintiff's Opposition and labeled "Attachment A".

The Plaintiff also claims that the Defendant did not provide evidence of incapacitation of his wife or Dhameon's biological mother. The Defendant provides ample evidence in regards to his wife's mental incapacitation. (See Motion for Reconsideration, Attachment B) The documentation provided by a State of California Mental Health Facility indicates the Defendant's wife, Rhonda Morton, is "Gravely Disabled" and as such in the State of California is unable to care for herself. Based on the accompanying information within Attachment B it is apparent Rhonda is not suitable to care for anyone let alone herself.

Dhameon's biological mother is living out of state, last known location in Michigan. There have been multiple attempts to contact her without any result. She has not been present in the raising and caring of Dhameon, she is not financially secure or able to support herself, and according to word of mouth from mutual friends of Dhameon's mother she is caring for her mother in Michigan who is battling stage 4 breast cancer. This was also noted in the Defendant's original Reply to Opposition, file February 1, 2024, page 3, Fact's of Rebuttal

2) 3533 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 would like to remind the Court that he has been pursuing a Motion for Compassionate Release since December, 2023. It has been nearly five months in which Dhameon's quality of living, health, and financial stability has deteriorated dramatically. Dhameon is very close to being evicted from his apartment for lack of payment and has not had any recent contact from friends that have helped him from time to time. His health has been declining, his emotional state has been highly compromised, and he is unable to attend routine medical procedures to treat his medical conditions.

The Defendant asks for this Honorable Court's mercy in granting his release to care for his son. The Defendant will be able to procure immediate employment and will strictly abide by the ruling of this Court and the rules set forth in release and probation guidelines. The Defendant will take his place as a law abiding, contributing member of the community.

While incarcerated the Defendant has remained abstinent of drug use (and will never use drugs again in his life), has been involved in drug and psychological rehabilitation programming, and holds a job in the education department teaching classes to help other inmates receive their General Equivalency Diploma. The Defendant is anxious to return to his community, atone for his crimes, contribute to our society, pay his restitution, and provide a stable life for himself and Dhameon.

The Defendant would also like to make the Court aware of the fact that he was to be enrolled in the RDAP program and in fact was specifically sent to the Sheridan Federal Prison Camp to participate in this program. The camp did enroll the Defendant but did not enroll him until it was too late to make any difference in the Defendant's release date and in fact suspended the program. Had the Defendant been enrolled properly and at the appropriate time, his release date would have been August of 2024 at the completion of the RDAP program. Because the program was suspended the Defendant could not participate and will not have the opportunity for release until early 2025.

In conclusion the Defendant asks this Honorable Court to Grant the original Motion for Compassionate release based on the addition of this evidence and the evidence provided in the Motion for Reconsideration, and allow the Defendant to care for Dhameon.

Respectfully Submitted,

Dated: April 25, 2024
Sheridan, Oregon

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

CERTIFICATE OF SERVICE

I, Aaron Ashcraft certify that I served a true copy of the attached Defendant's Motion For Reconsideration by placing a copy in the United States mail addressed to:

United States Attorney's Office
501 I Street, Suite 10-100
Sacramento, CA 95814

Dated: April 25, 2024
Sheridan, Oregon

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

Dhameon Ashcraft Letter about my situation and my dad Aaron Ashcraft in prison

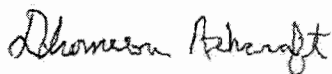
March 23, 2024

I, Dhameon James Ashcraft, am making this written statement for my father's court case for release from prison so he can take care of me. I am 21 years old and I am sick with Multiple Sclerosis. I am not able to take care of myself and there are no relatives or family that can take care of me except my dad. My dad has raised me since I was 3 years old and my mother has rarely been around. I have not been able to contact my mother in a long time and do not know where she is. My dad sold his car before he went to prison and left me with the money to pay rent and get food but the money is all gone and I am about to get kicked out of my apartment and barely have any food and no way to get rides to the hospital. I did have some friends helping me out sometimes but they have all moved away for school or just don't talk to me anymore. My father is the only person that can take care of me, his family lives very far away and cannot help me out and my mom and her family do not talk to me and don't live here they are in some other state. I am very afraid all the time because I can't walk sometimes, sometimes I have very bad headaches, I can't work I can't even drive. I have missed my last 2 appointments at the hospital and my medicine isn't working very good anymore. I have trouble righting and using my fingers so I am writing this with voice recognition stuff on my computer.

Please let my dad out to take care of me it has been very hard and I am scared about what I can do when I get kicked out of my apartment. I am scared what I can do without any money. I fall down sometimes and there is no one to help me up or help me to the bathroom. I need my dad more than anything ever. I am depressed and I feel like giving up. My dad is not a bad person he is very nice and he helps a lot of people and he raised me right. I know if you let him out he will not do anything bad ever again. He is super worried about me and scared something is going to happen to me.

Please, please let my dad out to take care of me, he is all I have even my stepmom can't take care of me she is in a mental hospital and she doesn't have a house. I am in a very bad situation. If my dad doesn't get out very soon I am very afraid something bad will happen to me. Please help me and help my dad help me.

Thank you for reading my letter,



Dhameon James Ashcraft

Attachment A