

IN RE:

Inmate No. [REDACTED]

)
)
) REQUEST TO THE U.S. BUREAU
) OF PRISONS FOR A MOTION
) PURSUANT TO 18 U.S.C.
) SECTION 3582(c)(1)(A)

Pursuant to 18 U.S.C. § 3582(c)(1)(A), and the Compassionate Release procedures, to be codified at 28 C.F.R. § 572.40, et. seq., (attached hereto as Exhibit A), [REDACTED] hereby requests that the United States Bureau of Prisons file a motion in the United States District Court for the Middle District of North Carolina to reduce the sentence of imprisonment imposed by that Court on revocation of [REDACTED] term of supervised release to time served on home confinement, or to some additional term of home confinement. In support of this request, [REDACTED] [REDACTED] (hereinafter “Petitioner”) shows to the Bureau of Prisons a medical condition constituting extraordinary and compelling circumstances, which could not have reasonably have been foreseen by the Court at the time of sentencing, that warrant such a reduction in her sentence.

PRELIMINARY INFORMATION

The Petitioner sets forth the following items required to be included in this request:

- (1) Offenses: The Petitioner was indicted on several counts of making a false statement on a bank loan application and in violation of 18 U.S.C. § 1014, and with several counts of false representation of social security numbers in violation of 42 U.S.C. § 408(a)(7)(B).
- (2) Pleas: The Petitioner pleaded guilty to one count of making false statements on a bank loan application, and to one count of false representation of a social security number.
- (3) Length and Date of Sentence: The Honorable N. Carlton Tilley, Jr., United States District Judge, sentenced the Petitioner to a term of

imprisonment of 52 months on the two counts to which the Petitioner pleaded guilty on September 15, 1994. The Petitioner reported for service of that term of imprisonment and completed that term of imprisonment in June of 1997. The Petitioner began service of a five-year term of supervised release on June 2, 1997. On July 31, 1998, the supervising United States Probation Officer filed a petition for revocation of the Petitioner's term of supervised release based on alleged violations of the conditions of that term of supervised release. The alleged violations included opening a checking account without the approval of the supervising probation officer, writing one worthless check, and providing false information to the supervising probation officer concerning whether or not the Petitioner had opened any bank accounts or owned a motor vehicle. At a revocation hearing on March 18, 1999, the Petitioner admitted those violations, and the Court revoked her term of supervised release and imposed a sentence of imprisonment of eleven months in a judgment filed on March 30, 1999 (attached hereto as Exhibit B).

- (4) Name and Location of Sentencing Court: United States District Court for the Middle District of North Carolina, United States Courthouse, 324 W. Market Street, Greensboro, North Carolina, 27402.
- (5) Date of Service of Sentence: In the judgment filed on March 30,

1999 (Exhibit B), the judge directed the Petitioner to report for service of her sentence on April 29, 1999. The Petitioner was designated for service of her sentence to the federal prison at Alderson, West Virginia. However, because of the medical condition outlined later in this petition, the Petitioner has not reported for service of that sentence and has been informally at large since that time because of her medical condition with the knowledge of the United States Marshal and the sentencing judge.

- (6) Parole Eligibility Date: Not applicable (sentence in accordance with the Sentencing Reform Act of 1984).
- (7) Mandatory Release Date: Unknown.
- (8) Proposed Release Plan: Petitioner is seeking release to her home at [REDACTED] in the custody of her husband, [REDACTED] [REDACTED] is willing to act as third party custodian as well as to make their residence available for Petitioner to be monitored by electronic home detection if required. This release plan will allow the Petitioner to continue to receive treatment for a cancerous tumor at the base of her skull, which condition is discussed in more detail below, at Wake Forest University Baptist Medical Center in Winston-Salem, North Carolina.

REQUEST FOR COMPASSIONATE RELEASE

At the time of her revocation hearing in March of 1999, the defendant, and the sentencing judge, were unaware of any serious medical condition suffered by the Petitioner. However, shortly after the revocation hearing, and prior to the date on which the Petitioner was to report for service of her eleven-month term of imprisonment, the Petitioner suffered an episode of “passing out.” causing her to seek medical treatment.

During that medical examination, the defendant was found to have a large mass in the base of her skull involving her sinuses and adjacent to her optic nerves. Thereafter, the Petitioner underwent a surgical procedure to obtain a biopsy of the tumor, resulting in a diagnosis of a cancerous malignant tumor at the base of her skull behind her nasal passages. As a result of the biopsy surgical procedure, the Petitioner suffered extensive destruction at the base of her skull, and also suffered visual loss in her left eye from sinus surgery for this problem.

The Petitioner recently completed several months of aggressive radiation therapy, leaving her in a severely weakened condition. It is likely that the Petitioner now will have to begin a number of months of chemotherapy, when the Petitioner has sufficiently recovered from the effects of the radiation therapy. Obviously, the Petitioner’s condition is life-threatening at this point, and may become more seriously life-threatening in the future, and, at the least, the Petitioner will require ongoing treatment for a number of years. A copy of the Petitioner’s medical records is attached hereto as Exhibit C.

The Petitioner respectfully requests that the person reviewing her case carefully examine the medical records attached hereto concerning her medical condition, which the Petitioner submits is severe and life-threatening, thereby constituting “extraordinary and compelling circumstances,” justifying a reduction of her sentence of imprisonment. The Petitioner will require unusual and

serious medical treatment over the next several years to treat her malignant, cancerous tumor, and the Petitioner submits that such treatment may not be available to her within the Federal Bureau of Prisons. Moreover, the Petitioner currently is in such a weakened state that travel to a Bureau of Prisons facility, with the accompanying stress, itself may be life-threatening.

PRAYER FOR RELIEF

The deterioration of Petitioner's health could not have been foreseen by the Court at her revocation hearing in March of 1999. The Petitioner's severe and life-threatening condition constitutes exceptional and compelling circumstances warranting a reduction in her sentence. Therefore, the Petitioner respectfully requests that the United States Bureau of Prisons file a motion in the United States District Court for the Middle District of North Carolina to reduce her term of imprisonment to time served on home confinement. That request is based upon the fact that the Petitioner has, in effect, been on home confinement since April of 1999, except for medical treatment, because of her life-threatening medical condition. In the alternative, the Petitioner requests that the motion by the United States Bureau of Prisons in the sentencing court request a reduction of her term of imprisonment to some additional term of home confinement, with sufficient flexibility to allow the Petitioner to continue to receive required medical treatment. Finally, because of the possibility that the Petitioner's condition could deteriorate quickly, the Petitioner requests expedited review of this matter pursuant to revised 28 C.F.R. § 572.43(c).

This, the 26th day of November, 1999.

WILLIAM C. INGRAM
First Assistant Federal Public Defender