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U.S. DISTRICT COURT  
DISTRICT OF R.I.

5-09-2022

I am writing pursuant to § 3552 (c)(1)(A) in request for a compassionate release and/or sentence reduction as my request is consistent with recent authorities and factors considered under § 3553(b)

I have been incarcerated for approximately 20 years since my incarceration, I have had minor infractions and as my B.O.P. record will reflect, I have not had any disciplinary sanctions for a long time. I have programmed acquiring certificates and skills that will help me live a productive life in society.

I will also with the granting of my release, provide for my family, who has, like most of the world, suffered from the hardships of Covid-19.

The circumstances here at the United States Penitentiary - McCarry over the past 2 years has been all too compelling, such as complete lockdowns from outbreaks (as recent as January 2022) of Covid-19, deprivation of communication, movement and financial distress. After contracting Covid-19, I have suffered from complications, as my health was already compromised.

1) My left lens in my eye needs surgery 2) Both my eyes are going blind.  
3) I got a hole in my heart since I was born, it gives me pain and within the past 2 years has increased in pain. 4) I have a hiatal hernia in the middle of my chest which hurts everyday and prolonged neglect has increased side effects and primary cause to Barrett's esophagus, esophageal cancer, heart burn, pain to arms via phrenic nerve in a diaphragm, respiratory infection, asthma from stomach and acid refluxing up into lungs. 5) I contracted hepatitis-B from USP Belmont, TX from drinking bad water. 6) I use an inhaler aerosol for my asthma, I use it even more since I had contracted Covid, I use it 2-3 time a day now. 7) I also take a variety of medications such as "meloxicam" 15mg for my back 1x a day, "esomeprazole" 300mg 2x a day for hernia, "oxcarbazepine" 300mg 2x a day for my back, "citalopram" 20mg 1x a day as I am overweight. 8) I receive outside treatment (shots) to reduce the swelling in my body.

There are treatments for all of my medical illness however for proper care outside care is necessary. I ask that the court consider the

Seriousness of my health condition upon its evaluation.

### Supporting Post incarceration Rehabilitation reasons

I received a life sentence not due to the charges of conviction but rather the prejudices from unchanged offenses and prior draconian sentencing laws that allowed the judges to give excess sentences with little protection for possible abuse of discretion.

I was charged and pleaded guilty to "Conspiracy to commit car-jacking (count 1) (count 2) I received 3 points for pleading guilty, the government moved my category to II for 2 juvenile charges which I had done no jail time for. I stood at level 40 27-33.75 years, However, the judge stated " If I could give you the death penalty, I would (see sentence TR) but I can't so I'll move you back up 3 points to life."

It has been 21 years 11 months that I've served, that is more than 70% of my time, as previously detailed I have not had any infractions in 11 years and have programmed even with little program incentives for letters. Since my incarceration 2 decades ago time has changed and laws are continuing to evolve extinguishing the harshness of sentencing schemes, and allowing for rehabilitation efforts to exhibit see United States v. Booker 543 US 220, 125: ct 1738160 LEA 621 (2005) United States v. Pepper 131 S. ct 1229, 179 LEA 26 (2011) and the First Step Act initiatives.

Thus concurrent with developing laws, my past incarceration rehabilitation and deteriorating health, my life sentence is an extraordinary and compelling reasons to grant me relief.

### Supporting Authorities

Courts are now also considering overly harsh sentences and sentencing disparities as factors contributing to extraordinary and compelling reasons (Adams 512 F. supp 319012001 at how factors that cannot be an extraordinary and compelling reason alone can still be considered with other factors Ledezma-Rodriguez 472 F. supp 306 498500 sp Iowa 2020 (over 24 years weak and if not vitiated the need for his life sentence) (finding the need for a life sentence appears weaker after 2 decades of incarceration and reducing life sentence under prior sentencing scheme to time served.)

See also *Stephenson vs. United States* -- (The need for sentence imposed appears weaker after 15 years)

Rehabilitative character is also reflected by his short disciplinary history in prior -- only receiving four disciplinary citations in 22 years is a notable feat. *US v. Lopez* 2020 Lewis 200076 at 13-14 see Also *D. Hawn* Oct 27, 2020 -- (finding that in the face of a life sentence defendant maintained an impressive prison record with only 3 minor infractions during his 23 years of incarceration which strongly supported the likelihood that he would remain a rule abiding individual released).

### Conclusion

I pray that the Court considers the factors set forth in this motion and any resulting sentencing disparity to be substantially outweighed by my past offense rehabilitation and the sentence conditions derived thereof.

Thank You  
X

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