

March 20, 2016

Dear U.S. Sentencing Commission:

As the U.S. Sentencing Commission considers new guidance for judges in regards to compassionate release, I want you to know the pain, suffering, and anguish experienced when a terminally ill prisoner is forced to die in prison. My family experienced this first-hand with my dad, Clarence Allen Rice, who left behind a wife, four children, two sisters, 11 nieces and nephews, and dozens of extended family members and friends.

Dad was in prison at the Federal Prison Camp in Duluth, Minnesota, when he was diagnosed with bile duct cancer in October 2012. By the time the cancer was discovered, it had already spread to his small intestine and was too advanced to reverse. The doctor gave him three months to live.

Dad's doctor started the process to get Dad approved for compassionate release. Dad's case should have been straightforward: he was a non-violent offender with a sterling prison record and no risk of reoffending. He would be returning to a support network of family members and friends who could care for him in his final weeks. His cancer was so far advanced that there was no chance of him surviving more than a few months, much less recovering. However, Dad's doctor warned us that even though Dad's case seemed so clear cut, the process of approval for compassionate release usually takes so long that the prisoner dies first.

When Dad got sick, I was a Peace Corps Volunteer in West Africa. I was granted one month's leave to return to the US to see him, and I was eager to spend as much time with him as possible in his final weeks. However, at the Federal Medical Center in Rochester, Minnesota, where Dad was transferred, visits were severely limited. Visits were only allowed from 8:15 to 2:30 Friday through Monday, and a point system restricted the total number of visits a prisoner could receive to 8-12 per month. Since the Federal Medical Center was over three hours from our Iowa home and the point system penalized weekend and consecutive visits, maximizing the time spent with Dad came at the cost of more long trips.

The Federal Medical Center also restricted the number of people on Dad's visitor list to 20 and granted limited ability to modify the list. Given that Dad had more than 100 extended family members, not to mention dozens of friends, this meant that most of his loved ones were never able to visit him. I had to personally tell my dad's cousin that even though she was willing to travel five hours to see him, she could not do so because there was no room for another person on the visitor list. I also had a serious boyfriend I wanted my father to meet before he died, but prison regulations would not allow it. Even those of us who could visit were not allowed to hold his hand or record his final wishes, even on pen and paper.

When my one-month leave from Peace Corps ended, I returned to Africa. Since the prison did not allow international phone calls, email became my only means of communication with my dad. Dad could only access his email if he could get to the computer himself, but as he grew sicker and sicker, he struggled to walk and eventually became unable. Shockingly, even as Dad lost his mental and physical capacities, the prison insisted that he, not his family, advocate for his medical care, even when he was incapable of doing so. When Dad ultimately became bedridden and could no longer move, my family was told that they could only visit him if he left his bed to submit a visit request – something that was clearly impossible for him.

I was 26 when my dad died, far too young to lose my father. His premature death was made all the more heart-wrenching by how difficult it was to see him or speak to him during his final months. Even on my month-long leave from the Peace Corps, I was forced to spend most of the days in our Iowa home, forbidden from seeing my dad because of prison restrictions. I saw my dad for the last time the day after Thanksgiving. After waiting for him in the visiting room for an hour, I only had twenty minutes to speak with him before I had to leave. In the cold, sterile prison visiting room, I said my final goodbyes to my father.

Dad had initially been sentenced to five years in prison, but it turned out to be a life sentence. Dad died less than three months after his initial cancer diagnosis, and his doctor had been right in predicting that the compassionate release process would take longer than the time Dad had left. He died before his compassionate release case had even made it to a judge.

As you consider new guidance for judges on compassionate release, please remember my family's story. Terminally ill prisoners like my dad need an expedited process for compassionate release. Every week's delay is monumental when you just have weeks to live. Forcing a man to die in such conditions – with limited access to his family and with little advocacy within the system – is cruel and unusual punishment. Our father was not a murderer or a rapist; he had been convicted of a non-violent crime. He did not deserve a life sentence, but that is ultimately what he received. Please reform the compassionate release process so that people like our dad can spend the last few weeks of their lives with family before dying.

Sincerely,



Alexandra Rice

Mark Goldberg
Federal Correctional Institution

February 29, 2016

United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500
Washington, DC 20002-8002

Re: Compassionate Release

Dear Sir or Madam:

I understand that the Commission recently held a public hearing for the purpose of gathering information concerning the provisions that allow for the Compassionate Release of qualifying federal prisoners. As I recently had my request for such a release denied, I wanted to share my experience with the Commission.

I am currently serving a 57 month sentence for the preparation of fraudulent tax returns and wire fraud. At the time of my self-surrender, my wife, Earlese was in a drug treatment program. Since neither of us was available to care for our five year-old son, Nicolas, he was temporarily placed in foster care. At this point I should mention that Nicolas is developmentally delayed, and like me, legally blind.

After my incarceration, Earlese left her treatment program, and returned to using drugs. Sadly, she overdosed and passed away in October of last year. At the time of her death, both Earlese and I were legal residents of New York State; consequently, we fall under New York's Adoption and Safe Family Act of 1997. Under this act, unless I am able to take custody of Nicolas, he will be placed for permanent adoption. In fact, legal proceedings for this to happen have already begun, and will likely be finalized by the end of this calendar year.

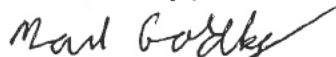
In the hopes of preventing this outcome, I submitted a request for Compassionate Release to the Warden here at FCI Fort Dix. In response, I was told that because Nicolas was in foster care at the time of Earlese's death, she was not Nicolas' primary caregiver, and therefore I did not qualify under the Bureau's rules as set forth in its Program Statement on Compassionate Release. The Bureau also cited the fact that I had been found to

be an "untrustworthy parent" prior to my incarceration. While this was an opinion expressed by one social worker, it was not included in my Pre-Sentence Report, nor was it a finding by a judge as the Bureau states. Further, my so-called "untrustworthiness" was because I did not inform a family services of a reoccurrence of drug usage by Earlese. At the time, we still had joint custody of Nicolas, and I thought it would do Nicolas more harm than good to see his mother arrested. In retrospect, this was obviously a mistake. Second, the Bureau also ignored the numerous programs I subsequently completed to learn from this one mistake. All of these programs were documented with my request for release, but were simply ignored.

Even though the Bureau denied my request, I have not given up hope. In this regard, I wrote to my sentencing judge, the Honorable Loretta A. Preska about my situation. In response, Judge Preska (who is the Chief Judge for the Southern District of New York), stated that because of my changed circumstances, "the Court would look favorably on a decision by the Bureau of Prisons to grant Mr. Goldberg's request for compassionate release". I plan to submit Judge Preska's order along with other documentation the Bureau requested in a second compassionate release request in the near future.

In the interim, I have enclosed a copy of Judge Preska's handwritten order, as well as copies of my compassionate release request as well Warden Holligsworth's denial with this letter. Hopefully, some part of my story will help the Commission in its quest to improve the Compassionate Release Program.

Sincerely,



Mark Goldberg

Enclosures

cc: Julie Stewart, Families Against Mandatory Minimums

Dennis Louis Alba
Federal Correctional Institution

February 29, 2016

UNITED STATES SENTENCING COMMISSION
One Columbus Circle, NE, Suite 2-500
Washington, D.C. 20002-8002

Re: Bureau of Prisons Compassionate Release/Reduction-in-Sentence

Dear Sir/Madam:

FAMM [Families Against Mandatory Minimums] suggested that we, elderly federal prisoners write your Commission to share our experience with the Compassionate Release/Reduction-in-Sentence program as offered by the Bureau of Prisons [BOP] pursuant to Program Statement § 5050.49.

As my return address indicates I am incarcerated in a federal correctional institution. I am 66 years old, serving a 30-year sentence for a non-violent drug offense. I have served about 15 years to date and have another 11 years to serve before I reach my projected release date.

In late 2014, my Unit Team in FCI-Victorville Medium-I asked me to submit a request for a Reduction-in-Sentence [non-medical reasons] pursuant to Program Statement § 5050.49. Unit Team felt I met the criteria as set forth in the program statement. The 25% reduction would advance my release date by 3 years and a few months.

The request was denied for two reasons. First, when the request was submitted, I was a couple of months short of my 65th birthday. Second, I had not yet served 75% of my sentence... The way PS 5050.49 is written, you have to serve 10 years or 75% of your sentence [which ever is greater] before you may apply. My Unit Team did not take that into consideration when discussing the matter with me. At this time there is no way to determine whether or not I would have been granted that relief.

Be that as it may, the Senate's bill [S-2123] on Sentencing Reform offers some changes that are beneficial to the federal government as a cost-saving measure and to certain elderly federal inmates.

However, as with anything that may provide relief to federal prisoners, it's not perfect. The **PROBLEM**: on its own, a bill strictly for elderly, non-violent federal prisoner relief would more than likely have a good chance of passing a House and Senate floor vote. Unfortunately, including this relief as a subsection of the Senate's bill, makes its chances of being passed in an election year slim at best. Politicians seem to be very apprehensive about supporting any relief for federal prisoners in an election year.

The other **PROBLEM:** the Senate's bill as written requires the BOP to submit the motion requesting the reduction-in-sentence or compassionate release to the elderly prisoner's sentencing court. Since enactment of the Second Chance Act which authorized this relief for elderly federal prisoners, the BOP has not been very generous in submitting these motions for its elderly prisoners. See the Department of Justice's Inspector General Report on this subject, May 2015 - copy not enclosed.

Possible **SOLUTION:** it would seem fairer to allow an elderly inmate the alternative of submitting his/her request to either the BOP, the Department of Justice or motion the sentencing court directly for said relief.

I thank you in advance for your time and any consideration given to this matter.

Respectfully submitted,


Dennis L. Alba


Federal Correctional Institution


cc: FAMM

David Anthony Rostan

February 29, 2016

FCI Marianna

United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, DC 20002-8002

RE: Compassionate Release

United State Sentencing Commission:

I would like to submit my comments on the BOP Compassionate Release program or more so the lack of an acceptable program.

I was charged under 21 USC 851 and found guilty at trail in 1999 and sentenced to life. Attorney Eric Holder issued a memo on August 12, 2013 regarding tha application of the 851 statute. If I was sentenced in 2013 I would not have received a life sentence since I do not meet the criteria for a life sentence.

I have been in custody since 1996. I will be 63 years old this year serving a life sentence for a non violent crime. I have no violence, no cartels, no gang association, no co-conspirators. I have achieved completion of more then 70 BOP programs, have several outside completed programs and a recent 2 year certificate from Blackstone as a paralegal. I have 1 incident report in 2006 for possession of contraband and received punishment of 2 weeks no commissary.

I am in good health, educated, and non violent. In the 20 years with the BOP it has cost more then a million dollars to keep a non violent inmate in custody. I will live another 30 plus years since my health is so good and I take care to eat properly.

However because I have good health I am not allowed to submit for Compassionate Release under the current regulations. These regulations need to be adjusted for inmates over 60, no violence, and have good health and do not present a threat any more. They need to be offered a reasonable program for release.

Thank you for your consideration on changes.

Cordially,



2-28-16

My name is Shirley Weimer. I am 69 years old. I am an inmate at Atwood Satellite Camp, Lexington, Ky. I have numerous medical issues of my own.

I put in for a Compassionate release because I was my sons caregiver and he is getting worse at home with his medical issues and needs more help all the time. I have enclosed letters and paperwork for you to look at.

This wasn't about a minor child issue. Here are letters from the warden stating that I am a good candidate for a Compassion release. Then after that I got a letter stating that I was denied a release.

If you could help in any way it would be greatly appreciated.

Shirley Weimer

Shirley Weimer

February 26, 2016

United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, DC 20002-8002

Dear Sir/Madam:

FAMM recently requested inmates, who have been adversely affected by the Bureau of Prisons' limited compassionate release policy, to make their voices heard by writing to the U.S. Sentencing Commission.

I am a 49 year old inmate currently incarcerated at the Federal Medical Center at Butner, NC. I have been diagnosed with stage IV hepatocellular carcinoma, a condition which is considered terminal, and have been informed by BOP medical staff that my life expectancy is six to ten months. I applied for a reduction in sentence under the compassionate release program in early 2015. The required information package was completed, local prison officials approved my request and the probation office cleared and approved my home plan, which was to live with my 74 year old mother, Pansy Lettwich, who has been the primary caregiver for my 11 year old daughter ever since my incarceration. I was approved for receipt of social security disability benefits. In June, 2015 I was advised that my request for compassionate release has been denied by the Assistant Director/General Counsel of the Bureau of Prisons, Kathleen M. Kenny. She cites a history of alcohol- and drug-related offenses as forming the basis of her rejection.

Attempts to get BOP to reconsider this decision by reapplying for compassionate release consideration are met with immediate local denials by those same officials, who earlier in 2015 had approved my request. Thus, Kathleen M. Kenny has single-handedly decided that the likely outcome for me is that I will die in prison. Would the US Sentencing Commission please intervene to

put the compassion back into the compassionate release program or at least explain this to my mother and daughter?

Regards,

~~Tommy L. Leftwich~~
Tommy Leftwich

[REDACTED]
Federal Medical Center
[REDACTED]

Robert Beale, [REDACTED]
F.C.I. Beaumont (LOW)

March 1, 2016

U.S. Sentencing Commission
1 Columbus Circ, #2-500
Washington, DC 20002-8002

RE: COMPASSIONATE RELEASE STUDY

There are dozens of inmates at Beaumont Low that qualify for compassionate release. There are many over age 70 with varying degrees of health problems and many are in wheel chairs. Some have died since I was sent here two (2) years ago due to my age. Most will not apply for compassionate because they are not familiar with the requirements or because they don't expect positive results. One inmate who is 75 and has completed more than ten (10) years and 75% of his sentence, was approved two (2) years ago by the Warden. His wife has called BOP headquarters and her congressman without success.

I am a 72 year old CEO of a computer manufacturing company with advanced degrees from MIT, founder of two (2) churches, father of four (4) successful sons and nine (9) grandchildren, serving 15 years for tax evasion. I was approved four (4) times by two (2) Wardens over the last two (2) years. My application was lost three (3) times by the Case Manager Coordinator. It was sent to headquarters over one (1) year ago.

When headquarters requested a new form to be filled out, the Case Manager Coordinator denied my application for reasons that were not in accordance with the Program Statement requirements. I am currently appealing to a new Warden.

In every step of the process I had to teach the staff members the regulations, because they are not familiar with them.

The program would work much better if the process was performed by the courts, because the BOP has no incentive to release anyone.

Thank You for your assistance with this matter.

Respectfully submitted,



Robert Beale