

From: "[REDACTED], [REDACTED]" <[REDACTED]>
To: "[REDACTED] (USANYS)" <[REDACTED]>
Subject: RE: Donald Carr - Compassionate Release
Date: Fri, 26 Jun 2020 15:20:49 +0000

[REDACTED] you are authorized to continue to oppose this motion on the merits – for failure to establish an extraordinary and compelling reason to reduce his sentence and on the 3553(a) factors. Hopefully, Judge Schofield will save you the trouble and summarily deny this third attempt.

From: [REDACTED] (USANYS)
Sent: Thursday, June 25, 2020 4:46 PM
To: [REDACTED]

Subject: FW: Donald Carr - Compassionate Release

Hi [REDACTED] – Donald Carr, who made a (counseled) compassionate release motion a few months ago has a new lawyer who has made a new motion that, while better packaged, is fundamentally no different. The original motion was denied by Judge Schofield in April; Carr filed a pro se motion for reconsideration that was also denied. The original motion, opposition and decision are attached, and my original write up is below.

The new motion relies on the fact that (1) Carr has hypertension, and (2) Ft. Dix has had a high number of COVID cases. With respect to the former, which was part of the original motion, while it is true that there is discussion on the CDC website about how hypertension can be an exacerbating factor it is not on the CDC high-risk list, nor is it covered by the recent DOJ guidelines. I've gotten his updated medical records which confirm no changes in his medical status since Judge Schofield denied the original motion. With respect to the latter, while it is true that per the BOP website they have 14 current inmate cases, [REDACTED] tells me that information is dated and that they haven't had a new case since May. As such, I would recommend we again oppose on the grounds that he has failed to establish extraordinary and compelling reasons.

I would further recommend we oppose again on the 3553(a) factors, as there is really nothing new here, either, and Judge Schofield has already agreed with us that they weigh heavily against granting the motion.

Not sure if this needs to go up, since our position isn't changing, but figured I would flag for you should you want to review and have others review again.

Judge Schofield has not yet set a deadline for a response, but given her practice, I would expect to be ordered to respond by the end of next week or thereabouts.

Thanks,
[REDACTED]

From: [REDACTED] (USANYS)
Sent: Friday, April 3, 2020 5:28 PM
To: [REDACTED]

Subject: Donald Carr - Compassionate Release

I have another – meet Donald Carr, convicted of playing a substantial role in a different oxycodone trafficking scheme based at a different pill mill, this one in the Bronx. Carr was one of 26 defendants in the Astramed case before Judge Schofield. He pled guilty pursuant to an agreement with the Government. He was a career offender, with a Guidelines range of 151 to 188 months' imprisonment. Judge Schofield sentenced him to a term of 132 months' imprisonment. He's been in since February 2014, and his current projected release date is September 2023.

Carr filed a request with the warden on March 30. Today, without having heard back from BOP, he is asking Judge Schofield to waive the administrative exhaustion requirement and rule on the merits. His primary argument is that he is 58 years old and, according to him, has "hypertension, which places him in significantly greater risk of contracting or suffering acutely from COVID-19."

My proposal would be we oppose this because he has failed to exhaust administrative remedies. **Judge Schofield has directed me to respond no later than Monday, April 6.**