

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 17-0019 (PLF)
SHEILA SCUTCHINGS,)	
)	
Defendant.)	

MEMORANDUM OPINION AND ORDER

Pending before the Court is defendant Sheila Scutchings' Renewed Emergency Motion to Reduce Sentence under 18 U.S.C. § 3582(c)(1)(A). Renewed Emergency Motion to Reduce Sentence ("Def.'s Renewed Mot.") [Dkt. No. 67].

On June 19, 2020, this Court held that Ms. Scutchings had not demonstrated extraordinary and compelling reasons to warrant her release, and that her release would be inconsistent with the sentencing factors set forth in Section 3553(a) because she had served only ten months of a fifty-four month sentence for a serious crime with many vulnerable victims. Memorandum Opinion and Order [Dkt. No. 66] at 6.

On July 9, 2020, Ms. Scutchings filed a renewed motion contending that the increased number of COVID-19 cases at FMC Carswell constituted extraordinary and compelling circumstances and made her more susceptible to contracting the virus inside the medical center than if she were to be released. Def.'s Renewed Mot. ¶ 6. At the time of the filing of her initial motion for compassionate release, FMC Carswell reported only two positive cases of the virus. Government's Surreply in Opposition to Defendant's Emergency Motion to Reduce Sentence [Dkt. No. 61] at 12. As of July 23, 2020, the Bureau of Prisons reported 514

cases of the virus at FMC Carswell. Memorandum Opinion and Order [Dkt. No. 70] (citing COVID-19 Cases, FEDERAL BUREAU OF PRISONS, www.bop.gov/coronavirus/); see also Reply to Government’s Response in Opposition to Defendant’s Renewed Emergency Motion to Reduce Sentence [Dkt. No. 69] ¶ 2-3 (noting a 294% increase in the number of cases at FMC Carswell between July 9, 2020 and July 20, 2020, and an additional 250% increase between July 20, 2020 and July 21, 2020).

Although the Court’s rationale for denying Ms. Scutchings’ original motion based on the Section 3553(a) factors still applied, in light of the dramatic increase in the number of COVID-19 cases the Court ordered that the pending motion would be held in abeyance while the government submitted a surreply with “data providing updates on the daily infection rate at FMC Carswell” over the following three weeks. Memorandum Opinion and Order [Dkt. No. 70] at 2. The Court further ordered that “the surreply be accompanied by a declaration from an official with personal knowledge of the circumstances at FMC Carswell documenting the infection-rate data therein and attesting to the procedures being implemented to mitigate the risk of infection to the prison population at FMC Carswell.” Id. at 3.

On August 20, 2020, the government filed a surreply stating that “the number of active cases of COVID-19 at FMC Carswell had fallen dramatically since the issuance of the Court’s Order.” Government’s Surreply Providing Data on the Number of COVID-19 Cases at FMC-Carswell [Dkt. No. 72] at 1. The government stated that the number of cases had decreased “from 529 active inmate cases on July 28 to 8 active inmate cases on August 18.” Id. Further, the declaration of Warden Raul Campos, Jr. stated that FMC Carswell had begun “mass testing” of inmates and now “used cohort isolation to isolate inmates on housing units with other inmates who were positive. The inmates who tested positive were not permitted to interact with

inmates from other housing units while they were still considered contagious by CDC guidelines.” Declaration of Associate Warden Raul Campos, Jr. (“Decl.”) [Dkt. No. 72-1] at ¶ 2. In addition, Warden Campos’ declaration stated that FMC Carswell had taken numerous other precautions to prevent the spread of COVID-19, including the regular sanitization of surfaces and the use of masks. Id. at ¶ 5.

Having reviewed the current data on the daily infection rates at FMC Carswell and the Warden’s declaration attesting to the facility’s practice of isolation, sanitization procedures, and use of masks, the Court is satisfied that the safety of Ms. Scutchings and that of other inmates at FMC Carswell is well attended. See Decl. at ¶¶ 2, 3, 5. Because Ms. Scutchings’ request for a sentence reduction lacks the requisite extraordinary and compelling character and her release would be inconsistent with the sentencing factors identified in Section 3553(a), the reasoning in the Court’s original judgment stands. See Memorandum Opinion and Order [Dkt. No. 66]. For the foregoing reasons, it is hereby

ORDERED that Defendant’s Renewed Emergency Motion to Reduce Sentence [Dkt. No. 67] is DENIED without prejudice.

SO ORDERED.

/s/
PAUL L. FRIEDMAN
United States District Judge

DATE: September 3, 2020