



Compassionate Release for Individuals Convicted of a DC Crime

The District of Columbia (DC) Compassionate Release law allows a judge to release people convicted of violating DC law from prison early if they meet certain criteria. This handout will provide updates on how to apply for compassionate release.

The DC Compassionate Release Clearinghouse is Winding Down

At the start of the pandemic, a group of organizations created the DC Compassionate Release Clearinghouse to try to match attorneys with individuals who wanted to file for DC compassionate release. The Clearinghouse successfully found free counsel for a number of people, primarily those who were very old or who had serious medical illnesses.

Unfortunately, the number of individuals who wrote to the Clearinghouse requesting help was much higher than the number of volunteer attorneys available. Starting in October 2021, the DC Compassionate Release Clearinghouse began winding down its services. If you have not heard back from the Clearinghouse or from a pro bono attorney, you should assume that the Clearinghouse was unable to find someone to help you.

What Are My Options Now?

If you are unable to afford hiring an attorney to help you file for compassionate release, you have two other options. First, you can apply to The Washington Lawyers' Committee (WLC) for help. WLC will try to match individuals with free attorneys to help them file for DC Compassionate Release. We can only do so, however, in **very limited situations**. Please read below to find out if WLC may be able to assist you.

Your second option is to file for DC Compassionate Release on your own (called "pro se" by the courts). We have included instructions in this packet to help you file for compassionate release without an attorney.

Option 1 - Getting Help From WLC

If you meet the criteria listed below and you would like WLC to try to locate an attorney to assist you with filing for DC compassionate release, please fill out and return the attached survey. **Fill out the survey only if you meet one or more of these conditions:**

- a. You are dying from a terminal illness; *OR*
- b. You are at least 60 years old and have served at least 20 years in prison; *OR*
- c. You have an incurable disease, or permanent medical condition or injury, that makes you extremely weak and that you cannot get better from. (COVID-19 does NOT qualify for this condition).

If you meet at least one of the above conditions, you can fill out the Attorney Request Survey included in this packet, and mail it back to us at:

Washington Lawyers' Committee
700 14th Street, NW
Suite 400
Washington, DC 20005

We cannot promise we will find you a lawyer. If we are able to find an attorney to work with you, we will send them the information you provide to us and they will contact you directly. Given the delay in mail and the limited number of volunteer attorneys we have partnered with, you may not hear back from us for multiple months. As a result, you may want to consider filing for compassionate release on your own, even if you meet the criteria for us to try to find you an attorney.

If you do not hear from us within 60 days of mailing your Attorney Request Form, please feel free to reach out to us to check on the status of your request. You can write us through legal mail or on corrlinks. Our corrlinks email address is justice@washlaw.org.

If you do NOT meet at least one of the above conditions, please do not fill out the survey. Instead, you can consider using the information below to file for compassionate release on your own.

Option 2 - Filing for DC Compassionate Release On Your Own (Pro Se)

You are able to file for compassionate release pro se, which means without an attorney representing you. Below are the four steps you can take to file on your own:

STEP 1 – Do you qualify for compassionate release?

The judge will only grant you compassionate release if you can show all of the following:

- I. You were convicted of committing a District of Columbia crime;
 - If you were convicted and are serving time for a *federal* crime, you cannot apply for DC compassionate release.
- II. You meet at least one of the criteria listed below:
 1. You are dying; *OR*
 2. You are at least 60 years old and have served at least 20 years in prison; *OR*
 3. The judge finds that there is an unusual situation important enough to justify changing your sentence. Examples of the types of situations that a judge could find that meet this test include:
 - A. You have an incurable disease, or permanent medical condition or injury, that makes you extremely weak and that you cannot get better from;

- B. You are 60 years or older AND you have served at least 15 years in prison (or 75% of your sentence, whichever is less) AND because you are getting older you have developed an ongoing or serious medical condition, or you have developed an ongoing or serious medical condition (including obesity) that puts you at high risk for severe medical complications or death from COVID-19; *OR*
- C. The person who cares for your children has died or is disabled and can no longer care for them; *OR*
- D. Your spouse or a domestic partner is disabled and you are the only person who can care for them.

While there could be other situations the judge would consider that are not on this list, they need to be very serious and long-term.

III. You are not a danger to the safety of any person

The judge will look at a number of different things to decide if you are a danger. For example, the judge will consider:

- the crime you were convicted of,
- your record in prison – including any new law violations,
- whether you follow the prison rules, and
- types of programs you have completed while incarcerated (including educational and rehabilitative programs).

Because there is no specific list of things the judge must consider, any positive changes you have made while in prison can be helpful and should be included in your motion.

***STEP 2* – Review the sample pro se motions included with this letter.**

***STEP 3* – Write your own motion for compassionate release based on the samples.**

You will see that the samples included have both black and red text. The black text is language you can copy exactly into your own motion. The red text gives you examples and suggestions about the types of information you can include that are specific to you.

When writing your motion, include as much detail as you can about why you meet the DC compassionate release criteria listed in *STEP 1*. If you don't have access to a computer or typewriter, try to write as legibly as you can.

***STEP 4* – Send your compassionate release motion to the court.**

Once you write your motion for compassionate release, you can mail it to the DC Superior Court. If you know the name of the judge assigned to your criminal case, you can send your motion to that judge directly. If not, you can address your envelope to the Chief Judge, whose clerks can forward it to the correct judge. You can address your envelope modeled after this example:

DC Superior Court, Criminal Division
Attn: Chief Judge Josey-Herring, chamber #3500
500 Indiana Avenue NW
Washington, DC 20001

What Happens if My Motion for DC Compassionate Release is Denied?

If your motion for DC Compassionate Release is denied, you have a few options. First, you can ask the judge to reconsider their decision by filing a document called a “Motion to Reconsider.” In the motion, you can explain to the judge what information you think they misunderstood or did not give enough weight to. You only have 14 days after the judge denies your motion for compassionate release to ask the judge to reconsider their decision.

Second, you can appeal the judge’s decision. It is extremely unlikely, however, that the appellate court will overturn the trial judge’s decision, and there are costs and long delays that go with filing an appeal.

Third, you can always file another motion for compassionate release. While there is no limit to the number of compassionate release motions you can file, we recommend waiting until you have new information to share with the judge. Simply refileing the same motion over and over again is not likely to get you a better outcome. If your circumstances have changed, or if you have new information that wasn’t available the first time you requested compassionate release, you should consider refileing. Example of the types of changes that may make it worth filing a new motion for compassionate release include: if your medical condition has worsened, if you are now 60 years old, if you have more complete medical records, if you have an updated or better release plan, if you have completed additional programming that shows you are not a risk to others if you are released, or there has been a reduction in your risk assessment score.

The Rest of this Packet

The rest of this packet includes the following documents we hope are helpful:

1. A copy of the DC Compassionate Release law (called DC Code § 24–403.04) so that you can see the exact language of the law.
2. DC Compassionate Release Attorney Request Survey – **ONLY fill out and send us this form if you meet at least one of these conditions:**
 - You are dying from a terminal illness; OR
 - You are at least 60 years old and have served at least 20 years in prison; OR
 - You have an incurable disease, or permanent medical condition or injury, that makes you extremely weak and that you cannot get better from.
3. Five examples of compassionate release motions you can use to help write your own.
4. One example of a motion for appointment of counsel that you can use to help write your own.

DC Code § 24–403.04. Motions for compassionate release for individuals convicted of felony offenses.

(a) Notwithstanding any other provision of law, the court shall modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

(2) The defendant is 60 years of age or older and has served at least 20 years in prison; or

(3) Other extraordinary and compelling reasons warrant such a modification, including:

(A) A debilitating medical condition involving an incurable illness, or a debilitating injury from which the defendant will not recover;

(B) Elderly age, defined as a defendant who:

(i) Is 60 years of age or older;

(ii) Has served the lesser of 15 years or 75% of the defendant's sentence;
and

(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

(C) Death or incapacitation of the family member caregiver of the defendant's children; or

(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

(b) Motions brought pursuant to this section may be brought by the United States Attorney's Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

(d) For the purposes of this section, the term "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

Washington Lawyers' Committee
DC COMPASSIONATE RELEASE - ATTORNEY REQUEST FORM

Please fill out the survey **ONLY** if you meet **at least one** of these conditions:

- a. You are dying from a terminal illness; *OR*
- b. You are at least 60 years old and have served at least 15 years in prison; *OR*
- c. You have an incurable disease, or permanent medical condition or injury, that makes you extremely weak and that you cannot get better from (COVID-19 does NOT qualify).

You may not be able to answer every question below, but that is okay. Answer as many questions as you can and that will help get us started.

Background Information

1. What is your name?
2. What is your date of birth?
3. What is your age?
4. Where are you in prison?
5. What is your federal register number? What is your DCDC number?
6. What is the case number for your criminal case?
7. What is your DC sentence? Please include the length of the sentence and the crime you were convicted of (for example, 20 – Life; Murder I).
8. What age were you at the time of the crime that you were convicted of?
9. How long have you been in prison for your DC sentence?

10. Do you have any other state or federal cases? If so, what is the status of those cases?

11. If you have any detainers, please tell us which jurisdiction or agency holds the detainer.

Compassionate Release Questions

12. Please circle the criteria below you believe you meet. You can circle more than one option.

You have a terminal illness (are dying); **OR**

You are at least 60 years old and have served at least 20 years in prison; **OR**

You have other extraordinary and compelling reasons to justify such a change in sentence, including:

- (a) You have a debilitating medical condition involving an incurable illness or a debilitating injury from which you will not recover; **OR**
- (b) You are at least 60 years old, you have served at least 15 years in prison or 75% of your sentence, whichever is less; **and** you have a chronic or serious medical condition related to the aging process or you have a chronic or serious medical condition (including obesity) that causes you to be at high risk for severe medical complications or death as a result of COVID-19; **OR**
- (c) A family member or the person who cares for your children has died or is incapacitated; **OR**
- (d) Your spouse or a domestic partner is incapacitated and you are the only person who can care for them
- (e) Other extraordinary and compelling reason (please specify what your reason is):

13. Why do you think you meet the criteria you circled above? Please give us as much detail as possible. For example, do you have any medical conditions? What are they? How do they affect you?

14. Do you have a release plan? Tell us a little about it. For example, who will you live with? How will you obtain medical care? How will you support yourself?

15. Below are a list of documents that can be useful if we are able to find an attorney to help you request compassionate release. Please circle the documents you have in the list below. If you are able to, please include a copy of each circled document when you return this form:

- Most recent BOP Progress Report,
- Most recent BOP Sentence Computation,
- All BOP PATTERN Score Reports,
- A printout of your complete program, education, work, and psychology programming history,
- A printout of your complete disciplinary history,
- Skills Development Plan,
- Important medical records, if you believe you qualify for compassionate release for medical reasons,
- Summary Reentry Plan (sometimes called Individualized Reentry Plan – Program Review)
- Custody Classification form,
- Your Judgment and Commitment Order(s),
- Documents relating to past criminal convictions both in DC and elsewhere.

16. IMPORTANT: Do you have a family member, a friend, or any other contact on the outside who knows about your case and situation? If so, please tell us their name, phone number, and email if possible. Please also let us know your relationship to this person. Please know that we may reach out to any outside contacts you give us to talk about your case, medical situation, and release plan. By providing us with contact information, you are giving WLC permission to contact this individual should we need to.

17. Have you already filed for DC compassionate release? Yes / No (circle one)

If YES, please answer the following (if NO skip to question #19):

- Did you file on your own or did an attorney file for you?

- If you had an attorney for your compassionate release motion, and you are ok with us reaching out to them regarding your case, please include their contact information here. By providing us with contact information, you are giving WLC permission to contact the attorney should we need to.

- When was your motion filed (if you know)?

- Have you gotten the result yet?

- If you were denied compassionate release before, please tell us what the judge said their reason was for denying your request.

- If you were denied compassionate release before, please explain how your situation has changed since the denial. *[Example: medical condition is worse, completed a new program, or more details for reentry plan.]*

18. Are you working or have you worked with an attorney on IRAA, Second Look, or parole?
Yes / No (circle one)

If YES, please answer the following:

- Have you talked with this person about compassionate release?

- If you are ok with us contacting the attorney regarding your case, please include their contact information here. By providing us with contact information, you are giving WLC permission to contact the attorney should we need to.

How to Write Your Own Motion for DC Compassionate Release

The following sections of this packet include examples of different types of compassionate release motions. Each one is based on the different parts of the law that can be the basis for the judge granting you compassionate release. Find the sample that fits your situation. If you think you can apply for compassionate release for more than one reason, you can combine the samples that are right for you into a single document. The different samples are:

1. Motion for Compassionate Release (**Terminally Ill**) – Use this example if you are dying.
2. Motion for Compassionate Release (**60 years old AND 20 years in prison**) – Use this example if you are both 60 years or older and have spent at least 20 years in prison.
3. Motion for Compassionate Release (**Debilitating Medical Condition**) – Use this example if you have an incurable illness or serious injury that makes you very physically weak and that you will NOT recover from.
4. Motion for Compassionate Release (**60 years old AND Chronic Medical Condition**) – Use this example only if you (a) are 60 years or older AND (b) have served 15 years or 75% of your sentence AND (c) you have a chronic or serious medical condition that puts you at high risk for severe medical complications or death as a result of COVID-19.
5. Motion for Compassionate Release (**Death or Incapacitation of Family Member**) – Use this example if the person who is responsible for taking care of your children has died or become incapacitated (unable to take care of themselves) OR if your spouse or domestic partner has become incapacitated. You can only ask for compassionate release for these reasons if there is no one else who can take care of your children, spouse or domestic partner.

Motion for Compassionate Release
(Terminally Ill)

Sample #1

Instructions for Filing a Motion for Compassionate Release
(If you have a Terminal Illness)

Limitation: These instructions are only for people filing a motion for compassionate release because they have a terminal illness. If you are filing a motion for compassionate release on a different basis, you will want to use a different set of instructions.

Instructions: To get compassionate release, you need to convince the judge that you no longer pose a danger to the community and that given your diagnosis with a terminal illness, it is appropriate to release you. The next page includes a sample motion that you can use. You can copy any of the information in black ink directly into your own motion. Where you see red ink, you want to describe your own situation in your own words. We've included examples of the types of things you can include in the red parts of the motion. However, you are not limited to including the things listed. Feel free to add anything you think might convince a judge that it is safe and fair to release you.

As a reminder, once you draft your motion, you can mail it to the DC Superior Court. You do not have to address the envelope to a specific judge, but if you know the judge assigned to your case, you can address it to that judge's chambers. If you are unable to figure out who your specific judge is, you can address your envelope to the Chief Judge. You can address your envelope modeled after this example:

*Attn: Chief Judge Josey-Herring, chamber #3500**
DC Superior Court Criminal Division
500 Indiana Ave NW
Washington DC 20001

**If you know the specific judge for your case, you can replace their name and chamber number in the first line.*

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA)
)
 Complainant,)
) Case No.: [INPUT CASE NUMBER]
)
 v.) Judge: [INPUT JUDGE'S NAME IF KNOWN]
)
 [INPUT YOUR FULL NAME],)
)
 Defendant.)

MOTION FOR COMPASSIONATE RELEASE AND MEMORANDUM IN SUPPORT

Mr. (or Ms.) [YOUR NAME], respectfully moves this Court for a reduction of sentence and immediate release from the custody of the Bureau of Prisons (BOP) pursuant to the compassionate release provision of the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (COVID-19 Emergency Act), D.C. Code § 24-403.04. In support of his motion, Mr. (or Ms.) [YOUR NAME] states as follows:

1. Section 305(b) of the COVID-19 Emergency Act, allows the court to modify a term of imprisonment if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and the defendant has a terminal illness. D.C. Code § 24-403.04(a)(1).

2. There is no requirement that you be a certain age or that you have spent a minimum number of years in prison when you are applying for compassionate release based on a terminal illness. However, if you are 60 years or older, or have spent more than 15 years in prison, it is still worth including that information here.

3. I am terminally ill. Specifically, [tell the judge what your medical diagnosis is, that your illness is terminal, and how long you are expected to live (if you know). You can also explain how your illness impacts you physically and emotionally].

4. Tell the court what charges you were convicted of and what sentence you were given for each charge.

5. The COVID-19 Emergency Act specifies that "evidence of the defendant's rehabilitation while incarcerated" must be considered when evaluating a defendant's potential dangerousness. D. C. Code § 24-403.04(a).

6. I do not pose any danger to the community if I am released because [describe all of the reasons you are not likely to be convicted of another criminal offense. Examples of information that may be persuasive to a judge include:

- Risk of Recidivism –If you have been found to have a “low” risk of recidivism in your PATTERN score, you will want to point that out to the judge first.
- The programming you have completed while in prison – a description of the different types of programs and the number you’ve completed can be helpful;
- Your disciplinary history, specifically pointing out if it has been a number of years since you’ve had any disciplinary incidents – if you had some disciplinary issues when you were first imprisoned, explain what you’ve learned and how you’ve changed;
- Any examples of you mentoring other people who are incarcerated;
- If you have a significant work history while in prison and have earned any awards or positive reviews;

- Any education you completed while in prison, such as getting your GED or taking college courses or vocational training;
- If the BOP has completed a PATTERN assessment of you that indicates you have a “low” or “minimum” risk of recidivism, that should be included;
- Any BOP or psychological assessments that found you are not a danger to the community;
- Anything else that you believe will show you are unlikely to be convicted of another criminal offense.]

7. I will be able to successfully transition back into the community because [describe all of the supports that you have in place for when you are released. Examples of information that may be persuasive to a judge include:

- Describe where you will live once you are released;
- List all family members you are in contact with and describe any ways that they’ve said they will support you when you are released;
- Describe any services from community organizations that are already set up for when you are released;
- Describe how you expect to get medical care for your terminal illness once you are released;
- Describe any spiritual support you have in place for when you are released (if appropriate).
- If you can get family members, community organizations, religious leaders, or others who support you being released to write letters on your behalf, you can include them with your motion.]

Motion for Compassionate Release
(60 years old AND 20 years in prison)

Sample #2

Instructions for Filing a Motion for Compassionate Release
(60 years of age or older and 20 years or more served)

Limitation: These instructions are only for people filing a motion for DC compassionate release who are at least 60 years old and who have served at least 20 years of their sentence. If you are filing a motion for compassionate release on a different basis, you will want to use a different set of instructions.

Instructions: To get compassionate release, in addition to being at least 60 years old and having served at least 20 years of your sentence, you will need to convince the judge that you no longer pose a danger to the community. The next page includes a sample motion that you can use. You can copy all of the information in black ink directly into your own motion. Where you see red ink, you can add information about your own situation using your own words. We've included examples of the types of things you can include in the red parts of the motion. However, you are not limited to including the things listed. Feel free to add anything you think might convince a judge that it is safe and fair to release you.

As a reminder, once you draft your motion, you can mail it to the DC Superior Court. You do not have to address the envelope to a specific judge, but if you know the judge assigned to your case, you can address it to that judge's chambers. If you are unable to figure out who your specific judge is, you can address your envelope to the Chief Judge. This is an example:

*Attn: Chief Judge Josey-Herring, chamber #3500**
DC Superior Court Criminal Division
500 Indiana Ave NW
Washington DC 20001

**If you know the specific judge for your case, you can replace their name and chamber number in the first line.*

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA)
)
 Complainant,)
) Case No.: [INPUT CASE NUMBER]
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 v.) Judge: [INPUT JUDGE'S NAME IF KNOWN]
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 [INPUT YOUR FULL NAME],)
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 Defendant.)

MOTION FOR COMPASSIONATE RELEASE AND MEMORANDUM IN SUPPORT

Mr. (or Ms.) [YOUR NAME], respectfully moves this Court for a reduction of sentence and immediate release from the custody of the Bureau of Prisons (BOP) pursuant to the compassionate release provision of the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (COVID-19 Emergency Act), D.C. Code § 24-403.04. In support of his motion, Mr. (or Ms.) [YOUR NAME] states as follows:

10. Section 305(b) of the COVID-19 Emergency Act, allows the court to modify a term of imprisonment if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and the defendant is 60 years of age or older and has served at least 20 years in prison. D.C. Code § 24-403.04(a)(2).

11. I am [insert age] years of age and have been in prison for [insert number of years] years.

12. [You are not required to be sick if you are older than 60 and have spent at least 20 years in prison. However, if you do have any illnesses that makes it difficult for you to function

in prison or that would make it unlikely you would be convicted of a new criminal offense, you can include that information here].

13. Tell the court what charges you were convicted of and what sentence you were given for each charge.

14. The COVID-19 Emergency Act specifies that "evidence of the defendant's rehabilitation while incarcerated" must be considered when evaluating a defendant's potential dangerousness. D. C. Code § 24-403.04(a).

15. I do not pose any danger to the community if I am released because [describe all of the reasons you are not likely to be convicted of another criminal offense. Examples of information that may be persuasive to a judge include:

- If the BOP has completed a PATTERN assessment of you that indicates you have a “low” or “minimum” risk of recidivism, that should be included;
- Any BOP or psychological assessments that found you are not a danger to the community;
- The programming you have completed while in prison – a description of the different types of programs and the number you’ve completed can be helpful;
- Your disciplinary history, specifically pointing out if it has been a number of years since you’ve had any disciplinary incidents – if you had some disciplinary issues when you were first imprisoned, explain what you’ve learned and how you’ve changed;
- Any examples of you mentoring other people who are incarcerated;
- If you have a significant work history while in prison and have earned any awards or positive reviews;

- Any education you completed while in prison, such as getting your GED or taking college courses or vocational training;
- Anything else that you believe will show you are unlikely to be convicted of another criminal offense.]

16. I will be able to successfully transition back into the community because [describe all of the supports that you have in place for when you are released. Examples of information that may be persuasive to a judge include:

- Describe where you will live once you are released;
- List all family members you are in contact with and describe any ways that they've said they will support you when you are released;
- Describe any services from community organizations that are already set up for when you are released;
- Describe how you expect to get medical care once you are released;
- Describe any spiritual support you have in place for when you are released (if appropriate).
- If you can get family members, community organizations, religious leaders, or others who support you being released to write letters on your behalf, you can include them with your motion.

17. The D.C. Council and United States Congress have both recognized that “[a] prison sentence that was just when imposed could—because of changed circumstances—become cruel as well as senseless if not altered.” Human Rights Watch, *The Answer is No: Too Little Compassionate Release in US Federal Prisons 2* (2012).

18. Here, given my age and the length of time I've spent in prison, as well as the fact that I pose no danger to the safety of any individuals or the community, I respectfully request that the Court reduce my sentence to time served, [if you have any additional convictions add the following: "and to run my other sentences concurrently,"] in order to effectuate my immediate release.

Respectfully submitted,

[Signature]
Your Name

Motion for Compassionate Release
(Debilitating Medical Condition)

Sample #3

Instructions for Filing a Motion for Compassionate Release
(Debilitating Medical Condition)

Limitation: These instructions are only for people filing a motion for compassionate release who have a debilitating medical condition – which means an incurable illness or serious injury that makes you very physically weak and that you will NOT recover from. If you are filing a motion for compassionate release on a different basis, you will want to use a different set of instructions.

Instructions: To get compassionate release, in addition to having an incurable illness or permanent serious injury that makes you very weak, you will need to convince the judge that you no longer pose a danger to the community. The next page includes a sample motion that you can use. You can copy all of the information in black ink directly into your own motion. Where you see red ink, you can add information about your own situation using your own words. We've included examples of the types of things you can include in the red parts of the motion. However, you are not limited to including the things listed. Feel free to add anything you think might convince a judge that it is safe and fair to release you.

As a reminder, once you draft your motion, you can mail it to the DC Superior Court. You do not have to address the envelope to a specific judge, but if you know the judge assigned to your case, you can address it to that judge's chambers. If you are unable to figure out who your specific judge is, you can address your envelope to the Chief Judge. This is an example:

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IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
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UNITED STATES OF AMERICA)
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 Defendant.)

MOTION FOR COMPASSIONATE RELEASE AND MEMORANDUM IN SUPPORT

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19. Section 305(b) of the COVID-19 Emergency Act, allows the court to modify a term of imprisonment if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and there are extraordinary and compelling reasons that warrant such a modification, including a debilitating medical condition involving an incurable illness, or a debilitating injury from which the defendant will not recover;. D.C. Code § 24-403.04(a)(3)(A).

20. There is no requirement that you be a certain age or that you have spent a minimum number of years in prison when you are applying for compassionate release based a

debilitating illness or injury. However, if you are 60 years or older, or have spent more than 15 years in prison, it is still worth including that information here.

21. I have a debilitating illness or injury from which I will not recover. Specifically, [tell the judge what your medical diagnosis is or what injury you suffered. You should also explain how your illness or injury impacts you physically and emotionally. What types of things are you no longer able to do? For example, are confined to a wheelchair, have difficulty breathing without oxygen being administered, are on dialysis, or any other physical effects of your illness or injury that have severely weakened you].

22. Tell the court what charges you were convicted of and what sentence you were given for each charge. Include the date of the incident that is the basis for the charge.

23. The COVID-19 Emergency Act specifies that "evidence of the defendant's rehabilitation while incarcerated" must be considered when evaluating a defendant's potential dangerousness. D. C. Code § 24-403.04(a).

24. I do not pose any danger to the community if I am released because [describe all of the reasons you are not likely to be convicted of a new offense. Examples of information that may be persuasive to a judge include:

- If the BOP has completed a PATTERN assessment of you that indicates you have a “low” or “minimum” risk of recidivism, that should be included;
- Any BOP or psychological assessments that found you are not a danger to the community;
- The programming you have completed while in prison – a description of the different types of programs and the number you’ve completed can be helpful;

- Your disciplinary history, specifically pointing out if it has been a number of years since you've had any disciplinary incidents – if you had some disciplinary issues when you were first imprisoned, explain what you've learned and how you've changed;
- Any examples of you mentoring other people who are incarcerated;
- If you have a significant work history while in prison and have earned any awards or positive reviews;
- Any education you completed while in prison, such as getting your GED or taking college courses or vocational training;
- Anything else that you believe will show you are unlikely to be convicted of a new offense.]

25. I will be able to successfully transition back into the community because [describe all of the supports that you have in place for when you are released. Examples of information that may be persuasive to a judge include:

- Describe where you will live once you are released;
- List all individuals you are in contact with outside of prison, including family, friends, etc. and describe any ways that they've said they will support you when you are released;
- Describe any services from community organizations that are already set up for when you are released;
- Describe how you expect to get medical care once you are released;
- Describe any spiritual support you have in place for when you are released (if appropriate).

- If you can get family members, community organizations, religious leaders, or others who support you being released to write letters on your behalf, you can include them with your motion.

26. The D.C. Council and United States Congress have both recognized that “[a] prison sentence that was just when imposed could—because of changed circumstances—become cruel as well as senseless if not altered.” Human Rights Watch, *The Answer is No: Too Little Compassionate Release in US Federal Prisons 2* (2012).

27. Here, given my debilitating [insert “medical condition” or “injury”], as well as the fact that I pose no danger to the safety of any individuals or the community, I respectfully request that the Court reduce my sentence to time served, [if you have any additional criminal convictions add the following: “and to run my other sentences concurrently,”] in order to effectuate my immediate release.

Respectfully submitted,

[Signature]
Your Name

Motion for Compassionate Release
(60 years old AND Chronic Medical Condition)

Sample #4

Instructions for Filing a Motion for Compassionate Release
(Age and Chronic Medical Condition)

Limitation: These instructions are only for people filing a motion for compassionate release if they meet all of the following criteria:

1. You are 60 years of age or older; AND
2. You have served either 15 years or 75% of your sentence; AND
3. You have a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19.

If you are filing a motion for compassionate release on a different basis, you will want to use a different set of instructions.

Instructions: In addition to the three conditions listed above, you will also need to convince the judge that you no longer pose a danger to the community. The next page includes a sample motion that you can use. You can copy all of the information in black ink directly into your own motion. Where you see red ink, you can add information about your own situation using your own words. We've included examples of the types of things you can include in the red parts of the motion. However, you are not limited to including the things listed. Feel free to add anything you think might convince a judge that it is safe and fair to release you.

As a reminder, once you draft your motion, you can mail it to the DC Superior Court. You do not have to address the envelope to a specific judge, but if you know the judge assigned to your case, you can address it to that judge's chambers. If you are unable to figure out who your specific judge is, you can address your envelope to the Chief Judge. This is an example:

*Attn: Chief Judge Josey-Herring, chamber #3500**
DC Superior Court Criminal Division
500 Indiana Ave NW
Washington DC 20001

**If you know the specific judge for your case, you can replace their name and chamber number in the first line.*

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA)
)
 Complainant,)
) Case No.: [INPUT CASE NUMBER]
)
v.) Judge: [INPUT JUDGE’S NAME IF KNOWN]
)
[INPUT YOUR FULL NAME],)
)
 Defendant.)

MOTION FOR COMPASSIONATE RELEASE AND MEMORANDUM IN SUPPORT

Mr. (or Ms.) [YOUR NAME], respectfully moves this Court for a reduction of sentence and immediate release from the custody of the Bureau of Prisons (BOP) pursuant to the compassionate release provision of the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (COVID-19 Emergency Act), D.C. Code § 24-403.04. In support of his motion, Mr. (or Ms.) [YOUR NAME] states as follows:

28. Section 305(b) of the COVID-19 Emergency Act, allows the court to modify a term of imprisonment if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant’s rehabilitation while incarcerated, and there are extraordinary and compelling reasons that warrant such a modification, including where a defendant qualifies as being of “elderly age.” D.C. Code § 24-403.04(a)(3)(B). An individual qualifies under the elderly age provision where they are 60 years of age or older, has served the lesser of 15 years or 75% of the their sentence, and suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19. D.C. Code § 24-403.04(a)(3)(B)(iii).

29. I am [insert age] years of age and have served [input the number of years if it is 15 years or longer; if not, input the percentage of your sentence that you've served if it's 75% or more] of my sentence.

30. Tell the court what charges you were convicted of and what sentence you were given for each charge. Include the date of the incident that is the basis for the charge.

31. I suffer from a chronic or serious medical condition. Specifically, [tell the judge what your medical condition is and how it impacts you physically and emotionally. What types of things are you no longer able to do?]

32. [Insert this paragraph below only if you have one of the listed medical conditions] According to the Center for Disease Control, people with cancer, chronic kidney disease, chronic liver disease, chronic lung disease, diabetes, heart disease, HIV, obesity, sickle cell disease or thalassemia, organ or stem cell transplant, stroke, or tuberculosis are more likely to get severely ill from COVID-19; meaning they have an increased risk of hospitalization, needing intensive care services, requiring a ventilator to breathe, and death. CDC, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html#serious-heart-conditions (updated October 14, 2021).

33. The risk for severe illness from COVID-19 increases with age, with older adults at highest risk. CDC, <https://www.cdc.gov/aging/covid19-guidance.html> (updated Aug. 4, 2021).

34. I do not pose any danger to the community if I am released because [describe all of the reasons you are not likely to be convicted of a new criminal offense. Examples of information that may be persuasive to a judge include:

- If the BOP has completed a PATTERN assessment of you that indicates you have a “low” or “minimum” risk of recidivism, that should be included;
- Any BOP or psychological assessments that found you are not a danger to the community;
- The programming you have completed while in prison – a description of the different types of programs and the number you’ve completed can be helpful;
- Your disciplinary history, specifically pointing out if it has been a number of years since you’ve had any disciplinary incidents – if you had some disciplinary issues when you were first imprisoned, explain what you’ve learned and how you’ve changed;
- Any examples of you mentoring other people who are incarcerated;
- If you have a significant work history while in prison and have earned any awards or positive reviews;
- Any education you completed while in prison, such as getting your GED or taking college courses or vocational training;
- Anything else that you believe will show you are unlikely to be convicted of a new criminal offense.]

35. The COVID-19 Emergency Act specifies that "evidence of the defendant's rehabilitation while incarcerated" must be considered when evaluating a defendant's potential dangerousness. D. C. Code § 24-403.04(a).

36. I will be able to successfully transition back into the community because [describe all of the supports that you have in place for when you are released. Examples of information that may be persuasive to a judge include:

- Describe where you will live once you are released;
- List all family members you are in contact with and describe any ways that they've said they will support you when you are released;
- Describe any services from community organizations that are already set up for when you are released;
- Describe how you expect to get medical care once you are released;
- Describe any spiritual support you have in place for when you are released (if appropriate).
- If you can get family members, community organizations, religious leaders, or others who support you being released to write letters on your behalf, you can include them with your motion.]

37. The D.C. Council and United States Congress have both recognized that “[a] prison sentence that was just when imposed could—because of changed circumstances— become cruel as well as senseless if not altered.” Human Rights Watch, *The Answer is No: Too Little Compassionate Release in US Federal Prisons 2* (2012).

38. In conclusion, my age and medical condition combined with the fact that I have served a significant part of my sentence, all weigh in favor of my being granted compassionate release. Further, as shown above, I pose no danger to the safety of any individuals or the community. I therefore respectfully request that the Court reduce my sentence to time served, [if you have any additional convictions add the following: “and to run my other sentences concurrently,”] in order to effectuate my immediate release.

Respectfully submitted,

[Signature]
Your Name

Motion for Compassionate Release
(Death or Incapacitation of Family Member)

Sample #5

Instructions for Filing a Motion for Compassionate Release
(Death or Incapacitation of Spouse or Family Member)

Limitation: These instructions are only for people filing a motion for compassionate release because of the death or incapacitation of a family member who is the caregiver for their children or the incapacitation of a spouse or domestic partner where there is no one else who can take care of that person. Someone is considered incapacitated if they are not able to take care of themselves. If you are filing a motion for compassionate release on a different basis, you will want to use a different set of instructions.

Instructions: To get compassionate release, you need to also convince the judge that you no longer pose a danger to the community and that given the incapacitation of your spouse or children's caretaker, it is appropriate to release you. The next page includes a sample motion that you can use. You can copy and of the information in black ink directly into your own motion. Where you see red ink, you want to describe your own situation in your own words. We've included examples of the types of things you can include in the red parts of the motion. However, you are not limited to including the things listed. Feel free to add anything you think might convince a judge that it is safe and fair to release you.

As a reminder, once you draft your motion, you can mail it to the DC Superior Court. You do not have to address the envelope to a specific judge, but if you know the judge assigned to your case, you can address it to that judge's chambers. If you are unable to figure out who your specific judge is, you can address your envelope to the Chief Judge. You can address your envelope modeled after this example:

*Attn: Chief Judge Josey-Herring, chamber #3500**

DC Superior Court Criminal Division

500 Indiana Ave NW

Washington DC 20001

**If you know the specific judge for your case, you can replace their name and chamber number in the first line.*

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA)
)
 Complainant,)
) Case No.: [INPUT CASE NUMBER]
)
v.) Judge: [INPUT JUDGE'S NAME IF KNOWN]
)
[INPUT YOUR FULL NAME],)
)
 Defendant.)

MOTION FOR COMPASSIONATE RELEASE AND MEMORANDUM IN SUPPORT

Mr. (or Ms.) [YOUR NAME], respectfully moves this Court for a reduction of sentence and immediate release from the custody of the Bureau of Prisons (BOP) pursuant to the compassionate release provision of the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (COVID-19 Emergency Act), D.C. Code § 24-403.04. In support of his motion, Mr. (or Ms.) [YOUR NAME] states as follows:

39. Section 305(b) of the COVID-19 Emergency Act, allows the court to modify a term of imprisonment if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and other extraordinary and compelling reasons warrant such a modification. D.C. Code § 24-403.04(a)(3)(c)-(d).

40. This type of compassionate release does not require you to be a certain age, or that you spent a certain number of years in prison. However, if you are 60 years or older, or have spent more than 15 years in prison, it is still worth putting that information here.

41. Tell the court what charges you were convicted of and what sentence you were given for each charge.

42. If the person who has died or is incapacitated took care of your children include the following: (a) some information about the person and their relationship to you; (b) how many children you have, their ages, and any special medical or physical needs they have; (c) how long the person who died or became incapacitated has been taking care of your children; (c) when they died or became incapacitated.

43. If your spouse or domestic partner has become incapacitated, include the following: (a) who the person is and how long you have been married or domestic partners; (b) if you have regular contact with the person describe it to the judge to show you are still part of their life; (c) when they became incapacitated and (d) a description of how they are no longer able to care for themselves.

44. I am the only person capable of caring for my [children or spouse or domestic partner], because [an explanation of why there is no one else available to take care of your children, spouse or domestic partner].

45. The COVID-19 Emergency Act specifies that "evidence of the defendant's rehabilitation while incarcerated" must be considered when evaluating a defendant's potential dangerousness. D. C. Code § 24-403.04(a).

46. I do not pose any danger to the community if I am released because [describe all of the reasons you are not likely to be convicted of a new offense. Examples of information that may be persuasive to a judge include:

- If the BOP has completed a PATTERN assessment of you that indicates you have a “low” or “minimum” risk of recidivism, that should be included;

- Any BOP or psychological assessments that found you are not a danger to the community;
- The programming you have completed while in prison – a description of the different types of programs and the number you’ve completed can be helpful;
- Your disciplinary history, specifically pointing out if it has been a number of years since you’ve had any disciplinary incidents – if you had some disciplinary issues when you were first imprisoned, explain what you’ve learned and how you’ve changed;
- Any examples of you mentoring other people who are incarcerated;
- If you have a significant work history while in prison and have earned any awards or positive reviews;
- Any education you completed while in prison, such as getting your GED or taking college courses or vocational training;
- Anything else that you believe will show you are unlikely to be convicted of a new offense.]

47. I will be able to successfully transition back into the community because [describe all of the supports that you have in place for when you are released. Examples of information that may be persuasive to a judge include:

- Describe where you will live once you are released;
- List all family members you are in contact with and describe any ways that they’ve said they will support you when you are released;
- Describe any services from community organizations that are already set up for when you are released;

- Describe how you expect to get medical care once you are released;
- Describe any spiritual support you have in place for when you are released (if appropriate).
- If you can get family members, community organizations, religious leaders, or others who support you being released to write letters on your behalf, you can include them with your motion.]

48. The D.C. Council and United States Congress have both recognized that “[a] prison sentence that was just when imposed could—because of changed circumstances—become cruel as well as senseless if not altered.” Human Rights Watch, *The Answer is No: Too Little Compassionate Release in US Federal Prisons 2* (2012).

49. Here, because I pose no danger to the safety of any individuals or the community, and I am the only person who can care for my [children or spouse or domestic partner], I respectfully request that the Court reduce my sentence to time served, [if you have any additional convictions add the following: “and to run my other sentences concurrently,”] in order to effectuate my immediate release.

Respectfully submitted,

[Signature]
Your Name

Motion for Appointment of Counsel
(Compassionate Release)

Sample #6

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA)
)
 Complainant,)
) Case No.: [INPUT CASE NUMBER]
)
v.) Judge: [INPUT JUDGE’S NAME IF KNOWN]
)
[INPUT YOUR FULL NAME],)
)
 Defendant.)

MOTION FOR APPOINTMENT OF COUNSEL

I, Mr. (or Ms.) [YOUR NAME], respectfully request this Court to appoint counsel to represent me in connection with my motion for compassionate release. I understand that this court may consider the information I provide to show that an appointment of counsel is in the “interests of justice.” *See Doe v. United States*, 583 A.2d 670, 672 (D.C. 1990). Therefore, in support of my motion, I state as follows:

1. I cannot afford to hire an attorney. Specifically, [describe current financial status.]
2. I have tried to obtain *pro bono* counsel by contacting [list legal organizations or attorneys you contacted], but I have been unable to obtain their services.
3. Appointing counsel would assist me in [describe legal or factual issues that you cannot address on your own and why you think an attorney would be able to help].

For the foregoing reasons, I ask this Court to appoint counsel for the limited purpose of representing me in my request for compassionate release.

Respectfully submitted,

[Signature]
Your Name