IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

	*	
UNITED STATES OF AMERICA	*	
v.	*	**CRIM. NO. JKB-98-258**
		UNDER SEAL
AHMAD LINTON,	*	
Defendant.	*	

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SEALED MEMORANDUM AND ORDER

Defendant Ahmad Linton is currently serving a life sentence for Murder in Aid of Racketeering and Conspiracy to Distribute Cocaine Base. (*See* ECF No. 191.) Linton is currently incarcerated at Federal Correctional Institution ("FCI") Gilmer in West Virginia. On December 28, 2020, Linton filed an Emergency Motion for Compassionate Release (ECF No. 437) pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), which was supplemented by counsel on June 21, 2021 (ECF No. 441). No hearing is necessary. *See* Local Rules 105.6, 207 (D. Md. 2021). For the reasons set forth below, Linton's Motion will be GRANTED in part and his sentence will be reduced to 360 months' imprisonment.

Motions for compassionate release are governed by 18 U.S.C. § 3582(c)(1)(A). Under this section, a district court may modify a convicted defendant's sentence when "extraordinary and compelling reasons warrant such a reduction" and the court has "consider[ed] the factors set forth in section 3553(a) to the extent that they are applicable." 18 U.S.C. § 3582(c)(1)(A). A defendant may move for compassionate release under § 3582(c)(1)(A) only after he or she "has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion

on the defendant's behalf or [after] the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." *Id.*

In his Motion for Compassionate Release, Linton noted that he submitted a request for Compassionate Release to the Warden at FCI Gilmer on April 5, 2020 and received no response. (*See* ECF No. 441 at 3.) In its opposition, the Government pointed out that "the BOP has no record of [Linton] having previously filed an administrative request" for compassionate release, suggesting he had failed to exhaust his administrative remedies before filing with this Court. (*See* Gov't Opp'n at 11, ECF No. 461.) However, after consultation with Linton's counsel, the Government represented that, if Linton's counsel filed a request for compassionate release, it "will not dispute that Linton will have exhausted his claims 30 days after his counsel's request." (*Id.*) Linton's counsel subsequently filed a renewed request for compassionate release with the Warden at FCI Gilmer on August 16, 2021 and did not receive a response within 30 days. (*See* ECF No. 466-1.) Therefore, the Court must determine: (1) whether Linton has provided evidence establishing the existence of "extraordinary and compelling reasons" for his release; and (2) if so, whether compassionate release is consistent with the factors set forth in 18 U.S.C. § 3553(a).

I. Extraordinary and Compelling Reasons

Under 28 U.S.C. § 994(t), the U.S. Sentencing Commission "shall describe what should be considered extraordinary and compelling reasons for sentence reduction, including the criteria to be applied and a list of specific examples." The Commission has stated that "extraordinary and compelling reasons" exist where: (1) a defendant has a terminal or serious medical condition; (2) a defendant with deteriorating health is at least sixty-five years old and has served ten years or 75% of his or her term of imprisonment; (3) certain family circumstances arise in which a defendant must serve as a caregiver for minor children or a partner; or (4) the Bureau of Prisons ("BOP")

determines other circumstances create "extraordinary and compelling reasons" for sentence reduction. *See* U.S.S.G. § 1B1.13 cmt. n.1 (A)–(D).

This mandate and policy statement, however, predate the passage of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 (2018), which "remove[d] the Bureau of Prisons from its former role as a gatekeeper over compassionate release motions." *United States v. McCoy*, 981 F.3d 271, 276 (4th Cir. 2020) (internal quotation marks and citation omitted). Accordingly, the Fourth Circuit has affirmed that "district courts are 'empowered . . . to consider *any* extraordinary and compelling reason for release that a defendant might raise.'" *Id.* at 284 (emphasis in original) (quoting *United States v. Zullo*, 976 F.3d 228, 230 (2d Cir. 2020)). In his Motion, Linton raises several reasons he contends justify compassionate release. The Court addresses only those arguments that are necessary to confirm that Linton has established an extraordinary and compelling reason warranting compassionate release.

Linton principally argues that his rehabilitation while in prison constitutes an extraordinary and compelling reason warranting compassionate release. (*See* Mot. Compassionate Release at 6–12.) Linton's Motion details how he has developed significant personal skills and interpersonal relationships while incarcerated, and he submits numerous letters attesting to his rehabilitation and positive influence on his fellow inmates and his family. The Government acknowledges this evidence, noting that "Linton has made substantial strides while incarcerated" all of which are "to Linton's great credit." (Gov't Opp'n at 23.) Further confirming his rehabilitation, Linton has received no disciplinary infractions during his last decade in prison, and his earlier infractions are all for "relatively minor, non-violent offenses." (*Id.*; *see also* ECF No. 441-1.) However, the Government correctly points out that, under 28 U.S.C. 994(t), "[r]ehabilitation of the defendant alone shall not be considered an extraordinary and compelling reason" warranting compassionate

release. *See also United States v. Smith*, Crim. No. SAG-96-0086, 2020 WL 6485088 (D. Md. Nov. 4, 2020) (explaining that defendant's "good behavior is not sufficient on its own to stand as grounds for compassionate release"). Accordingly, the Court must consider whether other grounds, either independently or in conjunction with Linton's rehabilitation, constitute extraordinary and compelling grounds for compassionate release. It concludes that the disparity between Linton's sentence and the sentences imposed on similarly situated individuals today constitutes an extraordinary and compelling reason for compassionate release.

A. Disparity Between Linton's Sentence and Modern Charging and Sentencing Practices

The Fourth Circuit has confirmed that "the enormous disparity between [a defendant's] sentence and the sentence a defendant would receive today, can constitute an 'extraordinary and compelling' reason for relief under § 3582(c)(1)(A)." *McCoy*, 981 F.3d at 285 (citation omitted). As a threshold matter, the Government argues that no such disparity is present here because "murder in aid of racketeering still carries a mandatory life sentence." (Gov't Opp'n at 16.) This analysis is too blunt. As other courts have found, extraordinary and compelling reasons based on sentence length can exist not only if a defendant would have been *sentenced* differently if convicted of the same offense, but also if he would have been *charged* differently under modern standards. *See United States v. Sappleton*, Crim. No. PJM-01-0284, 2021 WL 598232, at *3 (D. Md. Feb. 16, 2021) (finding that extraordinary and compelling reasons existed where defendant's mandatory life sentence was driven by a charged § 851 sentencing enhancement that was "highly unlikely . . . [to] be applied at all if Sappleton were tried today"); *see also United States v. Vigneau*, 473 F. Supp. 3d 31, 39 (D.R.I. 2020) (finding extraordinary and compelling reasons where defendant was convicted of an offense that "no one has been charged with . . . in this District in over twenty years"). Taken in this broader context, "the sheer and unusual length" of Linton's

sentence may still constitute an extraordinary and compelling reason for granting compassionate release. *McCoy*, 918 F.3d at 285.

At a high level, Linton's sentence departs dramatically from the median sentence for murder, which was 270 months in fiscal year 2020. *See Interactive Data Analyzer*, U.S. Sent'g Comm'n, https://ida.ussc.gov/analytics/saw.dll?Dashboard (last visited September 16, 2021).[1] Linton argues that such a dramatic departure is not warranted by his characteristics and emphasizes his youth at the time of the crime and his negligible criminal history.[2] He argues that recently sentenced, similarly-situated defendants routinely receive sentences for murder of around 25 years based on changes in charging and sentencing practices in the last two decades.

1. Murder in Aid of Racketeering

First, Linton explains that while the Government can still charge murder in aid of racketeering for offenses similar to his, it rarely chooses to do so. For instance, a recent indictment charging murder in aid of racketeering in this District was brought against the "acting leader" of a "violent subset of the Crips gang" who murdered two rival gang members. *See* Superseding Indictment, *United States v. Hall*, Crim. No. CCB-19-0568 (D. Md. Sept. 30, 2020). None of the less culpable co-defendants in that case was charged with murder in aid of racketeering. (*See* Gov't Opp'n at 14 (conceding that "the evidence adduced at trial more conclusively showed that Stokes was chiefly responsible for the murder" of Hamilton).)

[1] A median sentence of 270 months assumes filtering only for "State: Maryland" and "Crime Type: Murder." However, this sample includes only 18 cases, creating difficulties drawing firm conclusions from such a small sample size. This challenge is exemplified by the fact that if the Court adds in filter for "Age: 21-25" and "Criminal History Category: 1" the median sentence *increases* to 300 months (across 7 cases). However, under any combination of filters, a sentence of life remains a radically above-median sentence.

[2] Linton argues that these factors constitute extraordinary and compelling reasons independent of the length of his sentence. (Mot. Compassionate Release at 22–25.) Because the Court concludes that Linton presents extraordinary and compelling reasons based on the length of his sentence (in part, due to these factors), the Court does not consider whether these factors, standing alone, would also present extraordinary and compelling reasons warranting compassionate release.

The Government rejects this analysis, explaining that the Government still charges crimes with statutorily-mandated life sentences at about the same rate as it did when Linton was charged. (*See id.* at 16–17.) However, the factual predicates for those crimes and the resulting charges are plainly distinguishable from those in Linton's case. *See United States v. Escobar*, Crim. No. PWG-21-0059 (D. Md. Mar. 10, 2021) (conspiracy to kidnap, torture and murder a rival gang member); *United States v. Pope*, Crim. No. DKC-21-053 (D. Md. filed Mar. 4, 2021) (murder while employed by or accompanying the Armed Forces outside the United States). In more analogous cases, it appears that charges for murder in aid of racketeering, which have always been rare, are now reserved for leaders of gangs who engaged in systematic violence. While Linton's offense was extremely serious, it does not appear to be the kind for which the Government would now seek a mandatory life sentence, particularly given Linton's age, criminal history, and his secondary role in both the drug dealing conspiracy and in Hamilton's murder.

Given this, Linton argues that his sentence should be compared to similarly situated persons sentenced for murder in this District. He identifies a number of such cases, where persons convicted of more aggravated murders have commonly received sentences between 20 and 25 years' imprisonment. (*See* Mot. Compassionate Release at 20–21 (collecting cases).) As both sides acknowledge, there is an obvious distinction in those cases: all of those defendants plead guilty, while Linton elected to go to trial. (*Id.* at 21 n. 16; *see also* Gov't Opp'n at 19.) As the Government notes, defendants who elect to go to trial for murder still often receive life sentences today. (Gov't Opp'n at 20 (collecting cases).) Linton rejoins by pointing out that "[v]irtually all of the defendants in those cases . . . were significantly older than Mr. Linton was." (Reply at 13.) Therefore, neither class of criminal defendants is completely comparable to Linton.

Despite this, the Court believes that consideration of these cases confirms that Linton's mandatory life sentence is of "sheer and unusual length." *McCoy*, 981 F.3d at 285. First, the mere fact that there is no reasonable comparator cases makes Linton's sentence definitionally "unusual." Second, courts have become more cautious about resorting to the "bluntness of mandatory life sentences" with respect to youthful defendants. *United States v. Gray*, Crim. No. CCB-95-0364, 2021 WL 1856649 (D. Md. May 10, 2021) (reducing life sentence imposed when defendant was 23). Linton is an exemplar of why this is so, having shown remarkable rehabilitation as he has matured in prison. While the sentencing court in this case may have not had the flexibility to depart from a life sentence, that does not justify refusing to do so now. *See United States v. Perez*, Crim. No. JBA-02-0007, 2021 WL 837425, at *5 (D. Conn. Mar. 4, 2021) (collecting cases) ("Although [defendant's] life sentences are mandatory, the mandatory component does not bar relief under the First Step Act.").

Third, while the decision to accept responsibility and plead guilty is significant, Linton's failure to do so cannot justify a sentencing disparity of the magnitude presented by his sentence. *See United States v. Cano*, Crim. No. CMA-95-0481, 2020 WL 7415833, at *6 (S.D. Fla. Dec. 16, 2020) ("[T]he disparity, even considering that [co-defendant] accepted responsibility by entering a guilty plea, while Defendant did not, is a compelling reason to grant Defendant compassionate release."). The concern of such a disparity is particularly acute in this case, where it appears that the only plea agreement offered to Linton was for fifty years, meaning he likely would be facing a significant sentence disparity even if he had chosen to plead guilty. (*See* Mot. Compassionate Release at 21 n. 16.)

Taken together, these factors convince the Court that Linton's sentence, though mandatory when imposed, represents a "gross disparity" when compared to "the sentence he would receive

under present circumstances." *United States v. King*, Crim. No. TDC-05-0203, at 5 (D. Md. May 24, 2021) (slip op.). While Linton was convicted of undoubtedly serious crimes, he was a 22-year-old with no significant criminal history. In retrospect, those crimes represent a "singular and extreme act of violence" over the course of Linton's life. *Gray*, 2021 WL 1856649, at *5 (citing favorably defendant's violence-free incarceration). The criminal justice process has numerous decision points that, today, consistently reject life sentences for those who commit crimes, even heinous crimes, in the "immaturity, irresponsibility, impetuousness, and recklessness" of youth. *Miller v. Alabama*, 457 U.S. 460, 476 (2012). A mandatory life sentence, however imposed, constitutes a significant sentencing disparity when considering how the modern criminal justice process maps on to the unique facts of Linton's case. When that disparity is combined with Linton's remarkable rehabilitation, the Court must conclude that he has established extraordinary and compelling reasons warranting compassionate release with respect to his conviction for murder in aid of racketeering.

2. Conspiracy to Distribute Cocaine Base

Linton also separately received a life sentence for his conviction of conspiracy to distribute cocaine base. *See* PSR at 6–7. At the time, this sentence was mandatory under the Sentencing Guidelines. *See United States v. Booker*, 543 U.S. 220, 245 (2005) (holding that Sentencing Guidelines are advisory, rather than mandatory). Given the now-advisory nature of the Guidelines, this offense would be subject only to a statutory mandatory minimum of ten years. 21 U.S.C. § 841(b)(1)(A)(iii). Courts have found that life sentences imposed under the mandatory guidelines may present an extraordinary and compelling reason where a court would no longer "be *compelled* to sentence him to life imprisonment" and where a defendant's "sentence of life imprisonment . . . appears significantly longer than other federal sentences imposed more recently for drug offenses

involving murder." *Babb v. United States*, Crim. No. EL-04-0190, 2021 WL 2315459, at *13 (D. Md. June 4, 2021). And, even in such aggravating circumstances, courts in this District today routinely adopt downward variances from the Guidelines range, sentencing defendants involved in drug-related murder cases to between 20 and 30 years' imprisonment. *Id.* (collecting cases). Accordingly, Linton's life sentence for conspiracy to distribute cocaine base also presents extraordinary and compelling reasons for compassionate release.

II. Section 3553(a) Factors

Having found that Linton's life sentences present extraordinary and compelling reasons for compassionate release, the Court now turns to whether a sentencing reduction is warranted by the factors enumerated by 18 U.S.C. § 3553(a). Linton argues that the various factors discussed above, such as changes in sentencing and Linton's rehabilitation, support a reduction in sentence to time-served, constituting a sentence of approximately 293 months when accounting for good-time credit. (Mot. Compassionate Release at 31.) The Government does not take a definitive view of the appropriate sentence, merely stating that "the reduction does not have to be to time served" and that any revised sentence "should instead be consistent with what the § 3553(a) factors would consider appropriate today." (Gov't Opp'n at 26.)[3] Having considered those factors, the Court concludes that a sentence of 360 months' imprisonment is "sufficient, but not greater than necessary, to comply with the purposes" of incarceration. 18 U.S.C. § 3553(a).

[3] The Government does state that "[t]he § 3553(a) factors do not justify Linton's immediate release." (Gov't Opp'n at 26 (capitalization omitted).) However, it is not clear whether this is a substantive stance on those factors or tied to the Government's more procedural request that "[s]hould the Court grant release, the government requests that it accommodate the need to quarantine Linton for a period of at least 14 days." (*Id.* at 27.) In either case, the Court's analysis of the § 3553(a) factors would be the same.

A. Defendant's History and Characteristics

As noted, Linton's characteristics at the time of the offense cut strongly against a life sentence. At the time he committed the offense, he was a twenty-two years old with a criminal history category of I and a criminal history score of zero. *See* PSR ¶ 44.

B. Nature and Seriousness of the Offense

In contrast to his minimal criminal history, Linton's crimes of conviction rank among the most serious offenses imaginable. He spent approximately four years involved in a conspiracy to distribute illegal drugs, a conspiracy that ultimately resorted to deadly violence in order to resolve a dispute arising with a rival drug dealing organization. PSR ¶¶ 6–7, 9–10. The severity of these offenses cannot be understated and counsel in favor of a significant sentence.

C. Need for Deterrence and Protection of the Public

While the need for specific deterrence in this case is minimal, there remains an acute need for general deterrence of offenses similar to Linton's. Though much has changed in the last two decades, drug-dealing conspiracies—and the deadly violence that they often entail—remain unfortunately common and problematic in Baltimore. Long sentences remain warranted for those who commit these offenses, given the deep social and communal harm such offenses continue to inflict.

D. Need for Rehabilitation

As both sides acknowledge, Linton has rehabilitated remarkably while in prison, and accordingly, there is little need for further rehabilitation. Indeed, this substantial rehabilitation cuts in favor of a more limited sentence to provide Linton with the opportunity to rejoin society as a productive participant—an opportunity he appears well-positioned to take advantage of.

E. Applicable Guideline Sentence

The U.S. Sentencing Guidelines currently recommend a sentence of life imprisonment for an individual with Linton's convictions and criminal history. *See* U.S. SENT'G GUIDELINES MANUAL, SENTENCING TABLE (U.S. SENT'G COMM'N 2018) (guidelines sentence of life for offenses above Offense Level 43); PSR ¶ 36 (combined Offense Level of 45). However, as explained above, this Guidelines recommendation is too long given the unique facts of Linton's case.

F. Need to Avoid Unwarranted Sentencing Disparities

Linton's life sentence creates a sentencing disparity with similarly situated individuals under current charging and sentencing practices. The Government raises two reasons why such a disparity is not unwarranted in assessing the § 3553(a) factors. First, as discussed above, Linton was sentenced after proceeding to trial, whereas many comparable defendants accepted responsibility and plead guilty before going to trial.[4] Second, the Government raises concerns that Linton "has not accepted responsibility for Anthony Hamilton's murder." (Gov't Opp'n at 27.)

Linton, for his part maintains that he "will not admit to a crime that he did not commit," i.e., being a principal in Hamilton's murder. (Reply at 9 n. 13.) Linton also submitted a letter to the Court acknowledging that when he first went to prison he was "mad [and] very disappointed in the outcome of the verdict of my trial." (*See* ECF No. 444-2 at 1.) However, a holistic assessment of his emotional development since then tells a different story. Linton has submitted dozens of letters in support of his emotional maturity while incarcerated, with various letters

[4] In addition to going to trial, Linton received a sentencing adjustment for obstruction of justice. However, the PSR is vague as to Linton's actions, noting only that "Linton advised Antonio Howell [a defendant in another case] on how to contact two guards in the Caroline County detention Center who would allow Howell access to federal cooperators in the facility." PSR ¶ 14. Though this behavior is certainly concerning, it is vague and unsubstantiated as compared to the detailed obstruction efforts in which Linton's co-defendants engaged. *Id.* (discussing Stokes' threats to witnesses and attempts to suborn perjury). While these efforts cannot be wholly discounted, neither can they justify the disparity between Linton's sentence and those of similarly situated individuals.

specifically attesting to his remorse for his prior actions. (*See* Mot. Compassionate Release at 7 (collecting exhibits reflecting Linton's expressions of remorse).) Although Linton maintains that he is not responsible for at least one of those actions—the shooting of Hamilton—the ambiguous evidence with respect to his culpability for that offense lessens the Court's concerns that he has not accepted responsibility for his actions. The broad testimony to Linton's current character gives the Court confidence that he is remorseful for his conduct, that he has developed "a completely different way of handling tough situation[s]" and that he is a "change[d] man." (ECF No. 444-2 at 3–4.) Given the evidence of Linton's mindset, the Court cannot conclude that the Government's concerns regarding acceptance of responsibility justify a significantly longer sentence in light of the other § 3553(a) factors.

In sum, setting an appropriate sentence for Linton is challenging, as the § 3553(a) factors cut strongly in both directions. However, having weighed these factors in light of the unique aspects of Linton's case, the Court concludes that a sentence of 360 months' imprisonment is sufficient, but no greater than necessary to serve the purposes outlined in § 3553(a).

III. Conclusion

For the foregoing reasons, Linton's Motion for Compassionate Release (ECF No. 437) shall be GRANTED in part and Linton's sentence shall be reduced from life imprisonment to 360 months' incarceration. An AMENDED JUDGMENT AND COMMITMENT ORDER shall be prepared and entered by the Court.

DATED this 24 day of September, 2021.

BY THE COURT:

James K. Bredar
Chief Judge