

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

United States v. Fernandez

No. 20-2467-cr, United States Court of Appeals for the Second Circuit (May 4, 2021)

SUMMARY

The Second Circuit affirmed the denial of compassionate release under 18 U.S.C. § 3582(c)(1)(A), holding that the district court did not abuse its discretion by denying release even after finding extraordinary and compelling reasons based on COVID-19 risk. The district court properly weighed the § 3553(a) factors, including the seriousness of the drug and firearm offenses, the significant downward variance already given, the fact that only half of a 15-year mandatory minimum had been served, and the absence of confirmed COVID-19 cases at the facility. The court rejected arguments that the district court failed to consider insufficient testing or post-sentencing rehabilitation, noting that the lack of confirmed cases was only one factor and that rehabilitation was thoroughly presented.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	RAYMOND J. LOHIER, JR.; RICHARD J. SULLIVAN; JOSEPH F. BIANCO
JURISDICTION	Federal
DECIDED	May 4, 2021
DOCKET	20-2467-cr
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of the United States District Court for the Southern District of New York denying a motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A).
STANDARD OF REVIEW	We typically review the denial of a motion for a discretionary sentence reduction for abuse of discretion.
PRECEDENTIAL VALUE	Unpublished
PARTIES	Juan Fernandez v. United States of America

TOPICS

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QUESTIONS PRESENTED

1. Whether the district court erred in concluding that FCI Fort Dix-Low was safe because there were no positive cases of COVID-19.
2. Whether the district court failed to consider Fernandez's post-sentencing rehabilitation.

HOLDINGS

1. The district court did not err because it clearly understood that the lack of positive cases did not necessarily mean no cases existed, and it was only one factor in the decision.
2. The district court considered rehabilitation and did not abuse its discretion.

KEY QUOTATIONS

“extraordinary and compelling reasons warrant such a reduction”

“significant downward variance from the Guidelines range”

“certainly closer”

FACTUAL BACKGROUND

Fernandez was sentenced to 195 months for conspiring to distribute narcotics and possessing a firearm during a drug trafficking offense. He moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A), arguing that his medical conditions put him at high risk of severe illness or death from COVID-19. The District Court found extraordinary and compelling reasons but denied the motion based on the § 3553(a) factors, including the seriousness of the crimes, the downward variance already granted, and the lack of positive COVID-19 cases at his facility.

PROCEDURAL HISTORY

In 2014, Fernandez was sentenced to 195 months for drug trafficking and firearm possession. On June 25, 2020, he moved for compassionate release due to COVID-19 risks. The District Court denied the motion. Fernandez appealed.

DISPOSITION

affirmed

CASES CITED

- United States v. Holloway, 956 F.3d 660, 664 (2d Cir. 2020)
- United States v. Villafuerte, 502 F.3d 204, 210 (2d Cir. 2007)

- United States v. Fernandez, United States v. Fernandez, 12-CR-445-1, 2021 U.S. Dist. LEXIS 6425 (S.D.N.Y. Jan. 13, 2021)

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