

I just sent you the first four pages of the Brief that I have been working on. Please share it with TX and everywhere. Have Carol A read it also. I think you will like it. I emailed it to John Mark. also. I think that it covers what was done to me so well that it should be posted on Tx site for everybody to see. I will have the next four pages done in about 10 more days.

Let me know if you like it. I think that it makes a point in a new way that will make them not happy.

Dave

Legal

When the affidavit of innocence was filed over 13 months ago, the USA never responded. I'm now told that the USA was supposed to respond. Of course they are a new group up there as the old criminals have vacated. But the Trail Judge did two months later file a 78 page brief in response to the Swisher Affidavit. But this brief was word for word the same brief that he filed in 2012; as it was off point and did not even mention the affidavit of innocence. Now J. has told me that John told him that he has asked that the USA's file a response as they must. Therefore, if what I'm typing here is true, it might mean that I could be winning and could be released soon. I just figured that when the judge filed his 78 pages of Bull that this was supposed to be the USA response. Note that my case is full of provable wrong doing and could end a few of jobs.

Anyway, I'm only telling you what I was told second hand as John the attorney still has not called me or communicated with me. I hope we are winning. What upset me was that this judge even now when I asked for Emergency relief, still quoted Swisher as being a hit man; I guess he has no shame.

Dave

John

I sent you the Brief I have been working on. You probably don't need it but here are the first four pages. Let me know if you like the information that is in it. It covers the Swisher story very well from the stacking concept.

Dave

There were a few typing mistakes in the four page brief that I sent to you yesterday. Please make these corrections.

On the first page spell Hinkson correctly. It is David Roland Hinkson.

First page number a. fix the date to read 2020 (not 2002).

Second page c. 12 lines down should read "court has nothing to do with any so-called "Collateral (fix the nothing).

Second page d. 6 lines down remove the "to". Should real legally have addressed.

Third page last line in b. Should read "Sentence Reduction (Not Sentenced Reduction).

Fourth page d. 10 lines down. Should read "original statute Sec. 3553(a) (Note I removed the "("). Please fix it and email it back if you have time.

Dave

. UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT

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DAVID ROLAND HINKSON)

Petitioner - Defendant,)	Case No. cr-04-127-RCT-1
.)	
vs.)	
.)	
UNITED STATES OF AMERICA)		
Plaintiff - Respondent)	

DIRECT APPEAL

Therefore, This is a "Direct Appeal" authorized under the fact that the Appelle has violated the First Step Act's, U.S.S.G. Sec. 1B1.13 cmt. n.1(D), within Title 18, 3582(c)(1)(A)(i), "Catch-All Provision"; by refusing to consider "BULK Stacking" as a Title 18, 3553(a) factor; in both Appellant's "Emergency Motions" (366 and 372); The Appelle further has refused to address the fact that the Appelle originally wrongfully "BULK Stacked" six counts, predicated upon the Appelle statutorily using the wrong "Legal Standard" for violence; that was thus predicated on the fact that the Appelle used the wrong "History and Character Standard" for Defendant; and now continues to use this wrong standard for violence to deny Appellant's relief pursuant to the "First Step Act's," "Catch-All Provision," Title 18, 3582(c)(1)(A)(i), U.S.S.G. Sec., 1B1.13 cmt. n.1(D); Thus the Appelle has violated Appellant's, "Constitutional Rights," under the "Fifth Amendment Due Process Clause," as the Government has failed to redress the "Statutory Stacking" of all of Appellant's sentences, under Title 18, Sec. 3582(c)(1)(A)(i), and the applicability of the "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n.1(D). Therefore, the first "Emergency," Motion in question (366) was filed for "Compassionate Release," based on COVID-19, and the "Second Emergency Motion" (372) was filed for "Sentence Reduction," based only on "Compassionate Release," pursuant to "BULK Stacking" being a Title 18, 3553(a) factor, within the "First Step Act's," "Catch-All Provision," U.S.S.G. Sec. 1B1 13. cmt. n.1(D), within Title 18, Sec. 3582(c)(1)(A)(i). Therefore, Appellant now asks the Appellate Court to ORDER that Appelle acknowledge that "BULK Stacking," is a Title 18, Sec. 3553(a) factor that must be considered, pursuant to the "Catch-All Provision," U.S.S.G. Sec. 1B1.13 cmt. n.1(D) within the "First Step Act," Title 18, Sec. 3582(c)(1)(A)(i); and use the correct past "History" and "Character," non-violent standard, in these two current "Emergency Motions"; pursuant to Title 18, Sec. 3553(a) and Title 18, Sec. 3584(b).

INTRODUCTION

Appellant filed an "Emergency Motion," for "Compassionate Release," based on the fact that he believed he met the criteria for Compassionate Release," based on the fact he is now 64 years old (Close to 65); and has some undiagnosed stomach problems (has lost 30 lbs); and his parents are near 90 years old; that Appellant's father Roland was diagnosed with Bladder Cancer, had a Stroke, and Appellant's mother now needs help taking care of him; that Appellant's children have now grown up without a father; and overall Appellant felt it was the moral and compassionate thing to do. Appellant also knows that the only witness against him was "Elvin Joe Swisher," who has now provided a "Recantation Affidavit," saying he is sorry he lied in the Title 18, Sec. 373 [attempted/threats] Case. See pending Case No. 19-71881. Therefore, Appellant believes he should now be entitled to an "Emergency Sentence Reduction," pursuant to "Compassionate Release," based on COVID-19; but if the Government does not move for release based on health, age or other Sec. 3553(a) factors, " . . . he necessarily seeks release under U.S.S.G. Sec. 1B1. 13

cmt. n. 1(D), the "Catch-All Provision," within Title 18, Sec. 3582(c)(1)(A)(i); See Keith Bryant Case No. 2020 U.S. Dist. LEXIS, 75681; crim. No. 95-202-CCB-3, April 30, 2020; and U.S. v. Craig Lamont Scott, 2020 U.S. Dist. LEXIS 84313, crim. No. 95-202-CCB-2." Also, after 13 months, the trial Appelle has not granted a COA, pursuant to Swisher's "Affidavit of Innocence," See Case No. 19-71881. Therefore, Appellant really should qualify for an "Emergency Sentence Reduction," pursuant to "Compassionate Release," or at least "Bail Pending Appeal."

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 APPELLANT'S EXTRAORDINARY/COMPELLING REASONS UNDER TITLE 18, SEC. 3582(c)(1)(A)(i) AND SEC. 3553

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 a. Or about June 18, 2020, Appellant received, "USA's," "Opposition To Defendant's Motion For Compassionate Release." (See Doc. 368). Mrs. Syrena C. Hargrove (USA) in the 1st paragraph line 4, states; ". . . This court should deny Defendant's Motion as he has failed to show that he meets any of the requirements for such relief. He has not shown "extraordinary and compelling circumstances," as required by Title 18, Sec. 3582, the Sec. 3553(a) factors do not favor his motion . . ." Later in the Appelle's "DENIAL" (Doc. 373), the Appelle ruled the same way, to justify his wrongful denial.

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 b. "Multiple District Courts have reasoned that the "First Step Act's change in how sentences should be calculated . . . constitutes an "extraordinary" and "compelling reason" under 18 U.S.C. 3682(c)(1)(A)(i). See United States v. Owens, No. 97-CR-2546-CAB, ECF 93 at 4, 2020 U.S. Dist. LEXIS 61460 (S.C. Cal. Mar. 20, 2020);" (Bryant Supra).

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 c. Therefore, for the Appelle to now say that the Appellant has failed to show any requirements for such relief pursuant to Title 18 3553(a) factors, is a very wrong statement, as it was actually these very same Title 18, Sec. 3553(a) factors along with accompanying Title 18, Sec. 3584(b) factors that were statutorily violated and not brought to light, that were used, to have wrongfully stacked Appellant's counts in the first place; and now it can be seen that the Appelle does not want to use the "Catch-All Provision, U.S.S.G. Sec. 1B1. 13 cmt. n.1(D), within the First Step Act Title 18, 3582(c)(1)(A)(i) to find a factor within Title 18, 3553(a). Therefore, Appellant now has shown "Extraordinary and "Compelling Circumstances," pursuant to the "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n.1(D), within of Title 18, 3582, and now all of Appellant's Title 18, Sec. 3553(a) factors do favor his motion for "Sentence Reduction," pursuant to "Compassionate Release." See the First Step Act, Title 18, 3582(c)(1)(A)(i), U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D). Note, that the Appelle ruled that the only reason Appellant now briefed this Stacking issue, was to create a "Collateral Attack" on his conviction; and to support this off point legal issue, misquoted two unrelated civil cases in the "DENIAL ORDER (Doc. 373, pg 10); that were both totally off legal point, thus not worth further mention; as the only current legal briefed issue now briefed before this court, has nothing to do with any so-called "Collateral Attack"; as this deflection was done so that the Appelle would not have to now address the "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n.1(D), within the "First Step Act," Title 18, Sec. 3582(c)(1)(A)(i), to create another Title 18, 3553(a) factor, to provide deserved "Emergency Relief."

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 d. When Appellant filed "Emergency Release Motion" (366), he did not know that "Bulk

"Stacking" was a Title 18 3553(a) factor that must be addressed pursuant to the First Step Act's, "Catch-All Provision"; Title 18, 3582(c)(1)(A)(i), U.S.S.G. Sec. 1B1. 13 cmt. n. 1.(D). Thus, Appellant only now brings up the fact that he was "BULK Stacked" in both of his Emergency Release Motions (366 and 372), because he learned that being "BULK Stacked" was a factor that must be considered when providing relief pursuant to the "Catch-All Provision," in the First Step Act; Title 18, 3582(c)(1)(A)(i), U.S.S.G. Sec. 1B1. 13 cmt. n.1(D) Also the USA had the responsibility to legally have addressed "Stacking as a Title 18, Sec. 3553 Factor," that was created by the "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D), of the "First Step Act," Title 18, 3582(c)(1)(A)(i), in her diatribe concerning Appellant not having any Title 18, 3553(a) factors; therefore, Appellant did add the fact that "he was "BULK Stacked," as a Title 18, Sec. 3553(a) factor, pursuant to the "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D), within the "First Step Act," Title 18, 3582(c)(1)(A)(i), in his "Final Reply Reply Brief" (Doc. No. 366); and then Appellant also immediately filed "Emergency Motion Number Two" (Doc. 372), placing only the "BULK Stacking" as a Title 18, 3553(a) issue, that must be addressed pursuant to the "First Step Act's," "Catch-All Provisions," U.S.S.G. Sec. 1B1. 13 cmt. n.1(D). See Title 18, 3582(c)(1)(A)(i).

e. In the Bryant Case (Supra) the court stated; ". . . based {2020 U.S. Dist. LEXIS 13} on the above consideration, and in light of the principle that a sentence should be "sufficient, but not greater than necessary" See 18, U.S.C. 3553(a) the court finds that the Sec. 3553(a) factors weight in favor of reducing Bryant's Sentence pursuant to Title 18, U.S.C. Sec. 3582(c)(1)(A)(i). combined with the "extraordinary and compelling" fact that most of Bryant's lengthy sentence resulted from the now-eliminated practice of "stacking" . . . sentences, the court concludes that Bryant is entitled to "Compassionate Release."" Therefore, Defendant is also entitled to "Compassionate Release."

f. In the Bryant case (Supra) the court addresses how Bryant actually got his "Bulk of Stacked Sentences," as the court obviously thought it was important in respect to providing relief pursuant to the First Step Act. Title 18 3582(c)(1)(A)(i). Therefore, in the "Bryant Case," the court was mandated to "Bulk Stack," "Bryant's counts," and in "Appellant's Case," at Bar, the court was mandated to not have "Bulk Stacked" these counts (See Title 18, 3583(b)); as they were to all have run "Concurrent" from sentencing. Therefore, Appellant has an even stronger legal position than Bryant's, as it really should not matter if the Stacking was mandated or done wrongfully in a scheme to have canceled "Strict Adherence" to the "Statutory Law," See Title 18, 3584(b); as what really matters is that having a "BULK Stack, of counts," now provides a new avenue of relief and another factor to be considered under the First Step Act's "Catch-All Provision." Title 18, 3582(c)(1)(A)(i), U.S.S.G. Sec. 1B1. 13 cmt. n. 1 (D).

FIRST STEP ACT, LEGAL STANDARDS

a. Appellant therefore, immediately filed the "Second Emergency Motion," under the "First Step Act"; to allow the USA a chance to directly respond, briefing only "Bulk Stacking" issue, pursuant to the "First Step Act's "Catch-All Provision," U.S.S.G. Sec.

1B1. 13 cmt. n.1(D), Title 18, 3582(c)(1)(A)(i), as Appellant determined that he does meet the "Extraordinary and Compelling Circumstances," for a "Sentence Reduction" based on the fact

that the "BULK of his sentence," was based on the "stacked [three Title 18, Sec. 373 and three Sec. 3147] charges"; as part of the {2020 U.S. Dist. LEXIS} "First Step Act," Congress has amended . . . to eliminate the practice of "stacking sentences this way." (Bryant Supra). See Keith Bryant and Craig Lamont Scott (Supra); where the court addresses the "BULK of Stacked Charges," in regards to this specific "stacking issue," pursuant to relief under the "Catch-All Provision, U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D), within the "First Step Act's," Title 18, 3582(c)(1)(A)(i). Therefore, it is plain to see that Appellant, now meets the "Extraordinary and Compelling Circumstances," for "Sentence Reduction," as the "BULK of Appellant's Sentences," were wrongfully from sentencing "Stacked (X6). Further, the Appelle initially violated Title 18, 3553(a) and Title 18, 3584(b) to have wrongfully stacked three, Title 18, Sec. 373 (attempted/threats) sentences upon the so-called original Tax Charges, then stacked two more Title 18, Sec. 373 (attempted/threats) sentences via using a superseding indictment, upon the first Title Title 18, Sec. 373 (attempted/threats) case, (that covered only July, 2002); then stacked three additional sentences of Title 18, Sec. 3147, to all of these other charges, which in fact created this "BULK Stacked Sentence Scheme" (X6). Note, that Appellant was sentenced to three Title 18, Sec. 3147's, even though the jury never heard it or voted on it ("Apprendi - violation); and this Title 18, Sec. 3147 statutes never legally pertained to Appellant's Case at Bar.

b. Sometimes it is what is not said or hidden that is of primary importance; as it can be seen that the Appelle hid and never mentioned Title 18, Sec. 3584(b), at every turn, which mandated from sentencing, that all of Appellant's counts were to have been run "Concurrent. Thus, the Appelle's "Sentencing Scheme" now consists of having been originally sentenced wrong in direct violation of Title 18, 3584(b) and Sec. 3553(a); which was justified using a wrongful "Sentence Scheme" of "False Character and History," for Appellant; and using an unsubstantiated, "False Evidence Scheme," to justify a "False Sentencing Scheme," violated Appellant's "Constitutional Right's," under the "Fifth Amendment's Due Process Clause."

It is interesting to note that the Appelle used the standard of violence standard, that was totally justified to be violence by the very same said Title 18, (attempted/threats) Case at Bar, as applied; as no other past information or evidence of violence on the record was used to establish Appellant's past "Character," and/or "History," pursuant to Title 18, 3553(a). Therefore, it is the originally wrongful stacking of six sentences based on using the wrong "Crime of Violence Standard," along with new congressional changes found within the "First Step Act's," "Catch-All Provision," U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D), within Title 18 Sec. 3582(c)(1)(A)(i), that now qualify as providing the "Extraordinary and Compelling Circumstances" needed to establish the right for a "Sentenced Reduction," pursuant to "Emergency Relief."

c. Therefore, there were two separate trials that were shortly merged to create one total stacked case at sentencing. Note here that all of the accusations made during the first trial were all non-violent in nature; and the accusations made during the second trial concerning making attempted threats (Title 18 373), were and now have become non-violent in nature, as to make an "Attempted Threat," is not a crime of violence. Concerning the new "Violence Standard" used, to justify violence, Appellant believes that Appelle had information that Appellant was actually innocent of all three of the Title 18, Sec. 18 373 (attempted/threat) counts, before the trial started, and that the Appelle knew that there was never any provable violence; as Appelle, knew the Chief Witness Mr. Swisher, had been in a Coma in the VA Hospital in Spokane WA (July 2002); and this is why the Appelle and the USA's had brought forward a Superseding Indictment to

cancel Appellant's "July Alibi Motion" (See Court Doc. "Alibi"), and it was this wrongful "Superseding Indictment," that was created for the sole purpose of canceling Appellant's "July Alibi," that actually created the wrongful "BULK of Stacked" "BULK Sentences," in the first place; and this is why the Appelle hid Mr. Swisher's exculpatory medical history from the jury; and all of this is now a proven fact, as Mr. Swisher two years after Appellant's trial was found guilty in Montana Federal Court, for most of the same said lies that were told at Appellant's trial; as Mr. Swisher was found guilty of "Stolen Valor" (Mr. Swisher testified he was a Korean War Vet, but was only 14 years old); and theft of government funds (collected VA Disability Check); and theft of VA Medical Benefits (June through Nov. 2002), while in the VA Hospital (July, 2002), in a coma. In summary here the Appelle used this very same said "Crime of Violence Standard," to justify sending Appellant directly to the ADX in Colorado; Appelle thus even now continues to proffer his own bias theory to support his own personal version of a "Crime of Violence Standard"; and now in his newest "DENIAL ORDER" (Doc. 373), he proffers that Appellant hired Mr. Swisher (who he knew was in a coma, in July 2002), to commit these "Crimes of Violence"; and of course, Appellant never left the U.S., so that he could have had these so-called meetings to seek violence with Mr. Swisher (July 2002)(Cynical Emphasis Provided). It is apparent that the Appelle's wrongful justification for his new standard for a "Crime of Violence Standard," to now deny Appellant's Motion pursuant to the First Step Act (Supra), does not pass the smell bad test; and now in the Appelle newest "DENIAL ORDER," he has FORGOTTEN the so-called "JULY 2002" Title 18, Sec. 373 (attempted/threat) count.

d. Also Note that the Congress in Title 18 3582(c)(1)(A)(i); has cancelled stacking in many circumstances including Title 18, Sec. 373, as Sec. 373 is for an attempt to make a so-called threat, and without a "Predicate Act," these counts are now deemed by the U.S., S. Ct., as no longer being violent; as the U.S., S. Ct, since sentencing further made all sentences pursuant to 16(b) in the "Sentencing Guidelines," as being non violent in Nature. See "DIMAYA" 138 S. Ct. 1204 (2018); and the trial court used 16(b), to sentence Appellant as being violent; In DAVIS the U.S., S. Ct, ruled; "that conspiracies to commit crimes of violence are not crimes of violence . . . and Title 18 USC 16(b) . . . was unconstitutionally vague." See U.S. v. DAVIS, No. 18-431, 2019 LEXIS 420 (June 2019). Therefore, Appellant's crimes that were never violent originally have now been deemed by the U.S. Congress pursuant to the First Step Act as being non-violent; and the U.S., S. Ct., pursuant to changes in "Statutory Interpretation" (i.e. 16(b) and DAVIS, Supra), have deemed these three Title 18, Sec. 373 attempted threat cases as being non-violent. Therefore, pursuant to the "original statute (Sec. 3553(a) and Sec. 3584(a)(b), and now the "Catch-All Provision, U.S.S.G. Sec. 1B1. 13 cmt. n. 1(D), within Title 18 3582(c)(1)(A)(i), Appellant is now entitled to "Sentence Reduction," pursuant to "Compassionate Relief," as there is no past History of Violence anywhere on the record.

e. Appellant believes that the Appelle wrongfully ruled against Appellant's "Emergency Motion for Compassionate Release," in light of the COVID-19 pandemic. See Case No. 1:04-cr-00127-RCT, Doc. 366; and further refused to even consider addressing the "Sentencing Reduction" in "Emergency Motion Number Two," Doc 372, concerning the "BULK Stacking" and wrongful stacking and how it effects "Compassionate Release," pursuant to the "Catch-All Provision, US.S.G. Sec. 1B1. 13 cmt. n 1(D), within the "First Step Act (Title 18, Sec. 3582(c)(1)(A)(i)). See Keith Bryant (Supra). Note, Appellant noticed that Appelle had removed the (i) from the end of 3582(c)(1)(A)(i), when quoting why he was denying Appellant's Motions,

and Appellant believes this was done so that his ruling would be technically correct, even when wrong, and in Appellant's opinion this was disingenuous; and now Appelle in both of his "DENIAL MOTIONS, (366 and 372), has created a whole new "Legal Standard"; as he now refers to the creation of this wrongful "Stacking Scheme," as being the "CONSOLIDATED STANDARD." Therefore, it seems that Appelle believes that his new "CONSOLIDATED STANDARD," now cancels the new "Stacking Standards," found within the "First Step Act (Cynical Emphasis Provided); and Appellant thinks that this is also disingenuous. Therefore, the main issue to be addressed in this Direct Appeal is that the Appelle has in the past, and now in these two instant motions of denial, again is using the same "False Crime of Violence Standard Scheme," to continue to create and use a "False past History and Character Narrative," for the Appellant; and then use this "False Character and History Narrative," to justify, a wrongful stack of "BULK Sentences," based on the non-existent/unsubstantiated claims of violence; and now is using this "False Character and History Narrative," to further justify having to not address this wrongful stacking of "BULK Sentences," pursuant to providing "Sentence Reduction," pursuant to "Compassionate Release," pursuant to "Emergency Relief," as is provided by the "Catch-All Provision, U.S.S.G. Sec. 1B1. 13 cmt. n.1(D), within the First Step Act (Title 18 Sec. 3582(c)(1)(A)(i); and now the Appelle has ruled that Appellant must file a 2255 (and attempt to get a COA). Note that in the Bryant Case the court excepted the Motion the "Sentence Reduction," under "Compassionate Release," pursuant to "Bryant" having had his sentences "BULK Stacked," pursuant to the "First Step Act; and the court never demanded that Bryant file a 2255 (to get a COA) (Bryant Supra). Therefore, it is plain to see the Congress meant for the First Step Act to provide a new avenue of relief going forward (from 2019). Therefore. this whole wrongful "Sentencing Scheme" was supported from the beginning, by the Appelle using the wrong "Crime of Violence Standard," that was totally based on using the "False Character" and "History" on Appellant, and now this "False Sentencing Scheme," is being used again to deny relief under the "First Step Act" (Supra); and by the fact that the Appelle avoids briefing, Title 18 3484(b) thereafter; and now the Appelle is ignoring the "First Step Act's effect on Appellant's deserved "Emergency Relief." Therefore, in summary here Appelle has violated Appellant's, "Constitutional Rights" under the "Fifth Amendment's Due Process Clause," when the Appelle failed to redress the statutory stacking of Appellant's Sentence under, the "Catch-All Provisions," U.S.S. Sec. 1B1. 13 (D) within the "First Step act," Title 18, Sec. 3582(c)(1)(A)(i); and Title 18, Sec. 3584(b); and Sec. 3553(a).

f. Therefore, when the Appelle ruled that Appellant does not meet the BOP criteria, as defined in the "Program Statement," he would still have been eligible for "Emergency Release," "as Appellant has demonstrated "Extraordinary and Compelling Reasons," to "seek[s] release under catch-all provision U.S.S.G. Sec. 1B1. 13 cmt. n. 1 (D) (Bryant Supra); as Appellant has demonstrated "Extraordinary and Compelling Reasons" for a "Sentence Reduction," focused on the fact that the "BULK of his Sentence," was based on Title 18 373 "Stacked" . . . charges."" (Bryant Supra).

g. In U.S. v. Keith Bryant (Supra), the court stated; when Bryant was sentenced, "the sentencing judge was required to tack 45 years on to Bryant's sentence." "The portion of the "First Step Act amending . . . is titled "clarification of . . . of Title 18" United States Code. "See First Step Act, Sec. 403, suggesting that Congress never intended the statute to result in a "stacked" {2020 U.S. Dist. LEXIS 9} sentence like Bryant's - See Haynes, 2020, U.S. Dist.

LEXIS 71021, 2020 WL 1941478 at *16. Accordingly pursuant to its independent discretion, the court finds that Bryant's continued incarceration under a "sentence scheme" that has since been substantially amended is a permissible "extraordinary and compelling reason," to be considered for "compassionate release." 5." Therefore, the "First Step Act," now provides Appellant with permissible "Extraordinary and Compelling Reason," to be considered for "Compassionate Release."