

UNITED STATES COURT OF APPEALS

October 4, 2021

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CONNIE EDWARDS,

Defendant - Appellant.

No. 20-3209
(D.C. No. 2:12-CR-20015-DDC-1)
(D. Kan.)

ORDER AND JUDGMENT*

Before **BACHARACH, MORITZ, and EID**, Circuit Judges.

This case concerns the risks from COVID-19 for prisoners with serious illnesses. Ms. Connie Edwards is one of these prisoners, fearing the spread of COVID-19 while she is serving a 300-month prison term for drug crimes. *See* 21 U.S.C. § 841(a), (b)(1)(C).

* Oral argument would not materially help us in deciding the appeal, so we have decided the appeal based on the briefs and the record on appeal. *See* Fed. R. App. P. 34(a)(2)(C); 10th Cir. R. 34.1(G).

Our order and judgment does not constitute binding precedent except under the doctrines of law of the case, *res judicata*, and collateral estoppel. But the order and judgment may be cited for its persuasive value under Fed. R. App. P. 32.1(a) and 10th Cir. R. 32.1(A).

During her life, Ms. Edwards has endured many of the illnesses that heighten the risks from COVID-19: cancer, chronic kidney disease, chronic obstructive pulmonary disease, hypertension, obesity, and Type 2 diabetes mellitus. The risks appeared particularly grave to Ms. Edwards because of her age (68 years old). So she moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), as amended by the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. The district court denied her motion.

This statute directs the district court to consider whether

- “extraordinary and compelling reasons warrant” a sentencing reduction,
- a reduction would be “consistent with applicable policy statements issued by the Sentencing Commission,” and
- a sentence reduction is warranted under the sentencing factors in 18 U.S.C. § 3553(a).

18 U.S.C. § 3582(c)(1)(A).

In support, Ms. Edwards pointed not only to her chronic illnesses but also to her age (68), her lack of a criminal record, her work tutoring other prisoners, and her plans to live with her sister upon release.

The district court denied the motion, concluding that the § 3553(a) factors weighed against a sentence reduction. The court acknowledged that Ms. Edwards’s serious illnesses supported early release. But the court concluded that this factor was dwarfed by the seriousness of Ms.

Edwards's offense and her failure to serve even 32% of her sentence. R. at 216–17.

On appeal, Ms. Edwards argues that the district court erred by failing to consider the first step of the § 3582(c)(1)(A) inquiry: “whether extraordinary and compelling reasons warrant [a sentencing reduction].” 18 U.S.C. § 3582(c)(1)(A). We recently rejected this argument in *United States v. Hald*, explaining that “there is no reason to mandate any particular order for the three steps.” *United States v. Hald*, 8 F.4th 932, 942 (10th Cir. 2021). There the defendants argued that the court should have considered the existence of extraordinary and compelling reasons before going to the § 3553(a) factors. We disagreed: “If the most convenient way for the district court to dispose of a motion for compassionate release is to reject it for failure to satisfy one of the steps, we see no benefit in requiring it to make the useless gesture of determining whether one of the other steps is satisfied.” *Id.* at 942–43.

The district court need not address all three steps when denying a § 3582(c)(1)(A) motion. But the court must still consider all of the relevant facts. *Id.* at 937. The district court did so here, fully considering the facts that Ms. Edwards had characterized as extraordinary and compelling—her chronic illnesses and the risks created by COVID-19. But the court reasonably found that other § 3553(a) factors outweighed the grounds urged by Ms. Edwards. Under *Hald*, the court did not err by skipping ahead

to these factors. We thus affirm the denial of Ms. Edwards's motion for a reduction of sentence.

Entered for the Court

Robert E. Bacharach
Circuit Judge