

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

September 19, 2023

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DETREK MANCHEL TUCKER,

Defendant - Appellant.

No. 22-6146
(D.C. No. 5:10-CR-00056-F-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

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

Detrek Manchel Tucker appeals the district court’s order denying his motion for compassionate release. *See* 18 U.S.C. § 3582(c)(1)(A)(i). We affirm.

Background

A jury convicted Mr. Tucker of several drug and firearm offenses. He received a sentence totaling 262 months. More than ten years later, he sought compassionate release. He highlighted changes to the sentencing guidelines that

* After examining the briefs and appellate record, this panel has determined unanimously to honor the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

have occurred since the court imposed his sentence. He argued that those changes would result in a much shorter guidelines range (120–150 months) if he were sentenced now compared to his actual range (210–262 months) many years ago. He also argued, among other things, that he suffered significant trauma in his youth; that he suffered racial oppression; that, at nearly fifty years old, he presented a lower risk for recidivism than younger offenders; that he had been rehabilitated; and that he had his family’s support and a reentry plan.

A court may reduce a sentence under the relevant compassionate-release provision if “extraordinary and compelling reasons” warrant the reduction; the “reduction is consistent with applicable policy statements” from the Sentencing Commission; and after considering any applicable factors in 18 U.S.C. § 3553(a), the court determines that the particular circumstances of the case warrant a reduction. § 3582(c)(1)(A)(i); *see also United States v. Hald*, 8 F.4th 932, 937–38 (10th Cir. 2021), *cert. denied*, 142 S. Ct. 2742 (2022).¹

The district court denied Mr. Tucker’s motion for two alternative reasons. First, it found that Mr. Tucker did not show extraordinary and compelling reasons for his release. Second, it found that the factors in § 3553(a) weighed against a shorter sentence.

¹ When a district court rules on a compassionate-release motion filed by a defendant, such as Mr. Tucker’s motion, its discretion is not currently limited by any Sentencing Commission policy statement. *See Hald*, 8 F.4th at 938 n.4.

Discussion

We review the denial of a compassionate-release motion for an abuse of discretion. *See United States v. Hemmelgarn*, 15 F.4th 1027, 1031 (10th Cir. 2021). A district court abuses its discretion if it relies on an incorrect legal conclusion or a clearly erroneous factual finding. *Id.*

Mr. Tucker challenges both reasons the district court gave for denying his motion. But we need not review the district court's conclusion that Mr. Tucker failed to show extraordinary and compelling reasons for relief because we cannot overturn its decision that the § 3553(a) factors weighed against a reduced sentence.

The § 3553(a) factors include the offense's nature and circumstances; the defendant's history and characteristics; and the needs to have the sentence reflect the seriousness of the offense, to deter crime, to provide just punishment, to protect the public, and to avoid unwarranted sentence disparities. When the district court discussed its assessment of the § 3553(a) factors, it mentioned Mr. Tucker's criminal history, his age, his projected release date, his prison disciplinary history, and his security classification and recidivism risk.

Mr. Tucker contends that the district court erroneously evaluated the § 3553(a) factors because it "merely recounted the considerations that supported the original sentence." Aplt. Br. at 19. This contention is refuted by the record. Although the district court mentioned some information available at the original sentencing hearing (for example, Mr. Tucker's criminal history), it also mentioned other information available only since then (for example, Mr. Tucker's prison disciplinary history).

True enough, the district court did not mention in its discussion of the § 3553(a) factors all the information that Mr. Tucker presented in support of his motion. It did not mention, for example, Mr. Tucker’s familial support, his reentry plan, or the legal changes that would produce a lower guidelines range if he were sentenced today. Even so, we have no reason to think the district court disregarded that information when it considered the § 3553(a) factors. After all, the district court mentioned that information in the paragraph immediately preceding its discussion of the § 3553(a) factors. In any case, the district court did not need to mention every fact relevant to its analysis. It needed to say only enough to satisfy us that it had considered the parties’ arguments and that it had a reasoned basis for its decision. *See Hald*, 8 F.4th at 948. And it did that.

Conclusion

We affirm the district court’s order.

Entered for the Court

Joel M. Carson III
Circuit Judge