

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 2, 2022*
Decided December 12, 2022

By the Court:

No. 22-2194

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Central District of Illinois.

v.

No. 13-10048

ANTONIO D. CRAWFORD,
Defendant-Appellant.

James E. Shadid,
Judge.

ORDER

Antonio Crawford, who now goes by “Asia,” appeals the denial of her motion for compassionate release from federal prison based on violence, especially rape, that she fears as a transgender woman in an all-male, maximum-security prison. 18 U.S.C. § 3582(c)(1)(A)(i). Without addressing whether this was an extraordinary and compelling reason, the district court concluded that the sentencing factors in 18 U.S.C. § 3553(a) did not support release because of Crawford’s recent and serious criminal history. Because the district court did not abuse its discretion, we affirm.

In 2011, at age 21, Crawford was convicted in state and federal court of charges related to a bank robbery and attempted bank robbery, both armed, and began serving

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

concurrent federal and state sentences in an Illinois state prison. At the time of the robberies, she was on parole for a prior adult conviction for burglary and had juvenile convictions for receiving or possessing stolen property, criminal damage to property (three times), burglary (four times), residential burglary, vehicular burglary, theft, battery, and unlawful possession of a firearm. While serving her sentences at the Hill Correctional Center in Galesburg, Illinois, she mailed three threatening letters to the Clerk of the United States District Court for the District of Maine in Portland. In those letters, she (then still identifying as a man) invoked her membership in the Vice Lords gang and threatened to assassinate judges and prosecutors if an unnamed “Brother” received a long prison sentence, and to rape the prosecutor in charge of that case. In response, the U.S. Marshals interviewed Crawford and she repeated the threats. Crawford later pleaded guilty in the Central District of Illinois to mailing threatening communications in violation of 18 U.S.C. § 876(c). The court sentenced her to 70 months’ imprisonment, the low end of the guidelines range, and we dismissed her appeal as frivolous under *Anders v. California*, 386 U.S. 738 (1967). *United States v. Crawford*, 665 F. App’x 539 (7th Cir. 2016).

Last year, about three years before her projected federal release date in 2024, Crawford moved for compassionate release. She asserted that the danger she faces as a transgender woman in an all-male prison—the United States Penitentiary in Tucson, Arizona—is an extraordinary and compelling reason for a sentence reduction under § 3582(c)(1)(A)(i). She also argued that her “clear” record since 2012 and her participation in a traumatic stress and resilience group supported her release. The district court denied the motion without deciding whether she presented an extraordinary and compelling circumstance, concluding that discretionary sentencing did not support release. The court recounted the threatening conduct that led to her conviction, outlined her criminal history from the age of 12, and explained: “Given the Defendant’s serious and violent conduct, a release would not be appropriate after considering the § 3553 factors.” Crawford appeals, and we review the denial of her motion for abuse of discretion. *United States v. Sarno*, 37 F.4th 1249, 1253 (7th Cir. 2022).

Crawford again asserts that the risk of violence she believes she faces in prison merits her release, but the district court did not err by declining to decide whether this was an extraordinary and compelling reason under the statute. A court may deny a prisoner’s compassionate-release motion based on the § 3553(a) factors even if it does not consider whether the defendant has an extraordinary and compelling reason for release. 18 U.S.C. § 3582(c)(1)(A); see *Sarno*, 37 F.4th at 1253.

Regarding the § 3553 factors, Crawford contends that the district court should have considered her rehabilitation since her last offense and the fact that her past convictions occurred before she was 25 years old, when the human brain fully develops. She waived the latter argument, however, because she did not mention her age at the time of her past convictions as a relevant factor in the district court, and she cannot raise it for the first time on appeal. See *United States v. McDonald*, 981 F.3d 579, 581 (7th Cir. 2020). Further, the court did not abuse its discretion by not addressing Crawford’s assertion that she has been rehabilitated. The court was not obligated to address every issue, *Sarno*, 37 F.4th at 1253–54, and here, Crawford simply stated in her amended motion that “she has had clear conduct since June of 2012” and “has completed the Traumatic Stress & Resilience Group ... and received a certificate.” The court did not acknowledge these assertions, but it assessed Crawford’s individual circumstances, such as the facts underlying her convictions, and provided at least “one good reason” for its decision. *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022); see *United States v. Sanders*, 992 F.3d 583, 588–89 (7th Cir. 2021).

Further, we would be remiss not to note that, despite having a record “clear” of disciplinary infractions in prison, in November 2012 Crawford sent the threats that led to her conviction in this case *from prison*, and she now threatens “vengeance” if her appeal does not succeed. We would not fault the district judge for doubting her declaration of rehabilitation, as we do.

Relatedly, because we have noted at least one threat in Crawford’s brief—that not being let out of prison early will cause her “to have a vengeance upon [her] release to the ‘so-called’ Justice system and society”—we caution Crawford that further threats in her legal filings may result in sanctions.

AFFIRMED