

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 4:00-cr-20-CDL-AGH
	:	
SAUNDRA ANN FERRELL,	:	
	:	
Defendant.	:	

REPORT AND RECOMMENDATION

Before the Court is Defendant Sandra Ann Ferrell’s second motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A) (ECF No. 193). For the following reasons, it is recommended that the motion be denied.

BACKGROUND

On January 31, 2001, Defendant was found guilty by a jury of first degree murder (ECF No. 32). Following her conviction, she was sentenced to life imprisonment (ECF No. 35). The Court received Defendant’s first motion for compassionate release (ECF No. 164) on October 19, 2022. In its recommendation that Defendant’s first motion be denied, the Court outlined Defendant’s efforts over the years to get out of prison through almost every legal remedy imaginable—all without success. R. & R. 1-3, Apr. 12, 2023, ECF No. 173. After the Court recommended denial of her first motion, Defendant objected (ECF No. 176), and then after the recommendation was adopted (ECF No. 180), she attempted to appeal (ECF No. 182) to the United States Court of Appeals for the Eleventh Circuit. The Eleventh Circuit dismissed her appeal on April 9, 2024 (ECF No. 191). Undeterred,

Defendant filed her second motion for compassionate release (ECF No. 193), which the Court received on May 23, 2024. The Government responded in opposition on July 22, 2024 (ECF No. 199). Defendant's motion is ripe for review.

DISCUSSION

I. Legal Standard for Compassionate Release

A district court “may not modify a term of imprisonment once it has been imposed except’ under certain circumstances.” *United States v. Harris*, 989 F.3d 908, 909 (11th Cir. 2021) (quoting 18 U.S.C. § 3582(c)). One such circumstance is the compassionate release exception provided in 18 U.S.C. § 3582(c)(1)(A). *Id.* at 909-10. Under that section, a prisoner may obtain compassionate release if, “after considering the factors set forth in [18 U.S.C. § 3553(a)],” the district court finds that “extraordinary and compelling reasons warrant such reduction . . . and that such reduction is consistent with applicable policy statements issued by the Sentencing Commission[.]”¹ 18 U.S.C. § 3582(c)(1)(A)(i). A defendant bears the burden of proving entitlement to compassionate release. *See United States v. Mantack*, 833 F. App'x 819, 819-20 (11th Cir. 2021) (citing *United States v. Green*, 764 F.3d 1352, 1356 (11th Cir. 2014)).

The Sentencing Commission's policy statement for compassionate release is found at U.S.S.G. § 1B1.13. This policy statement was amended effective November 1, 2023. U.S.S.G. Manual Suppl. to App. C, Amendment 814 (Nov. 1, 2023). Under

¹ In addition to extraordinary and compelling reasons warranting a reduction, compassionate release may also be granted to a defendant who is at least 70 years old and has served at least 30 years in prison pursuant to a sentence imposed under 18 U.S.C. § 3559(c). 18 U.S.C. § 3582(c)(1)(A)(ii). This provision is inapplicable to Defendant.

the policy statement, a defendant must show that she “is not a danger to the safety of any other person or to the community, as provided in 18 U.S.C. § 3142(g).” U.S.S.G. § 1B1.13(a)(2). Further, a defendant must show that “extraordinary and compelling reasons warrant the reduction.” *Id.* § 1B1.13(a)(1)(A). Finally, the policy statement as amended provides six circumstances that constitute extraordinary and compelling reasons for a sentence reduction. *Id.* § 1B1.13(b). These are: 1) a qualifying medical circumstance of the defendant, 2) the age of the defendant, 3) family circumstances of the defendant, 4) the defendant was the victim of abuse by an individual with custody or control over the defendant, 5) other circumstances that are similar in gravity to the circumstances described in circumstances 1-4, and 6) the defendant is serving an “unusually long sentence” and a change in the law would produce a “gross disparity” in that sentence and the one that would likely be imposed at the time the defendant’s motion was filed. *Id.*

II. Defendant Fails to Show a Qualifying Circumstance for Compassionate Release

Defendant filed her first motion for compassionate release prior to the November 1, 2023 amendment referenced above. Relying on the version of § 1B1.13 in effect at that time, Defendant sought compassionate release based on various medical conditions and the risk posed by Covid-19 in light of these conditions. 1st Mot. for Compassionate Release 4, 12-14, ECF No. 164. She also relied on the “other reasons” circumstance provided in the pre-amendment version of § 1B1.13, though she did not specify what these other reasons were. *Id.* at 4. As the Court noted in its previous recommendation, Defendant’s first motion was “twenty-one pages and

include[d] criticisms of the prosecutor, discussion of changes in the sentencing guidelines, citations to other cases where convicted murderers were granted compassionate release, and declarations of her rehabilitation.” R. & R. 6, Apr. 12, 2023. In its recommendation, the Court concluded that Defendant’s medical condition did not qualify for compassionate release. *Id.* at 5-6. The Court also explained that the then-applicable version of § 1B1.13 only allowed the BOP—not district courts—to determine whether a defendant’s case qualified as an extraordinary and compelling circumstance under the “other reasons” provision. *Id.* at 6.

In her second motion for compassionate release, Defendant identifies two circumstances she contends qualify as “extraordinary and compelling.” 2nd Mot. for Compassionate Release 1-2, ECF No. 193. The first is that pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the United States Sentencing Guidelines (“U.S.S.G.” or “Guidelines”) are no longer mandatory, and hence, “the sentencing Court would now have the discretion to give more meaningful consideration to the other sentencing factors at play.” *Id.* at 1. Second, she argues that “a drastic sentencing disparity between co-defendants” qualifies as an extraordinary and compelling circumstance. *Id.* at 2. Defendant’s motion is meritless.

Defendant does not cite any specific circumstance listed in the amended § 1B1.13, but in theory, the “other reasons” and “unusually long sentence” provisions would be the most likely candidates supporting Defendant’s release. Unfortunately for her, they do not. Among other requirements, the “unusually long sentence”

circumstance requires that there have been “a change in the law” that “would produce a gross disparity between the sentence being served and the sentence likely to be imposed” now. U.S.S.G. § 1B1.13(b)(6). However, the statutorily mandated penalties for a defendant convicted of first degree murder—which Defendant was—are still death or imprisonment for life, so the non-mandatory nature of the Guidelines is irrelevant. 18 U.S.C. § 1111(b).

Regarding the “other reasons” circumstance, the amended version of § 1B1.13 is not limited to those determined by the BOP but instead allows a Court to grant compassionate release when a “defendant presents any other circumstance or combination of circumstances that, when considered by themselves or together with any of the reasons described in paragraphs (1) through (4), are similar in gravity to those described in paragraphs (1) through (4).” U.S.S.G. § 1B1.13(b)(5). However, “[t]his ‘catch-all’ exception to the fundamental principle that lawful sentences should not be disturbed must be applied sparingly” and the circumstances presented “must be as extraordinary and compelling as those circumstances specifically stated by the Commission in its policy statement.” *United States v. Cannon*, 4:95-cr-30-CDL-AGH, --F. Supp. 3d--, 2025 WL 326065, at *6 (M.D. Ga. Jan. 29, 2025).

Other than referencing “sentencing disparities amongst co-defendants,” Defendant does not explain why she believes her circumstances are of such gravity to qualify for release, but based on attachments to her motion, she appears to rely on a traumatic childhood, supposed prison rehabilitation, and continuing criticism of the prosecutor. Def.’s Attach., ECF No. 193-1. She also blames the deceased victim for

her crime. *Id.* at 6. None of these are “similar in gravity” to the specifically enumerated circumstances allowing for compassionate release, and the Court notes that Defendant did not have a co-defendant. Additionally, any defendant convicted of first degree murder would—at a minimum—be sentenced to life in prison. Therefore, Defendant fails to show an extraordinary and compelling reason warranting a sentence reduction. U.S.S.G. § 1B1.13(a)(1)(A).

III. The 18 U.S.C. § 3553(a) Factors Weigh Against Defendant’s Release

Even if Defendant did show a qualifying circumstance for compassionate release—which she does not—compassionate release is inappropriate after considering the factors set forth in 18 U.S.C. § 3553(a). These factors include:

(1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (3) the need for the sentence imposed to afford adequate deterrence; (4) the need to protect the public; (5) the need to provide the defendant with educational or vocational training or medical care; (6) the kinds of sentences available; (7) the Sentencing Guidelines range; (8) the pertinent policy statements of the Sentencing Commission; (9) the need to avoid unwanted sentencing disparities; and (10) the need to provide restitution to victims.

United States v. Macli, 842 F. App’x 549, 552 n.1 (11th Cir. 2021) (citing 18 U.S.C. § 3553(a)). In denying Defendant’s first motion for compassionate release, the Court explained why the § 3553(a) factors counseled against her release:

The first three factors listed above—codified at 18 U.S.C. § 3553(a)(1), (2)(A), and (2)(B)—weigh decisively against Ferrell. The facts of this case are especially heinous. According to the evidence, Ferrell’s victim was bound at the wrists and ankles and dumped alive into the Chattahoochee River to drown. Gov’t Ex. 2, at 3, ECF No. 172-1. The victim was chosen at random and killed in cold blood. *Id.* Further,

prior to committing this crime, Ferrell had been convicted of assault with intent to murder along with threats and burning of a dwelling. *Id.* at 6-7. Compassionate release or reduction of Ferrell's sentence by the Court would not reflect the seriousness of the offense or her violent criminal history, promote respect for the law, serve as a deterrent, or provide just punishment for her crimes. Finally, the Court has considered the remaining factors in § 3553(a) and, to the extent they are applicable, finds that none of them provide sufficient weight to justify Ferrell's release.

R. & R. 7-8, Apr. 12, 2023. Nothing in Defendant's current motion leads to a different conclusion. Thus, as an additional and alternative ground for denial of Defendant's second motion for compassionate release, the Court finds that even if she established extraordinary and compelling reasons, release is not warranted after consideration of the § 3553(a) factors.²

CONCLUSION

For the foregoing reasons, it is recommended that Defendant's second motion for compassionate release (ECF No. 193) be **DENIED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, within fourteen (14) days after being served with a copy hereof. The district judge shall make a de novo determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are hereby notified that, pursuant to Eleventh Circuit Rule 3-1, "[a] party failing to object to a magistrate judge's findings or recommendations

² Because the Court recommends that Defendant's second motion be denied based on an absence of a qualifying circumstance and consideration of the § 3553(a) factors, it does not address the Government's other arguments. Gov't Resp. to 2nd Mot. for Compassionate Release 8-10.

contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice."

SO RECOMMENDED, this 12th day of February, 2025.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE