

The Law Offices of Jason Goldman

275 Madison Avenue, 35th Floor
New York, New York 10016
www.jasongoldmanlaw.com

Jason Goldman, Esq.
Principal Attorney
Admitted in NY & NJ

p. 212.466.6617
f. 212.931.6328
e. jg@jasongoldmanlaw.com

April 8, 2024

BY ECF & EMAIL:

Hon. Mary Kay Vyskocil
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Clyde Hall, 21 Cr. 290 (MKV)*
Sentencing Memorandum

Dear Judge Vyskocil:

A. INTRODUCTION

This letter is submitted on behalf of Clyde Hall in anticipation of his April 22, 2024 sentencing. With this letter, Mr. Hall respectfully requests the mandatory minimum of 60 months' imprisonment, which is "sufficient, but not greater than necessary to comply with the purposes" set forth in 18 U.S.C. § 3553(a)(2) due, in part, to the "nature and circumstances of the offense and the history and characteristics of the defendant," amongst other factors. *See* 18 U.S.C. § 3553(a)(1).

This request is based, in part, on the following: *first*, Mr. Hall has unconditionally accepted responsibility for his criminal conduct; *second*, multiple mitigating factors exist, including the fact that Mr. Hall is now an 85-year-old man at the final stages of his life; and *third*, Mr. Hall has lived a life full of good deeds and service to his family and community. We wholeheartedly urge this Court to allow Mr. Hall the opportunity to spend his final years surrounded by family as opposed to surrounded by the walls of a federal penitentiary.

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B. MR. HALL'S CONVICTION, GUIDELINES RANGE, AND SENTENCING POSSIBILITIES

On August 10, 2023, Mr. Hall entered a plea of guilty to the lesser included offense of Count 1 (Conspiracy to Distribute and Possess with Intent to Distribute Fentanyl), charging a violation of 18 U.S.C. § 846 and 18 U.S.C. § 841(b)(1)(B). As it relates to this count, Mr. Hall's base offense level is 34. Because Mr. Hall accepted responsibility for the offense in a timely matter, three points were deducted from his base offense level (USSG § 3E1.1(a)). In turn, Mr. Hall's resulting total offense level is 31. In light of the amendments made to the November 1, 2023, Guidelines Manual, Mr. Hall's criminal history category is II, with the applicable guidelines range being 121 to 151 months' imprisonment.

It should be emphasized here that the probation department, by way of Mr. Hall's pre-sentencing report, has recommended a sentence well-below the bottom of his guidelines range – a step not always taken by their department. *See PSR at p. 25.* The probation department has recommended a term of 60 months' imprisonment – the applicable mandatory minimum for Mr. Hall's conviction. *Id. at ¶ 85.* Pursuant to USSG § 5G1.3(a), the probation department has recommended that this sentence run consecutively to Mr. Hall's undischarged term of imprisonment.¹ *See PSR at p. 25.* Pursuant to § 5G1.3(a),

If the instant offense was committed while the defendant was serving a term of imprisonment (including work release, furlough, or escape status) or after sentencing for, but before commencing service of, such term of imprisonment, the sentence for the instant offense shall be imposed to run consecutively to the undischarged term of imprisonment.

However, the probation department does not account for 18 U.S.C. § 3584(a), which specifically addresses "multiple terms of imprisonment," and states that "if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms *may run concurrently or consecutively.*" *See 18 U.S.C. § 3584(a)* (emphasis supplied).

¹ At the time of this filing, Mr. Hall is serving an undischarged term of imprisonment on the matter of *United States v. Hall*, No. 07-cr-00406 (RJS) (S.D.N.Y.)

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Therefore, this Court maintains the discretion² to run Mr. Hall's instant sentence concurrent to the undischarged term. *See generally Setser v. United States*, 566 U.S. 231 (2012); *see also United States v. Garland*, No. 22-1517-CR, 2023 WL 6307043, at *2 (2d Cir., Sept. 28, 2023) ("In determining whether to impose a consecutive or concurrent sentence, trial judges can and should consider the Sentencing Guidelines, among other factors. It was proper for the district court to consult the Guidelines, and there is no record evidence that the district court believed them to be mandatory") (internal citations omitted); *United States v. Baca*, 428 F.Supp.3d 800 (D.N.M. 2019) (citing with approval the sentencing court's transcript, which noted that the "Guidelines do not bind the Court and that it *may vary from § 5G1.3(a)* by *imposing a concurrent sentence....* 18 U.S.C. § 3584 also permits the Court to sentence *concurrently or consecutively* [and] directs courts to consider the factors in 18 U.S.C. § 3553(a)") (emphasis supplied) (internal citations omitted); *United States v. Ozsusamlar*, No. 05-cr-1077-1 (RA), 2022 WL 1036959, at *15 (S.D.N.Y. Apr. 4, 2022) (when faced with § 5G1.3(a), "18 U.S.C. Section 3584 gives the court some discretion to impose a concurrent sentence after weighing the factors listed in 18 U.S.C. § 3553(a)"); *Gonzalez v. United States*, No. 02-cr-877 (GEL), 2007 WL 1856625, at *4 (S.D.N.Y. June 27, 2007) (the Court "imposed a sentence that in fact departed from the guidelines by being concurrent with, rather than consecutive to, his state sentence as was *required by the guidelines ...*") (emphasis supplied).

As is clear, this Court, "in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a)." *See* 18 U.S.C. § 3584(b). We will now turn to why those factors counsel in favor of a concurrent sentence for Mr. Hall.

² Even prior to the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), rendering the guidelines advisory in nature, various circuit courts, including the Second Circuit, explicitly "agree[d] that USSG § 5G1.3(a) and 18 U.S.C. § 3584 *are not in conflict*, and that the consecutive sentence 'mandate' of § 5G1.3(a) precludes concurrent sentencing *except insofar as the sentencing judge identifies grounds for a downward departure.*" *See United States v. Perez*, 328 F.3d 96 (2d Cir. 2003) (emphasis supplied).

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C. MR. HALL'S BACKGROUND AND THE NATURE OF THE OFFENSE – APPLICATION OF § 3553 FACTORS

Since the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), the Sentencing Guidelines have been rendered advisory in nature, leaving sentences to the district court's discretion, guided by the Guidelines and the other factors contained within 18 U.S.C. § 3553(a) and bounded by any applicable statutory minimum and maximum. 18 U.S.C. § 3553(a) requires the Court to impose a sentence that is "sufficient, but not greater than necessary." *Id.* As this Court is aware, it must "undertake 'an individualized assessment'" to determine the appropriate sentence, "'based on the facts presented.'" *United States v. Johnson*, 567 F.3d 40, 51 (2d Cir. 2009) (quoting *Gall v. United States*, 552 U.S. 38, 50 (2007)). In making this determination, the Court must "conduct its own independent review of the [§ 3553(a)] factors, aided by the arguments of the prosecution and defense." *United States v. Cavera*, 550 F.3d 180, 189 (2d Cir. 2008). Specifically, the Court shall consider, among other factors:

1. the nature and circumstances of the offense and the history and characteristics of the defendant;
2. the need for the sentence imposed —
 - A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - B) to afford adequate deterrence to criminal conduct;
 - C) to protect the public from further crimes of the defendant; and
 - D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner[.]

See 18 U.S.C. § 3553(a).

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Mr. Hall's Role in the Offense

During the spring of 2021, a confidential informant and Mr. Hall engaged in a series of recorded phone calls in which Mr. Hall and the confidential informant used the terms “five” and “six” in reference to narcotics packages and the term “paper” in reference to money to be used for the sale of narcotics. *See* PSR at ¶ 8. Specifically, on April 24, 2021, pursuant to the above-mentioned phone calls, law enforcement monitored Mr. Hall’s residence and ultimately apprehended Mr. Hall outside of his apartment while he was seated in the confidential informant’s vehicle. *Id.* at ¶ 12. A field test for the narcotics recovered was positive for cocaine, while a subsequent laboratory test was positive for fentanyl. In total, the six packages seized from Hall’s person and his apartment weighed approximately seven kilograms, including the packaging itself. *Id.* at ¶ 13.

With his guilty plea and allocution, Mr. Hall has acknowledged that his offense was serious, criminal, and deserving of punishment. Without minimizing the seriousness of his offense, it must be reemphasized here that Mr. Hall *did not* knowingly possess fentanyl and therefore the four-level enhancement for those who knowingly misrepresent or market fentanyl-laced drugs was not applicable here.

The History and Characteristics of Mr. Hall

Clyde Hall was born on February 28, 1939 in Youngstown, Ohio, less than a decade after the great depression. *Id.* at ¶¶ 42–47. At the age of ten, Mr. Hall faced a traumatic experience in his father’s sudden death due to an automobile accident. *Id.* Mr. Hall and his siblings remained close throughout their childhood and their mother provided immense love, support, and care especially after her husband had passed away. *Id.* Mr. Hall had a simple upbringing, living off of the family’s crops and playing sports throughout his childhood. *Id.* Indeed, Mr. Hall recounted that he had never stepped foot inside of a grocery store until college. As he excelled academically and in sports, Mr. Hall had various coaches who served as mentors and father figures during his teenage years in order to fill the void left behind. *Id.* Due to his talents, Mr. Hall obtained a scholarship to Marquette University where he played both basketball and football. *Id.*

Following college, Mr. Hall briefly played professional football for the New York Giants and recalled during his interview that he had moved to New York City with a \$12,000 contract. *Id.* at ¶ 49. During and after his professional career, Mr. Hall engaged in various personal relationships – indeed, he has been married five times in the past and has had a number of children with the women to whom he was married. *Id.* at ¶¶ 50–56. Mr. Hall has maintained

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close contact with some of his prior partners and many of his children, while others he has lost touch with or has not had contact with in recent years. *Id.*

In turn – during collateral calls with the probation department – two family members provided brief insights into Mr. Hall’s upbringing as well as his more recent challenges with the justice system. Alexander Hall, who had been Mr. Hall’s primary caretaker prior to his arrest and was able to observe him on a daily basis, described his father as “a great dad” who had always supported, coached and taught him throughout his life. *Id.* at ¶ 58. Alex further stated that he does not believe his father is a harm to society but rather is an individual who now, at the age of 85, is,

lacking in his decision-making abilities and ability to consider consequences, especially related to financial decisions. Alexander Hall related that he and his family suspect that the defendant could be affected by Chronic Traumatic Encephalopathy, commonly known as CTE, related to his football career, though he admitted there is nothing to definitively prove such.

Id. An additional call was made to Mr. Hall’s sister, Carol, who corroborated his personal history and,

added that she felt it was difficult for her and her brother to be raised in a ‘predominantly white town’ ... as members of an interracial family. Ms. Raymond noted that the defendant’s father was African American and that it caused issues for their family Ms. Raymond advised that her parents had separated ... because he could not tolerate the racism that was occurring at the time.... Ms. Raymond related that after her father’s death, their mother suffered from depression and struggled to be a responsible parent. Ms. Raymond stated that this caused the defendant to be exposed to a role that she felt was too big for him, as his mother’s primary emotional support at age 10. Overall, Ms. Raymond stated that the defendant is a kind person who ‘does too much’ as a father and was exposed to too much responsibility at a young age with not enough support of his own.

Id. at ¶¶ 59–60.

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i. *Age and Health*

As mentioned, Mr. Hall is currently 85 years old. As of March 16, 2024, just 3.0% of the current federal inmate population is over the age of 65.³ According to a report⁴ (“Human Rights Report”) issued in 2012, that number becomes even smaller for inmates over the age of 80. During the 2000s, federal inmates over age 80 numbered *as low as* 18 inmates nationwide and, at the most, 70 such inmates. The Human Rights Report includes that

older prisoners, even if they are not suffering illness, can find the ordinary rigors of prison particularly difficult because of a general decline in physical and often mental functioning which affects how they live in their environments and what they need to be healthy, safe, and have a sense of well-being. In addition to the memory loss, and other ordinary cognitive impairments that can come with aging, older prisoners sooner or later will develop ... decreased sensory acuity, muscle mass loss, intolerance of adverse environmental conditions, dietary intolerance and general vulnerability [which] precipitate collateral emotional and mental health problems.

See n.4.

Moreover, according to a Department of Justice report,⁵ older inmates, due to the stressors associated with incarceration, also have a “physiological age” of “10-15 years older than his or her chronological age,” on average. This report found that aging inmates are “more costly to incarcerate than their younger counterparts due to increased medical needs [and] that limited institution staff and inadequate staff training affect the BOP’s ability to address the needs of aging inmates.” *See n.5.*

³ *See Inmate Age*, Fed. Bureau of Prisons (Mar. 16, 2024), www.bop.gov/about/statistics/statistics_inmate_age.jsp.

⁴ *See* Human Rights Watch, *Old Behind Bars: The Aging Prison Population in the United States* 40 tbl. 8 (2012), www.hrw.org/report/2012/01/28/old-behind-bars/aging-prison-population-united-states.

⁵ Off. of Inspector Gen., U.S. Dep’t of Justice, *The Impact of an Aging Inmate Population on the Federal Bureau of Prisons* (2016), <https://oigjustice.gov/reports/2015/e1505.pdf>.

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Further, in recent years, Mr. Hall has begun to confront the onset of various health issues, which will inevitably continue to develop as he ages. Mr. Hall currently has an enlarged prostate. As recounted in the PSR,

[Mr.] Hall noted that he has a cyst on his back that he hopes to get removed while in BOP custody. He added that he is currently prescribed Tamsulosin (dosage unknown) once per day for his enlarged prostate. Medical records received from the BOP reflected that Hall is prescribed Levothyroxine (50mg once daily) for Hypothyroidism and Tamsulosin (.4mg once daily) for Hypertrophy of Prostate. BOP records also reflected that Hall was scheduled to see a dermatologist regarding a cyst on his back in April 2023 but that he declined the visit on multiple occasions because he felt humiliated making the visit in handcuffs and shackles.

Id. at ¶ 63.

Beyond humiliation, Clyde's age presents a real risk that he could fall if forced to walk and be shackled by his legs all day. Indeed, it is well established that falling is a primary risk for the elderly. As described in the journal *American Family Physician*:

[F]alls are responsible for 70 percent of accidental deaths in persons 75 years of age and older. The elderly, who represent 12 percent of the population, account for 75 percent of the deaths from falls.... The injury rate for falls is highest among persons 85 years of age and older (*i.e.*, 171 deaths per 100,000 white men in this age group). Annually, 1,800 falls directly result in death.

George F. Fuller, *Falls in the Elderly*, 61 Am. Fam. Physician 2159 (Apr. 1, 2000) (citations omitted), www.aafp.org/pubs/afp/issues/2000/0401/p2159.html.

Another recent study expanded on the enhanced risks faced by the elderly prison population, even for those in good health:

Falls are a leading cause of serious injury and death among older adults.... In the correctional setting, many factors can heighten the risk of falls, such as dimly lit or crowded walkways. Furthermore,

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institutionalized older adults who spend the majority of their time indoors are at heightened risk for vitamin D deficiency due to insufficient sun exposure. Vitamin D is critical for both muscle and bone health, and vitamin D deficiency puts older people at risk of falls. Any additional obstacles to normal ambulation — such as being required to walk with ankle or wrist restraints — are also likely to enhance the risk of falling. Moreover, those who have few opportunities to exercise may experience physical deconditioning, a strong risk factor for serious fall-related injury.

Rachael Bedard, Lia Metzger & Brie Williams, *Ageing Prisoners: An Introduction to Geriatric Health-Care Challenges in Correctional Facilities*, 98 Int'l Rev. Red Cross 917, 923-24 (2016), <https://international-review.icrc.org/sites/default/files/irrc-903-12.pdf>. Because Mr. Hall can not be safely brought to the podiatrist — due to the BOP's stubborn insistence that he be shackled by his ankles — he has now begun to suffer from painful ingrown toenails.

In terms of memory and mental health, Mr. Hall himself conceded that he has begun to struggle with his memory at times while his son Alexander similarly noted that his father, while presenting himself as “smart” and “together,” has recently lacked decision making ability. *Id.* at ¶ 58. Mr. Hall has also previously notified this Court that he may suffer from an undiagnosed case of chronic traumatic encephalopathy (CTE) and psychological trauma for which he had been receiving medical assistance while originally housed at the MCC.

Ultimately, as Mr. Hall nears the end of his life, his health will become more compromised, making a variance that much more warranted. *See United States v. Barbato*, No. 00-cr-1028 (SWK), 2002 WL 31556376, at *4-5 (S.D.N.Y. Nov. 15, 2002) (non-jail sentence appropriate for 81-year-old defendant suffering from heart and back ailments); *United States v. Ciaccio*, No. 19-cr 00833 (SHS) (S.D.N.Y. Nov. 18, 2021) (granting departure from Guidelines range of 78-97 months’ imprisonment down to time served for paralyzed defendant); *United States v. Voudouris*, No. 18-cr-00217 (KMW) (S.D.N.Y. Mar. 2, 2020) (varying from a Guidelines range of 46-57 months’ imprisonment down to time served for defendant who suffered from multiple sclerosis).

Respect for the Law, Just Punishment, and Deterrence

Mr. Hall has accepted responsibility and has, through his own conduct and decisions, humiliated his support system, especially as media outlets have reported on this matter due to Mr. Hall’s past-life as a professional sports figure. Regardless of the Court’s sentence, he will spend

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additional time behind bars. During the pendency of this case, Mr. Hall has been housed at the Metropolitan Detention Center (“MDC”), where conditions have only worsened year after year and have become even more inhumane as the world moves further away from the height of the COVID-19 pandemic. Recently, in a blistering decision to allow a 70-year-old defendant to remain free after his guilty plea, the Honorable Jesse M. Furman of the Southern District cited to the “dreadful” conditions at the MDC. *See United States v. Chavez*, No. 22-cr-00303 (JMF) (S.D.N.Y. Jan. 4, 2024). Judge Furman went on to emphasize three particularly alarming conditions at the facility: *First*, that the inmates spend

an inordinate amount of time on lockdown – that is, locked in their cells, prohibited from leaving for visits, calls, showers, classes, or exercise. (In Orwellian fashion, the Bureau of Prisons does not refer to these periods as ‘lockdowns’; instead, it refers to them as ‘modified operations’.... [C]onfining inmates to their cells is, for at least some inmates, tantamount to solitary or near-solitary confinement, a practice that is increasingly viewed as inhumane.

Id. (internal citations omitted). *Second*,

the MDC is notoriously and, in some instances, egregiously slow in providing necessary medical and mental health treatment to inmates — especially where such care requires the attention of outside providers. It has become common for defense counsel to require court intervention to ensure that inmates receive basic care — and, even more shocking, not uncommon for court orders to go unheeded. In one recent case, for example, the MDC repeatedly defied court orders to transfer a defendant with a MRSA infection to a medical facility; the defendant was instead ‘mistake[nly]’ sent to the segregated housing unit. In another, the MDC defied an order to transport a defendant for surgery to repair his cheek, which had been broken by another inmate at a previous facility; the defendant was eventually informed that his cheek would have to be rebroken before the surgery because it had healed improperly on its own.

Id. (internal citations omitted).

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And *third*,

the MDC's physical conditions have long been problematic. These problems came to the fore in the winter of 2019, when a power outage left inmates without light and heat for a full week. Following that well-publicized incident, Judge Torres held a hearing at the MDC. She witnessed abundant water damage ... like wet tissues hanging from a ceiling and black blotchy mold covering light fixtures. One inmate told her that he felt as though he was sleeping under a waterfall. Such problems have persisted. In 2021, the MDC carried out planned maintenance on the electrical system by enforcing a lockdown over the course of four nights with no power and no water. During this time, inmates' toilets were reportedly overflowing because ... officers did not come by with buckets of water, and inmates were sitting with water on the cell of their floor in the dark with feces on it.

Id. (internal citations omitted). These problems are not unique to the MDC. Whether Mr. Hall serves out the remainder of his sentence at the MDC or at another facility, it will be harsh, exceptional, and even inhumane on his aging body. Simply stated, no observer could reasonably conclude that Mr. Hall has not already been punished for his crime.

A sentence of 60 months' imprisonment to be served concurrently to his current term is also consistent with general and specific deterrence. Given his age and his immense, ongoing support – including individuals and facilities ready to monitor and house Mr. Hall – his likelihood of repeating his conduct is simply non-existent. Moreover, courts in this district have handed down sentences similar to what the defense request is here, deeming such punishment as sufficient to satisfy the need to promote general deterrence as well. Judges have determined that defendants convicted of fentanyl related conspiracies – even those which result in death – do not need to be sentenced to additional years or months where the mandatory minimum is sufficient to demonstrate to others that this charge is a crime not worth committing. Last year, four defendants were sentenced in connection to the fentanyl-driven fatal overdose suffered by actor Michael K. Williams. In *United States v. Robles*, No. 22 cr-00092 (RD) (S.D.N.Y.), the following sentences were handed down:⁶

⁶ Of course, counsel acknowledges that every defendant and every case differs. For example, while one can point to mitigating factors present for Carlos Macci such as a lifelong heroin addiction – which does not apply for Mr. Hall – the same can be said for aggravating

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- 1) Irvin Cartagena received the mandatory minimum sentence of 120 months' imprisonment despite a stipulated guidelines range of 292-365 months' imprisonment;
- 2) Hector Robles received the mandatory minimum sentence of 60 months' imprisonment despite a stipulated guidelines range of 87-108 months' imprisonment;
- 3) Luis Cruz received the mandatory minimum sentence of 60 months' imprisonment despite a stipulated guidelines range of 108-135 months' imprisonment; and
- 4) Carlos Macci, who was 70-years-old at the time of his sentencing, received a 30-month sentence despite a stipulated guidelines range of 168-210 months' imprisonment.

Finally, 18 U.S.C. § 3582(a) requires a sentencing court to "consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is *not an appropriate means of promoting correction and rehabilitation.*" (emphasis supplied); *see also United States v. Jenkins*, 854 F.3d 181, 192 (2d Cir. 2017) ("Additional months in prison are not simply just numbers. Those months have exceptionally severe consequences for the incarcerated individual. They also have consequences both for society which bears the direct and indirect costs of incarceration and for the administration of justice which must be at its best when [] the stakes are at their highest") (emphasis supplied).

Mr. Hall's Good Character and Reputation within the Community

We have received a number of letters in support of this submission, reflecting the significant and meaningful role that Mr. Hall has played in the lives of friends, family members and the community at large. Sadly, were it not for this sentencing, many of Mr. Hall's admirable qualities revealed below probably would have gone unrecognized. While it would be impossible to include a letter from every individual whom Mr. Hall has positively influenced – especially considering that many of his lifelong friends and family members have already passed away – the myriad of letters on which we do remark paint a consistent picture an empathetic man who has lived his life to the fullest and has prided himself on building authentic and fulfilling relationships.

factors such as an overdose death, which similarly is inapplicable to Mr. Hall's case.

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From the adversity he faced at the age of ten, when his father suddenly died in a tragic accident, through the ups and downs in both his professional and personal endeavors, and the unfortunate and disappointing contacts with the criminal justice system later in his life, Mr. Hall still maintains the support of friends and family. While we strongly urge the Court to carefully read each and every sentencing letter, included herein are some particularly powerful segments which speak to all of those admirable characteristics that we have come to learn makeup the real Clyde Hall.

Robert Rooks, the Chief Executive Officer of the Reform Alliance, writes for the Court:

[T]here was no malicious intent involved Mr. Hall has no history of selling drugs, making him highly unlikely to do so again. Had he received more intensive support after release, he may not have ended up in this situation to begin with.... This is a result of our justice system dedicating its resources to laying traps rather than helping people get back on their feet. Nobody is better off as a result: not the community, not Mr. Hall, and not his family. Importantly, Mr. Hall accepts full responsibility for his actions. I fundamentally believe that our justice system should hold people accountable. It is clear that Mr. Hall regrets what he did and understands that it was a bad decision to involve himself. Furthermore, he accepts the consequences. *I only ask that we calibrate those consequences in a manner proportional to the act itself.* As someone who has family, friends, and colleagues with experience in the criminal justice system, I understand how challenging it can be for someone to get out of the system once they are caught up in it. Our broken supervision system fuels mass incarceration and weakens public safety. It often lacks real support and fails to provide tangible solutions to help people come back to their families and communities with a plan for success. Mr. Hall has a loving son who cares deeply about him and his well-being.... *Incarcerating Mr. Hall for the rest of his life would not advance public safety.*

See Letter of Robert Rooks, attached as Exhibit A (emphasis supplied).

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Mary Beth Monohan, who has known Mr. Hall for forty years, includes that Mr. Hall has been a “significant influence on my life and I have missed his presence for the past two decades.” *See Letter of Mary Beth Monohan, attached as Exhibit B.* Ms. Monohan continues:

He has been an extremely positive influence in my life.... He supported me in my career and helped me feel I had a second home while I was far from my own. I currently work with a non profit ... that helps people navigate the social systems after incarceration. We support not only the people leaving prison but their families and friends while they are still there. I ... see the programs and help in place to support re-entry and mental health available. I fully acknowledge that Mr Hall has committed Federal Crimes. I am in no way excusing his actions. I do believe that a combination of repeated head injuries as a youth due to Football has contributed to his mental illness. *He would benefit significantly from psychiatric support moving forward in his life. I know that imprisonment has been devastating to his mental health as well as his physical well being.*

We as a family are able and willing to help Mr Hall turn this corner in his waning years. I believe that our family would benefit from his energy, positivity, intelligence and love of family. We would demand that he get help and stay committed to a program that would help him regain his balance. *His increasing needs with the diagnosis of prostate cancer, debilitating arthritis and need for medical care is a huge burden on the Federal System.* We are willing to accept the costs for him, which would be a relief for him. I understand there is a minimum sentence for his case and I ask that you consider allowing him to spend his final years in the loving embrace of his sister, niece, children, and eight grandchildren.

Id. (emphasis supplied).

Alexander Hall and his father Clyde Hall share an incredibly strong bond. Even at the age of 39, Alex still looks up to his father in the same way he did as a young child. To that end, Alex writes for the Court that Mr. Hall is “charming; he is that kind; and he is that loving.” *See Letter of Alexander Hall, attached as Exhibit C.* Alex expands on his father’s characteristics, including both his flaws and his commendable traits:

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Yet in other ways I don't want to be anything like him. His decision making is that bad. I know the federal crimes that my father has been charged with better than anyone. I left him [at my apartment] because I wanted him to have his own space, his own freedom, and I, in turn, wanted mine. I moved just a few blocks away so that I could be close, and I have lots of guilt about that.... Why should I feel guilty? My father is an adult. He is competent and thoughtful on one hand, even self-sufficient. But on the other hand, he is childlike and naive, even delusional. I can credit this to a lot of things including his age. He is 84 years-old, but I think the damage is deeper. He is easily influenced and down right stupid when he is offered a deal that is too good to be true, especially one involving money. He has delusions about getting rich that render him a man with no consequential thinking....

And I've dealt with the results of this flawed thinking for years, prison visits, federal agents in my apartment, letters and jail calls, you name it. I have dealt with it and embodied it at the same time. I suffered from the same lack of consequential thinking as a young man and made terrible decisions. The difference between him and I is that I learned my lesson.... *But the reason he did not learn his lesson was not because of a lack of remorse or a propensity for crime. He did not learn his lesson because it is a mental illness, of that I am convinced. One of the problems with prison is that it is ill equipped to handle mental illness. He spent 11 years in prison, returned to house-arrest and reoffended through the same delusional mental-framework that got him in trouble the first time.* The first time it was money; this time it was drugs. However, the logic, or lack of it, is consistent – he ran into a deal that seemed too good to be true and he swung blindly at the prize....

What he did was terrible, and it was stupid, and even worse, he did not need to do it. I gave him everything he needed. But fault me as much as you fault him because I left him alone to his own devices. I don't think I understood the level of his illness. I still grapple with it to be honest. But your honor, I've learned my lesson. *He needs treatment, and that is what I will get him if he*

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makes it home.... It hurts to say it, but there is a good chance I might lose him even with the minimum.... Please give me a chance to care for him, to get him mental health treatment, and to supervise him so that he can be the father and the grandfather that he was meant to be. I should have done this the last time. He should still be here with me.

Id. (emphasis supplied).

David George, an associate director with “Release Aging People in Prison” (RAPP), includes for the Court services that the program can provide upon Mr. Hall’s eventual release:

We are pleased to provide Mr. Hall with the reasonable assurance that we will support his release in this capacity and any other within the purview of work. In addition to advocating for change and connecting people to resources, RAPP provides a community of support for formerly incarcerated older people. Recently released elders attend our meetings, participate in events, and engage in our work in ways that often provide peer-to-peer supports and contribute to healthy and successful reentry experiences. If released, Mr. Hall would have total access to our community and the various emotional and practical supports associated with it.

See Letter of David George, attached as Exhibit D.

Alex Duran, who has known Mr. Hall for approximately five years, considers him a father figure and goes on to echo the above-sentiments:

All of us, friends and family, have a heavy heart seeing Mr. Hall sitting in a jail cell.... We all anguish at the prospect that he could potentially spend the rest of his days behind bars. I know Mr. Hall to be a kind, compassionate, and caring individual. I gravitated towards him because of his calm demeanor and the positive guidance he always departed to me and Alexander. I am baffled by his current predicament and recognize that Mr. Hall has been convicted of serious federal crimes. I am trying to reconcile what I read in the papers about him with the affable, wise, and tender man

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who used to watch Sunday football with me while drinking a beer....

The miasma of prison life oftentimes has an adverse effect on one's thinking and doesn't lend itself to redemption. It takes courage and a willingness to interrogate oneself to really understand the series of events that leads to incarceration. I know Mr. Hall has started to do this hard work to finally be able to stay home with his family. *I really believe that given the opportunity, Mr. Hall will go on to live a more meaningful life and continue to be a positive influence on me and others. I hope that you can find it in your heart to show Mr. Hall leniency.*

See Letter of Alelur Duran, attached as Exhibit E (emphasis supplied).

One of Mr. Hall's daughters, Lauren Burroughs, continues:

He has already paid an unimaginably high price, and the truth is - prison is not helping him. My father needs medical care, mental health treatment, and to spend the final years of his life with his family. And quite honestly, after so much lost time, we may benefit most from spending them with him....

I previously mentioned my father's physical and mental health, and while it has declined more quickly in recent years, it has been an ongoing battle for him. My father has been suffering from CTE since he was in his 20s as a result of head injuries sustained while playing football. I also strongly suspect that he is living with an undiagnosed mental illness, the combination of which may explain his increasingly reckless behavior. My father is experiencing memory loss and arthritis and recently received tests indicating early-stage prostate cancer. I do not believe the prison system can provide the necessary level of care for the 80+ community. My father needs to be in the care of his family

With treatment, I am optimistic that my father will return to the kind and loving person I know him to be. I believe that he is capable of being a good man who has a positive impact on both his

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family and society at large. The same man who took me and my brothers to the park every day in the summertime and woke up extra early to make us giant breakfasts before school. The man who relentlessly encouraged our dreams and never forgot a birthday. *I don't have one story of kindness, generosity, or love that I can share about my father – I have hundreds. My father was the person who taught me understanding and compassion, and now, he is the person who needs it most.*

See Letter of Lauren Burroughs, attached as Exhibit F (emphasis supplied). Lastly, Marcelino Rodriguez, who has known Mr. Hall for a number of years, writes:

Clyde has not only served as a father figure in the absence of mine, but he has also been a mentor and friend as well.... His calm nature, pure heart, and generous soul made it easy. His enthusiasm for helping others is something that continues to guide my behavior and work. I am currently the Director of Programs and Educational Services at a youth detention center. This can be emotionally and mentally taxing work. I have had my moments when I wanted to transition into something less demanding. *In these moments, I remember Clyde's patience and positive outlook on life.*

See Letter of Marcelino Rodriguez, attached as Exhibit G (emphasis supplied).

D. CONCLUSION

Mr. Hall's life need not end in prison. Ultimately, Mr. Hall comes before this Court asking for mercy, leniency, and a chance to redeem himself even at this latter stage of his life. Each and every individual who wrote to the Court on his behalf agrees that he can still be a loving and devoted father, grandfather, and friend. While Mr. Hall undoubtedly faces more time in a federal prison – beyond the time that he has already served at the MDC – the undeniable reality is that a longer period of incarceration, beyond the mandatory minimum, will only serve as a death sentence. Additional years, months, weeks, or even days will only prevent the physical and mental health care that Mr. Hall has, in actuality, needed for decades.

Unfortunately, a full, charismatic and optimistic life has been marred by Mr. Hall's criminal actions, and he feels as if he has disgraced his family and disappointed lifelong friends. For decades they saw the best in him, yet he feels now as if he only returned the favor by

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showing his absolute worst. However, those friends and family stand by him firmly in these most trying times. As the powerful enclosed letters reveal, Mr. Hall is a decent, caring, and giving person, who wishes for nothing more than to spend the very end of his life with his family.

For these reasons and the others stated herein, a lenient sentence is respectfully requested.

Respectfully submitted,

/s/ Jason Goldman
Jason Goldman, Esq.

cc: Ni Qian, Esq.
Assistant United States Attorney (by ECF & Email)

Encs.