

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Criminal Action No. 19-cr-00397-CMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOEL THOMAS,

Defendant.

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**ORDER DENYING MOTION FOR COMPASSIONATE RELEASE**

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Upon motion of the defendant for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission, IT IS ORDERED that the Amended Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (Doc. # 41) is DENIED after complete review of the Motion on the merits. Additionally, Mr. Thomas's initial Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (Doc. # 38) is DENIED AS MOOT.

**FACTORS CONSIDERED:**

- On October 2, 2019, Mr. Thomas pled guilty to one count of Access with Intent to View Child Pornography, in violation of 18 U.S.C. §2252A(a)(5)(B). The Court sentenced Mr. Thomas to 48 months' imprisonment and five years of supervised release with conditions;

- Mr. Thomas’s current projected release date from the Bureau of Prisons (“BOP”) is July 2, 2023. He has served approximately 8 months of his 48-month sentence;
- Mr. Thomas has not shown that extraordinary circumstances warrant a deviation from the sentence imposed. Specifically, Mr. Thomas alleges (without any supporting documentation) that he suffers from Post-Traumatic Stress Disorder, insomnia, depression, and headaches. (Doc. # 41 at 2.) These conditions have not been identified by the Centers for Disease Control and Prevention as placing individuals at increased risk of serious complications from COVID-19;<sup>1</sup>
- Even if Mr. Thomas had shown extraordinary circumstances, the 3553(a) factors strongly weigh against early release. Mr. Thomas is currently serving a sentence related to his membership in two websites dedicated to the distribution and advertisement of child pornography. He has admitted to collecting child pornography since the 1990s (Doc. # 16 at 16), yet he declined treatment in BOP’s Sex Offender Management Program on February 19, 2020. Accordingly, Mr. Thomas presents a risk to the community to reoffend. *See United States v. Wooley*, No. 6:13-cr-00224-AA, 2020 WL 2490093, at \*3 (D. Or. May 14, 2020) (denying compassionate release upon concluding that the defendant posed a danger to society in part due to the fact he had not completed BOP’s sex

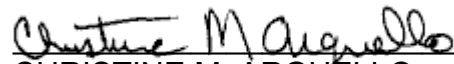
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<sup>1</sup> See People with Certain Medical Conditions, Centers for Disease Control and Prevention, [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html) (last updated Sept. 11, 2020).

offender treatment program); *United States v. Fischer*, No. CR ELH-14-0595, 2020 WL 2769986, at \*6 (D. Md. May 27, 2020) (same).

DATED: October 1, 2020

BY THE COURT:

  
CHRISTINE M. ARGUELLO  
United States District Judge