

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Cr. No. 18-cr-20315  
Hon. Judith Leavy

v.

Nathaniel Cotton,

Defendant.

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**DEFENDANT’S MOTION SEEKING COOMPATIONATE RELEASE DUE  
TO COVID-19**

Now comes the Defendant Nathaniel Cotton, by and through his attorney Charles LongstreetII, now and hereby prays this honorable court grants a compassionate release. In support of his motion, Defendant states the following:

- 1) Defendant Mr. Nathaniel Cotton is charged in the Superseding Indictment with multiple counts of conspiracy to distribute a controlled substance.
- 2) A detention hearing was held on August 16, 2018, and an order of detention was entered against Cotton.
- 3) Since the detention order was entered, the United States began undergoing a national pandemic due to the COVID 19 virus
- 4) Mr. Cotton is in the high-risk category of COVID 19 susceptible persons.

- 5) Mr. Cotton is a Forty Four-old African American man.
- 6) Mr. Cotton suffers from asthma, obesity, and acid reflux disease.
- 7) Mr. Cotton's current health condition creates a high risk of COVID-19 infection and death.
- 8) According to the Centers for Disease Control African Americans account for 40% of the COVID deaths in Michigan while only accounting to 10% of the States population.
- 9) Black Men are at a higher risk of Death from COVID 19 than other segments of the U.S. Population.
- 10) Mr. Cotton is currently being held at the BOP Milan Correctional.
- 11) Milan Correctional has multiple COVID 19 infections and deaths.
- 12) 18 U.S.C. § 3142 (i) is applicable. Section 3142(i) states The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of a United States marshal or another appropriate person, to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.
- 13) The "compelling reasons" analysis is flexible and permits courts to respond to real-world circumstances in a pragmatic and common-sense manner. The presence of COVID-19, combined with Defendant's medically

documented preexisting condition, is one such circumstance. *United States of America v. Anna Mason* No. 1:18-cr-01065-JMC.

14) The Center for disease Control states “Based on currently available information and clinical expertise, older adults and people of any age who have serious underlying medical conditions might be at higher risk for severe illness from COVID-19.” <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>

15) The Center for disease Control list the risk factors as follows

a. People aged 65 years and older

People who live in a nursing home or long-term care facility

People of all ages with underlying medical conditions, particularly if not well controlled, including:

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
  - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI]  $\geq 40$ )
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

.” <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk>

WHEREFORE for the reasons set forth above, the Defendant prays this honorable court grants his Motion Seeking Compassionate Release.

Respectfully

**LONGSTREET LAW PLLC.**

By: Charles Longstreet II

Charles Longstreet II (p68205)  
16250 Northland Drive Ste 390  
Southfield, Michigan 48075  
313-288-0103

**CERTIFICATE OF SERVICE**

I Attorney Charles Longstreet II certify that on June 8, 2020, I caused a copy of this pleading to be served upon the Clerk of the court sealed via e-file

/s/ Charles Longstreet II

Charles Longstreet II (P68205)