

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA )  
 )  
 v. ) Case No. S1 1:02CR00395-003(JGK)  
 )  
 LYNNE STEWART )  
 Defendant. )

ORDER TO REDUCE SENTENCE

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), and in accordance with the regulations pertaining to compassionate release of the Bureau of Prisons, seeking a modification of the term of imprisonment of the defendant, Lynne Stewart, to a term of five years supervised release. This Court finds:

1. Defendant, Lynne Stewart, was found guilty of violation of 18 U.S.C. § 371, Conspiracy to Defraud the United States; 18 U.S.C. § 371, Conspiracy to Provide Material Support to Terrorist Activity; 18 U.S.C. § 2339A, Provide and Conceal Material Support to Terrorist Activity; and two counts of violating 18 U.S.C. § 1001, False Statements.

2. Ms. Stewart was sentenced on July 15, 2010, in the United States District Court for the Southern District of New York, to a term of 120 months of imprisonment followed by a two-year term of supervised release. Ms. Stewart's Good Conduct Release date is August 27, 2018, but based on medical examinations conducted by independent doctors retained by the Bureau of Prisons, including oncologists, she is not expected to survive to that date.

3. Ms. Stewart, age 74, suffers from Stage IV recurrent breast cancer that has since metastasized to the lung and bone. Despite aggressive treatment, her prognosis is poor. Her life expectancy is estimated to be less than 18 months.

4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court

*JGK*

agrees, that the Defendant's terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

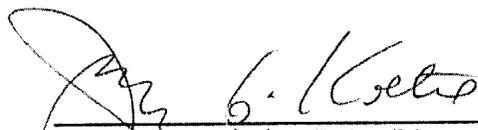
**IT IS THEREFORE ORDERED** that the defendant's term of imprisonment is hereby reduced to the time she has already served.

**IT IS FURTHER ORDERED** that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as her medical condition permits, the release plan is implemented, and travel arrangements can be made.

**IT IS FURTHER ORDERED** that upon her release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving a five-year term of supervised release under the same terms and conditions for supervised release set forth in the Court's Final Judgment filed on July 29, 2010 (Doc. No. 1041).

*It is further ordered that the Government forthwith transmit  
this Order to all necessary personnel of the Bureau of Prisons.*

**DONE AND ORDERED THIS 31 DAY OF DECEMBER 2013.**

  
\_\_\_\_\_  
John G. Koeltl, U.S. District Judge  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Stewart has also been diagnosed with anemia, hypertension, asthma, and Type 2 Diabetes. Despite aggressive treatment, doctors have advised that her prognosis is poor. Oncologists estimate that her life expectancy is 18 months or less. She is currently housed at the Federal Medical Center, Carswell, Texas.

5. This Court could not have anticipated the recurrence of disease, and shortened life expectancy.

6. If the motion is granted, Ms. Stewart will reside with her adult son in Brooklyn, New York. Her family is fully aware of Ms. Stewart's medical condition.

7. The U.S. Probation Officer in the Southern District of New York has approved the release plan and will accept supervision of Ms. Stewart, should she be released.

8. Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court, upon motion of the Director of the Bureau of Prisons, may modify a term of imprisonment upon the finding that "extraordinary and compelling reasons" exist to warrant a reduction. The defendant's terminal medical condition and limited life expectancy constitute "extraordinary and compelling reasons" warranting the requested reduction. Federal Bureau of Prisons, Program Statement No. 5050.49 (Aug. 12, 2013), makes individuals "diagnosed with a terminal, incurable disease and whose life expectancy is eighteen (18) months or less" eligible for consideration for a motion for compassionate release/reduction in sentence. In deciding whether a sentence reduction is appropriate, Title 18 U.S.C. § 3582(c)(1)(A)(i) contemplates judicial consideration of the 3553(a) factors, to the extent they are applicable. Here, although those factors fully support the substantial sentence originally imposed, in the current context of Ms. Stewart's terminal and incurable medical condition and her extremely limited life expectancy, the Bureau of Prisons believes compassionate release is appropriate at this time.

9. The Bureau of Prisons brings this motion for compassionate release. Because Ms. Stewart qualifies under the limited circumstances that authorize such a motion under Bureau of Prisons Program Statement 5050.49, as she has been diagnosed with a terminal, incurable illness with a life expectancy of less than 18 months, and because of the relatively limited risk of recidivism and the relatively limited potential danger to the community of her release, the U.S. Attorney's Office for the Southern District of New York does not object to the Bureau of Prisons' motion for compassionate release.



# EXHIBIT A



agrees, that the Defendant's terminal medical condition and very limited life expectancy constitute extraordinary and compelling reasons that warrant the requested reduction.

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John G. Koeltl, U.S. District Judge  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK