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Attorney for Defendant

UNITED STATES OF AMERICA

v.

TROY WRAGG

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

CRIMINAL DOCKET

2:15-CR-00398-JHS-1

2:18-CR-00465-JHS

**SUPPLEMENT TO TROY WRAGG'S MOTION FOR COMPASSIONATE RELEASE UNDER
18 U.S.C. § 3582(c)(1)(A)**

COMES NOW, movant, Troy Wragg by and through the undersigned counsel, Evan T.L. Hughes, in support of his previously filed motion for compassionate release further avers that:

I. It has been a little over one week since the filing of an emergency motion for Troy Wragg's Compassionate Release. During this time, Troy's health has worsened. At the time of filing the original motion, it was stated that Troy had suffered from 15 seizures within a 21 day period. In the past week, as of the date of filing, this number of seizures has risen to 26, with the most recent seizure being on Thursday, May 21, 2020. This seizure was the most severe to date that Troy has experienced while in

BOP custody. His bunkmate, Sam Lee, not only witnessed the seizure, but helped Troy through it by holding his head up and making sure his limbs did not hit anything and cause further damage. However, after the seizure, Troy was left staring into space and was really confused and in severe pain. Concerned for Troy's health, Sam Lee called Troy's wife, Megan Hallett Wragg, to let her know what had happened in this recent episode and that Troy could not, in any way, walk to the phone or even make a coherent phone call at the time. Troy went over 5 hours without speaking to his wife on this day, May 20, 2020, because in that amount of time, Troy could not physically get up and walk even one step due to the severe pain and disillusionment during this postictal state. Over the past week, Troy has been too weak at times to even walk or sit up for long periods of time. As mentioned in the NJ Spotlight article on May 6, 2020, "COVID-19 Horror Stories Prompt ACLU-NJ to File for Temporary Release of Medically Fragile Prisoners, Troy stated that, "It is physically impossible for nine of us to get six feet apart in this space, as I know we are supposed to be doing now," stated Troy Wragg, who has epilepsy, hypertension and heart disease, in his declaration. 'I frequently run into my bunkmates by accident because the space is so cramped'"

(<https://www.njspotlight.com/2020/05/covid-19-horror-stories-prompt-aclu-nj-to-file-for-temporary-release-of-medically-fragile-prisoners/>). Sadly, it has now become customary that the men in Troy's room that he is living so closely to are the ones helping him daily and taking care of him, through holding him up to walk to the bathroom or to the phone to call his wife when he has the strength to sit up.

II. In addition to filing a motion for Compassionate Release, Troy was asked to be the named plaintiff in the class-action lawsuit against the conditions at FCI Fort Dix, demonstrating that his medical vulnerability has been recognized in parallel litigation. In the official press release on May 4, 2020, the ACLU-NJ Legal Director, Jeanne LoCicero stated, "FCI Fort Dix is speeding toward a public health catastrophe. Our clients are unable to take even the most basic precautions to protect themselves against

the virus. The government is failing in its obligation to keep people in its custody safe from harm, putting them – and the wider community – at risk”

(<https://www.aclu-nj.org/news/2020/05/04/medically-vulnerable-people-federal-prison-file-class-action>).

Troy's weakened immune system, and overall weakened body due to his uncontrollable amount of seizures creates a dangerous situation in which if he contracts COVID-19 while in custody, he would be at serious risk of death.

Not only has Troy continued to suffer from these vicious seizures, the new medication, Valproic Acid, that Troy has been prescribed is not helping him. In fact, it has serious side effects that Troy has been experiencing, which include serious depression, nausea, diarrhea, and as Troy can tell, has made his seizures far worse. Troy was taken to the medical unit last week unexpectedly, and was told his blood pressure was high as well, suggesting that the Linsinopril and Hydrochlorothiazide he has been taking is not helping either.

III. While the BOP has recommended Troy report these seizures so that he can be seen at a hospital, this is not suitable because, based on counsel's information and belief, upon returning to Fort Dix, Troy would have to be quarantined for 14 days in the building that currently houses the symptomatic COVID-19 inmates at Fort Dix (as previously stated in movant's motion and confirmed by a guard at Fort Dix). Additionally, sending Troy to the hospital in Burlington, New Jersey would expose Troy to a high number of patients who are currently suffering from COVID-19 in this state.

A sentence of death sentence was never the Court's intention for this nonviolent offender and the fact that his health and life is at stake demands Compassionate Release. Mr. Wragg has a strong team of

doctors at home who know his health conditions very well and closely monitored him leading up to his incarceration. This team is better suited to keep Troy alive.

Mr. Wragg cannot survive under the conditions at FCI Fort Dix, or any other confined correctional facility at this time. Swift action is required to get him home to a safe environment that can provide him with immediate and intensive medical care that is needed for his survival. Troy's deteriorating conditions prove that he is medically vulnerable and contracting COVID-19 could kill him, this danger is further worsened by the medical neglect he is suffering at the facility.

IV. If the court were to grant compassionate release to Mr. Wragg, it would be moving in the direction Congress has intended and in which other districts have begun to move. In the case of *United States. vs. Zukerman* Docket no. 1:16-CR-194-AT, April 3, 2020, a case which included a fine of \$10,000,000 dollars and an order of restitution in the amount of \$37,574,951.88, defendant Morris E. Zukerman was granted Compassionate Release and to serve his remaining sentence on home confinement. The court found that Zukerman "suffers from diabetes, hypertension, and obesity," which includes two of the same conditions that Troy Wragg suffers from in granting compassionate release. The court should note that in contrast Zukerman was serving his sentence at FCI Otisville, a facility that houses 612 inmates, while Mr. Wragg is serving his sentence at FCI Fort Dix, which houses approximately 2,861 inmates. The much larger population at Fort Dix only imposes a greater threat to Wragg's health.

Wherefore, it is respectfully submitted that Troy Wragg's continued severe medical conditions and the dangers posed by incarceration are compelling reasons to grant his motion for compassionate release.

Respectfully submitted,

/S/

EVAN T.L. HUGHES, ESQ.

VERIFICATION

All statements and factual assertions made herein are made to Counsel's good-faith based information and belief, and are made subject to penalty of perjury.

/S/

Dated: May 22, 2020

Evan T.L. Hughes, Esquire

CERTIFICATE OF SERVICE

The forgoing motion for compassionate release was served by way of ECF on the date indicated below.

/S/

Dated: May 22, 2020

Evan T.L. Hughes, Esquire