



Charles Scott

“My roots weren’t strong, and when the storms of life came, I couldn’t hold on,” says Charles Scott, currently serving more than 51 years in federal prison – 45 of which are “stacked” mandatory enhancements.

Charles was a child when he left his parents and 13 siblings, running from a strict religious upbringing he didn’t agree with. His parents made it clear that he could not be a part of the family unless he accepted their religion. When he did not, their church dictated his “dis-fellowship” and cut him off. Charles ended up on the streets, finding shelter in abandoned homes, unlocked cars, and on porches, stealing for food.

“I saw my parents from time to time in passing,” he now recalls, “And it was like I never existed. Not a ‘Hi,’ a ‘Hello’ ... I got nothing; I was invisible. Can you imagine what that felt like?”

As he spent more time on the streets, he spiraled from petty theft for food into drug dealing. New loyalties, friendships, and commitments replaced those based around his family. At 22, he was involved in a series of robberies, culminating in his arrest and conviction in 1999.



His sentence for one count of conspiracy to commit robbery and three counts of robbery was six-and-a-half years. Because of the “use or possession of a firearm” during each of the three robberies, 924c “stacking” enhancements were added to the sentence. No one was physically hurt. No shots were fired. Yet the enhancements added a mandatory minimum of an additional 45 years.

Charles is now 46. He is not projected to be released until he is 67.

More than 20 years into his sentence, Charles has thrown himself into service to others. He is committed to helping participants in a program for people in prison who self-harm or self-mutilate. A senior officer working in the prison says, “I have personally watched Charles talk participants in the program out of committing self-harm.”

For those on the outside, Charles is as loving and supportive as he can be as a father, grandfather, brother, uncle, friend. He is reconciled with his parents. “Together,” Charles says, “we have found the power of forgiveness, the power of love, but more importantly the power of God and second chances.” His daughter, Charlesia Biddings, six months old when he was incarcerated, is now about the same age her father was when he committed those three robberies. She is a single mother with two children. “He tries his best to be here for me mentally, but I need my father physically,” she says.

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Charles has earned a high school diploma and a college degree and has learned several trades. He knows he could be useful and productive in freedom. “That’s what we need out there, not people that’s only going to tend to themselves and stay out of trouble, but those that can help others stay out of trouble. People to help prevent some from going in and help others find purpose in positive thinking. That’s what I want to do and what I’m going to continue to do, whether it’s in here or out there.”

Bearing on Charles’ case are recent reforms. In December 2018, passage of the First Step Act changed the way 924c mandatory minimum sentences apply. Today, for the same crimes, Charles would likely get a much lower sentence.



This important change to 924c mandatory minimum sentencing in the First Step Act, however, is not explicitly retroactive. In other words, it does not allow individuals like Charles to petition the court for a reduction in sentence based on the changes to the law. Charles is stuck serving a sentence that Congress has already deemed wrong.

However, pending legislation called the First Step Implementation Act (FSIA), would, among other things, ensure that the 924c changes are applied retroactively. If this law passes, Charles will benefit.

The First Step Act also changed the federal compassionate release law, allowing incarcerated people to file compassionate release motions directly in court. Following these changes, many people, including Charles, have filed compassionate release motions. They argue that although the changes in the law are not retroactive, the vast difference (often decades of time) between what they were sentenced to, and what they would be sentenced to now, constitutes an “extraordinary and compelling” circumstance.

Some circuit courts in the country agreed and granted compassionate release on that reasoning. But many other courts have taken a different view, including the judge who denied Charles’ motion for compassionate release. Whether a judge will consider the change in an individual’s sentence to be a basis for granting compassionate release depends where that person lives.

The United States Supreme Court had the opportunity to create a consistent compassionate release rule across the country. There were at least four cases that had been appealed to the Supreme Court raising the issue of whether judges can use compassionate release to reduce sentences that can no longer be imposed. On January 10, 2022, however, the Supreme Court declined to review those cases, a decision that perpetuates the geographic disparity that individuals in certain states can be re-sentenced based on changes to the law from the FSA, while individuals in other states cannot. People like Charles, who clearly deserve a second chance, will have to pursue clemency, cross their fingers for the FSIA, or wait for the Sentencing Commission to be active again and issue updated guidance on compassionate release.





Charles' grade-school-age nephew, Thomas, couldn't have put it better in a handwritten letter to the court in support of his uncle: "He's been in jail for a while now and I think it's time for him to come home. I know since my uncle has been in jail, he's learned his lesson! He was young when he started doing bad things. If he could take it back, I know he would! If you let my uncle free, he will be able to spend time with me and get to know me. He's a good man!"

The Facts

Name: Charles Scott

Sentence: 51 years

Offense: conspiracy to interfere with commerce and 924c stacking

Priors: one juvenile conviction for robbery at age 16

Year sentenced: 2000

Age at sentencing: 25

Projected release date: December 20, 2042

