



Ernest Boykin (right) and his fiancée Tane.

Ernest Boykin was 41, not halfway through a 15-year sentence in federal prison, and COVID had been hitting prisons hard for months. He had underlying medical conditions that put him at high risk if he contracted the disease, and on lockdown, conditions inside deteriorated by the day. He applied to the warden for compassionate release and was denied. Despair would have been easy.

But somehow, Ernest stayed hopeful. “You have to understand that the job of any warden is to keep you there. It’s not to let you out. So when they reject you, you’ve got to keep the faith. And that’s the hardest part. You’ve got to believe, and you’ve got to be diligent. You’ve got to meditate, pray, whatever you do, you’ve got to channel positive energy. You’ve just got to stay the course because it’s not a quick process.”

His attitude paid off: On July 17, 2020, a judge granted him compassionate release, stating in the memorandum that “Mr. Boykin has provided a sufficient extraordinary and compelling reason for compassionate release.”

Ernest grew up in Washington, D.C. “I was blessed,” he says. “I had a good educational foundation. I went to college.” But it was hard to stay clear of trouble, and he was in and out of prison for drug crimes in his twenties. He put that life behind him when he had kids, though, until he was in a car accident in his thirties, which left him badly injured and on pain medication. Addiction set in. “The next thing I knew,” he says, “I had reintroduced myself to the world of crime.”

Ernest’s criminal history netted him the 15-year sentence. “In the beginning, I was in denial for the first couple of years: ‘I got 15 years. I don’t have 15 years, it don’t make sense, I didn’t do anything to get 15 years.’ And then your friends and people that you thought were really loved ones, they stop answering your phone calls and letters. Then the reality sets in like, ‘I’m in here, there’s nothing I can do about it.’”

He immersed himself in his writing, eventually completing a novel. He took as many classes as he could, including in anger management and victim impact, and started doing some hard internal work. “I saw how my actions affected people and how I could have made better decisions.”

“You don’t deserve to die just because of your mistakes.”

But with COVID, everything changed. “I don’t think anybody was prepared for COVID. The society wasn’t prepared as a whole, but prison is a society within a society. It just was mismanagement on all levels. Corrections officers are overworked, they’re under-trained, and they’re understaffed as is, on a regular day. So when COVID hit, now you’ve

got all these guys and women who are working in there — now they're scared of us, just like we're scared of them. Their job description changed overnight. A lot of the staff quit, so then they got a bunch of rookies working.”

Social distancing and meeting basic hygiene requirements were impossible. And Ernest realized that he could very well die in prison. He suffers from asthma, obstructive sleep apnea, hypertension, obesity, and other illnesses. “At that point, I was just doing the time the best way I could to make it home safe.” That meant going into full gear to try for compassionate release. After his warden denied his application in April, Ernest appealed the decision. He heard nothing in response.

He'd been following FAMM for years, and he asked his girlfriend, Tane, to join the FAMMilies in Action Facebook group. It was there that Tane connected with other women going through the same fear and anxiety about their loved ones in prison. Tane learned all she could about compassionate release and how the Compassionate Release Clearinghouse might help. Eventually, Ernest's case was referred to a federal defender, Joanna Perales.

“Once I talked to her, she restored my faith. She was like, ‘Well, listen to my voice — I'm here to help you. You don't need to be in there. If you catch COVID, then you could possibly die from it. You don't deserve to die just because of your mistakes.’”

For months now, the Clearinghouse has been trying to show the courts that because of the pandemic, more people meet the criteria for compassionate release established by the First Step Act and should be released. Prisons cannot adequately protect people especially vulnerable to the disease. These efforts are paying off: Since February of this year, judges have granted more than 1,000 compassionate releases. For perspective, between January of 2019 and February 2020, only 144 releases were granted.

In his application through the Clearinghouse, Ernest argued that his “personal history, characteristics, and medical conditions make him particularly vulnerable to Covid-19 and put him in grave danger in a prison environment during this pandemic.” The Court agreed, also finding that he met the criteria for release because he “does not present a danger to his community.”

Since his release, Ernest has been living with his parents. He spends his time socializing – at a distance – with his five children. He and Tane enjoy relaxed time together. Ernest is hopeful that his case will open the door for more releases. “I’m just grateful that I was able to get out of that nasty environment in one piece. People are going to die. I’m just really grateful.”