

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES,

v.

FRANCIS RAIA

18-cr-657

ORDER

WILLIAM J. MARTINI, U.S.D.J.:

This matter comes before the Court on Defendant Francis Raia's ("Defendant") motion for a reduced sentence, or alternatively, an order that he serve the remainder of his sentence in home confinement. ECF No. 89. The Court writes for the benefit of the parties, who are familiar with the factual and procedural record.

Defendant argues his advanced age, health conditions, and the global COVID-19 pandemic justify his compassionate release. ECF No. 90. The Government responds that, *inter alia*, given Defendant's May 20, 2020 scheduled release, a sentence reduction is unwarranted. Opp. at 2, ECF No. 90. The Court will not reduce the length of Defendant's sentence, but finds home confinement more appropriate than a term of incarceration.

In a March 26, 2020 indicative ruling, this Court found that Defendant's previous application had "substantive merit" and he "should be released to home confinement." ECF No. 86 (applying Rule 37(a)(3)). Since the Court's indicative ruling, the outbreak of COVID-19 has worsened. See <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>. Despite the Government beginning the process of releasing Defendant, it cannot sufficiently guarantee his safety during the mandatory quarantine period. The Government may also change course or otherwise delay release.

The Court's indicative ruling remains correct: "Due to the increased risk posed by a custodial term and the original reasons for a reduced sentence, . . . a non-custodial sentence would be more appropriate. The crime here was non-violent and Defendant has otherwise been a highly productive, charitable member of his community." *Id.* The Court adds that Defendant is not a flight risk, especially in light of the global pandemic.

For these reasons, the Court will permit Defendant to serve the remainder of his custodial sentence in home confinement. See 18 U.S.C. §3582(c)(1)(A) (permitting courts to impose a term of supervised release not exceeding original sentence).

Accordingly, **IT IS** on this 7th day of May 2020, **ORDERED** as follows:

- Defendants' request that he serve the remainder of his custodial sentence in home confinement, ECF No. 89, is **GRANTED**;¹ and
- The Bureau of Prisons **SHALL** release Defendant immediately.²



WILLIAM J. MARTINI, U.S.D.J.

¹ Upon release from custody, Defendant is restricted to his residence except for medical necessities and other reasons approved by the Court. Defendant should make every effort to self-isolate for two weeks, even from other members of his household.

² Given the brevity of the remaining sentence and the reasons already-stated for granting relief, the Court finds that location monitoring is unnecessary. The Court need not impose the delay, expense, or risk involved in installing location monitoring services for such a short period.