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FAVORABLE POST-CONVICTION CASES FOR WEEK OF APRIL 11, 2026

This week covers some common compassionate release issue: sentencing disparities that develop over time, especially when co-defendants get relief through cooperation, plea deals, or changes in the law, and how courts are applying the “only available caregiver” standard in compassionate release cases, making clear it doesn’t mean literally the only person in existence, but whether anyone else is realistically in a position to provide the care.

United States v. Parada, 2026 U.S. App. LEXIS 9861 (11th Cir. Apr. 7, 2026)

“Only Available Caregiver” Requires Proof No One Else Can Actually Do the Job

The Eleventh Circuit vacated and remanded the denial of compassionate release because the district court failed to apply the correct legal standard for determining whether a defendant is the “only available caregiver” under U.S.S.G. § 1B1.13(b)(3). The defendant argued he qualified because he was the only viable caregiver for his ill brother, but the court rejected that framing and made clear that the analysis is far more demanding. That standard comes from *United States v. Robelo-Galo*, 166 F.4th 1311 (11th Cir. 2026), where the Eleventh Circuit addressed this issue for the first time. The court rejected the government’s argument that any non-incapacitated person is automatically “available,” but it also rejected the idea that practical difficulty alone makes someone unavailable. Instead, the court held that a defendant must prove that no other person is both qualified and free to provide care, and that determination requires a fact-intensive, case-by-case analysis.

Robelo-Galo lays out a non-exhaustive framework, five key areas courts must evaluate when deciding if another caregiver is actually “available”:

1. legal barriers. A potential caregiver may not be available if legal restrictions prevent them from providing care, such as immigration status, custody issues, or other obligations that legally limit their ability to be present.
2. physical or logistical barriers. Distance matters, but there is no bright-line rule. Courts look at whether relocation or travel is realistically feasible, not whether it

would be inconvenient or disruptive. Living hours away does not automatically make someone unavailable.

3. capability and skill. A caregiver must be able to actually provide the required care. This includes language barriers, medical needs, or specialized care requirements. But again, the question is whether the person *can* do it, not whether someone else could do it better.

4. family dynamics and relationship history. Courts look at whether the person has a real relationship with the individual in need of care, including past involvement, estrangement, or even abuse. A history of providing care can support availability, while a lack of relationship can weigh against it.

5. financial and employment constraints. This is where most claims fail. The court made clear that having a job, needing income, or facing financial pressure does not make someone unavailable. Caregiving almost always requires balancing work and personal obligations. Unless those burdens are materially different from what the defendant would face if released, they do not disqualify another caregiver.

Applying that framework in *Robelo-Galo*, the court found that a son who lived hours away, lacked transportation, and had financial responsibilities was still an “available” caregiver. Those were ordinary life constraints, not legal or practical barriers that made caregiving impossible.

That principle controlled in *Parada*. Because the district court did not apply this structured, fact-intensive analysis, and instead denied relief without addressing whether other caregivers were actually unavailable under this standard, the Eleventh Circuit vacated and remanded for further proceedings.

Bottom line: “only available caregiver” does not mean you are the best option or the most willing. It means no one else can realistically do it. If another person can provide care, even with difficulty, distance, or financial strain, they will likely be considered available.

United States v. Davis, 2026 U.S. Dist. LEXIS 78381 (D. Md. Apr. 10, 2026)

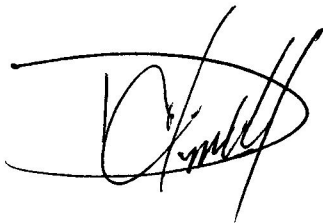
Sentence Reduced Due to Extreme Disparities with Co-Defendants

The district court granted a sentence reduction based on a massive and evolving disparity between the defendant’s sentence and those of his co-defendants. At the time of sentencing, there was no issue. The disparity developed later when co-defendants received post-conviction relief that was not available to him. Every co-

defendant pleaded guilty, cooperated, and later benefited from changes in the law that resulted in their § 924(c) convictions being vacated and their sentences drastically reduced. The defendant went to trial and was convicted on multiple counts, which ultimately prevented him from accessing the same relief. The result was a massive gap: while co-defendants received sentences as low as 72 to 102 months and were all released, the defendant remained serving a 248-month sentence.

The court emphasized that this kind of disparity can qualify as an “extraordinary and compelling” reason for relief, especially where the difference is not based on greater culpability, but on procedural factors, cooperation, plea decisions, and the ability to benefit from later legal developments. Relying on *United States v. Johnson*, 143 F.4th 212 (4th Cir. 2025), the court noted that when similarly situated defendants receive dramatically different outcomes because some pleaded guilty and others went to trial, the disparity can become unjust over time.

Bottom line: disparities don’t have to exist at sentencing to matter. When co-defendants get relief later, through cooperation, plea deals, or post-conviction changes in the law, and one person is left behind, that gap alone can justify a sentence reduction.

A handwritten signature in black ink, appearing to be 'D. Kelly', written over a horizontal line.

If any of these issues apply to your situation, reach out to me.