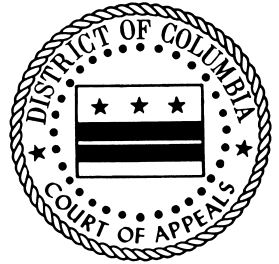


DISTRICT OF COLUMBIA COURT OF APPEALS



GOLDIE DOBIE,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

Appeal No. 24-CO-294

(2001-FEL-006539)

Clerk of the Court
Received 10/09/2024 10:27 AM
Filed 10/09/2024 10:27 AM

MOTION FOR SUMMARY REVERSAL OF DENIAL OF
MOTION TO REDUCE SENTENCE UNDER D.C. CODE § 24-403.03

Appellant Goldie Dobie, through undersigned counsel, respectfully moves this Court, pursuant to D.C. App. R. 27(c), to summarily reverse the trial court's order denying his motion for relief under the Incarceration Reduction Amendment Act (IRAA), D.C. Code § 24-403.03. After serving over twenty-one years in prison for a crime committed when he was eighteen years old, Mr. Dobie applied for release under IRAA, presenting evidence that he was not a danger to the community and that the interests of justice warranted his release. The government opposed Mr. Dobie's release while acknowledging that he had shown "growth and maturity," 10/27/23 at 13, and that his case presented a "close question," R. 120 (Opp'n at 17).¹

Despite Mr. Dobie's "fulsome release plan," R. 120-21 (Opp'n at 17-18), and the Bureau of Prisons (BOP)'s own recognition that Mr. Dobie, who is known as a mentor and a leader in prison, presented a "low" risk for recidivism, the trial court denied release. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ Citations to "R. *" refer to the electronic page number of the record on appeal amassed by the Appeals Coordinator, and citations to "S.R. *" to the supplemental sealed record. Citations to "***/**/**" designate a particular month, day, and year from the transcripts.

[REDACTED]

[REDACTED] The court also abused its discretion in its interests-of-justice analysis, where it reached conclusions about Mr. Dobie's participation in postconviction litigation that lacked a firm factual foundation in the record and penalized Mr. Dobie for asserting his innocence, in contravention of IRAA's purposes. These errors require reversal, and the record compels Mr. Dobie's release.

BACKGROUND AND PROCEDURAL HISTORY

A. The Underlying Facts and Original Sentence

On September 8, 2000, [REDACTED] and [REDACTED] were shot and seriously injured while sitting in a parked car. Goldie Dobie—then eighteen years old—was identified by the complainants as one of three shooters.² Mr. Dobie was tried jointly with an older codefendant.³ In 2002, he was convicted and sentenced to an aggregate term of thirty years for one count of assault with intent to kill while armed (as to [REDACTED]; he was acquitted of that charge as to [REDACTED]); two counts each of mayhem while armed, aggravated assault while armed (AAWA), and possession of a firearm during a crime of violence (PFCV); and one count each of possession of an unregistered firearm, possession of unregistered ammunition, and carrying a pistol without a license (outside of home or place of business). This Court affirmed the majority of his convictions in 2009.⁴

In 2016, Mr. Dobie filed a pro se motion to vacate his convictions pursuant to the Innocence Protection Act (IPA), D.C. Code §§ 22-4131 to -4135. The motion rested on newly discovered evidence in the form of the recantation of [REDACTED], one of the shooting victims. After a hearing, the IPA court found—based on [REDACTED] demeanor, various inconsistencies,

² These identifications were the only evidence linking Mr. Dobie, who presented an alibi defense at trial, to the shooting. *Dobie v. United States (Dobie I)*, No. 03-CF-324, Mem. Op. & J. at 3 (D.C. Nov. 3, 2009).

³ The third alleged perpetrator died shortly after the shooting. *Dobie I*, Mem. Op. & J. at 2 n.3.

⁴ It remanded to the trial court to vacate the AAWA convictions and one of the PFCV convictions as merged. *Dobie I*, Mem. Op. & J. at 2.

38 (Mot. at 24). In the “professional opinion” of a former BOP treatment specialist, Mr. Dobie’s disciplinary history did “not correlate to community dangerousness.” S.R. 49 (Mot. at 35); S.R. 146 (Exh. 4 at 4). The BOP’s own science-based statistical model, the Prisoner Assessment Tool Targeting Estimated Risk and Needs (PATTERN), confirmed the specialist’s assessment, assigning Mr. Dobie a “low” recidivism score, a category in which 92 percent of releasees did not recidivate *in any way*. S.R. 46-47 (Mot. at 32-33); R. 388-91 (Supp. at 4-7). On top of that, Mr. Dobie presented a comprehensive reentry plan with concrete housing and employment offers and a robust support network of family, friends, and mentors. S.R. 49-53 (Mot. at 35-39); S.R. 93-98 (Exh. 1 at 28-33). Among those supporters was [REDACTED], who submitted a letter asking for Mr. Dobie’s release, explaining how he would support Mr. Dobie, and expressing hope that together they could help young people by “shar[ing] [their] story.” S.R. 31 (Mot. at 17); S.R. 115 (Exh. 3C).

The government responded that Mr. Dobie had “present[ed] the court with a somewhat close question,” R. 120 (Opp’n at 17), but opposed his release “[g]iven the serious nature of the instant offense, and [Mr. Dobie’s] unjustifiable role in it, as well as his disciplinary history and minimal programming in the government’s view,” R. 116 (Opp’n at 13). The government relied “heavily” on the seriousness of the “unprovoked” shooting and its effects on [REDACTED] and [REDACTED], arguing that [REDACTED] letter asking for Mr. Dobie’s release “should be given minimal weight” because another judge had declined to credit [REDACTED] recantation in the IPA litigation. R. 118-19 (Opp’n at 15-16). The government also pointed to the IPA motion as evidence that Mr. Dobie had not accepted responsibility for the shooting, showing a lack of maturity and rehabilitation, and had “abuse[d] . . . the judicial system [by] procuring discredited testimony from one of his victims,” demonstrating “that the interests of justice d[id] not favor early release.” R. 116-17, 121 (Opp’n at 13-14, 18). The government further claimed that Mr.

staff witnesses, Mr. Dobie was assaulted without provocation by another inmate, who “broke away from [an] officer’s control and began to punch” Mr. Dobie, and Mr. Dobie “responded by striking” back. *Id.*

Dobie’s failure to “compl[y] with all of the rules of the institution to which he has been confined” and his “failure to comply with a court stay away order in the past”—citing an event that occurred when Mr. Dobie was [REDACTED]—made it “questionable that he would abide by all of the rules of court ordered supervision.” R. 120 (Opp’n at 17). And although it acknowledged that Mr. Dobie had “presented a fulsome release plan with housing and employment opportunities,” the government expressed concern that not having a GED “would likely impede [his] ability to obtain lawful employment.” R. 120-21 (Opp’n at 17-18).⁶

At an October 27, 2023, hearing, the government acknowledged that Mr. Dobie had shown “growth and maturity” and that his “low PATTERN score . . . suggests he won’t necessarily have recidivism.” 10/27/23 at 13-14. But it argued that Mr. Dobie’s actions—namely, “put[ting] on perjured testimony” in the IPA litigation and violating a stay-away order at age [REDACTED]—demonstrated a belief that rules do not apply to him. *Id.* at 13-15, 21-22. As Mr. Dobie told the court during the hearing, however, he “didn’t care” about the stay-away order at that young age, when “all [he] knew” was a sense of hopelessness. *Id.* at 8, 18-19. As he explained, he was no longer that person as he stood before the court more than [REDACTED] years later as someone who was committed to self-improvement and “cherish[ed] life.” *Id.*

On March 6, 2024, the trial court issued an order denying Mr. Dobie’s motion. After going through IRAA’s eleven enumerated factors—[REDACTED]
[REDACTED]
[REDACTED]—the court concluded that Mr. Dobie had failed to show either that he was no longer dangerous [REDACTED] or that the interests of justice favored release (based primarily on his pursuit of an IPA claim), S.R. 173-76 (Order at 22-25).

⁶ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁷ [REDACTED]

[REDACTED]

In its “interests of justice” analysis, in turn, the trial court focused primarily on Mr. Dobie’s IPA litigation. *See* S.R. 173-176 (Order at 22-25). The court described Mr. Dobie as “committing and suborning perjury” in the IPA proceedings, S.R. 169, 174-75 (Order at 18, 23-

⁸ The court also expected more programming because of the “needs” identified in the BOP’s Risk and Needs Assessment System (RNAS), notwithstanding Mr. Dobie’s “low” recidivism risk under RNAS (reflected in the PATTERN score, which the court did not mention). *See* U.S. Dep’t of Just., Fed. Bureau of Prisons, *First Step Act Needs Assessment*, Program Statement 5400.01, at 2 (June 25, 2021), <https://www.bop.gov/policy/progstat/5400.01.pdf> (explaining that RNAS consists of two components: PATTERN, which “identifies the risk of recidivism,” and the Needs Assessment, which identifies “dynamic factors that can be targeted to reduce an inmate’s risk of recidivism”).

24), even though the IPA courts never used the term “perjury” and never even suggested that Mr. Dobie procured [REDACTED] recantation or knew it to be false. In the trial court’s view, a key distinction between this case and other cases in which IRAA petitioners were released notwithstanding previous “false[] procla[mations] [of] innocence” was that here, Mr. Dobie exercised his right to profess his innocence through appeal, whereas other IRAA petitioners had withdrawn their IPA litigation before this Court rendered a decision on appeal. S.R. 174-75 (Order at 23-24). The court concluded that “such deliberate, and recent, choices cannot be ignored, and preclude a finding that [Mr. Dobie’s] early release is in the interests of justice in this case.” S.R. 176 (Order at 25).

ARGUMENT

THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING RELEASE WHERE [REDACTED], AND ITS INTERESTS-OF-JUSTICE DETERMINATION RESTED ON A “PERJURY” FINDING LACKING A FIRM FACTUAL FOUNDATION AND PENALIZED MR. DOBIE FOR NOT ACCEPTING RESPONSIBILITY FOR THE OFFENSE.

IRAA requires a court to reduce an eligible defendant’s term of imprisonment if the court finds, after considering eleven enumerated factors “bearing on the defendant’s maturation, rehabilitative progress and amenability to reform,” (*Brian Williams v. United States*, 205 A.3d 837, 848 (D.C. 2019), that “the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.” D.C. Code § 24-403.03(a). Here, the trial court determined that Mr. Dobie had not established that he was no longer a danger to the community [REDACTED], and that he had not established that reducing his sentence would be in the interests of justice primarily because he had “falsely proclaim[ed] his innocence” in prior litigation, S.R. 173-76 (Order at 22-25). The trial court’s reliance on these factors was legal error, and the record, properly viewed, “le[ft] the trial court with but one option [to] choose without abusing its discretion,” *Johnson v. United States*, 398 A.2d 354, 364 (D.C. 1979): a

reduced term of imprisonment effecting immediate release. At the very least, remand is required because the trial court’s reliance on improper factors affected its decision.⁹

A. The Purpose, Text, and Requirements of IRAA

First enacted in 2016 as part of “a groundbreaking juvenile justice reform omnibus bill” that responded to scientific evidence about adolescent brain development, D.C. Council, Comm. on the Judiciary & Pub. Safety, Rep. on B23-0127, at 13 (Nov. 23, 2020) (“2020 Committee Report”); D.C. Council, Comm. on the Judiciary, Rep. on B21-0683, Attach. B (Oct. 5, 2016) (“2016 Committee Report”), and the problem of overincarceration, 2020 Committee Report at 11-12; 2016 Committee Report Attach. B (Notice of Public Hearing), IRAA “ensur[es] that all [youthful] offenders serving lengthy prison terms have a realistic, meaningful opportunity to obtain release based on their diminished culpability and their maturation and rehabilitation.” (*Brian Williams*, 205 A.3d at 846.

The statute originates with “a line of Supreme Court jurisprudence regarding developmentally-appropriate sentencing,” 2020 Committee Report at 13, grounded in improved scientific understanding of the fundamental differences between young people and adults. In this line of cases—including *Roper v. Simmons*, 543 U.S. 551 (2005), *Graham v. Florida*, 560 U.S. 48 (2010), *Miller v. Alabama*, 567 U.S. 460 (2012), and *Montgomery v. Louisiana*, 577 U.S. 190 (2016)—the Supreme Court emphasized “three key differences between juveniles and adults,” 2016 Committee Report at 11, that “both lessen[] [young people’s] ‘moral culpability’ and enhance[] the prospect that, as the years go by and neurological development occurs, [their] ‘deficiencies will be reformed,’” *Miller*, 567 U.S. at 472 (quoting *Graham*, 560 U.S. at 68-69). First, young people “have a ‘lack of maturity and an underdeveloped sense of responsibility,’ leading to recklessness, impulsivity, and heedless risk-taking.” *Id.* at 471 (quoting *Roper*, 543 U.S. at 569). Second, they “‘are more vulnerable . . . to negative influences and outside

⁹ This Court reviews the denial of an IRAA motion for abuse of discretion but considers questions of statutory construction de novo. *Bishop v. United States*, 310 A.3d 629, 641 (D.C. 2024).

pressures,’ including from their family and peers; they have limited ‘contro[l] over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings.” *Id.* (alterations in original) (quoting *Roper*, 543 U.S. at 569). Third, a young person’s “character is not as ‘well formed’ as an adult’s; his traits are ‘less fixed’ and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity].” *Id.* (alterations in original) (quoting *Roper*, 543 U.S. at 570).

Through a series of amendments and expansions of eligibility, the Council has consistently emphasized that IRAA’s purpose is to release people who have been rehabilitated, even though they once committed very serious offenses. For example, although the original version of the statute required judges to consider “the nature of the offense” in determining whether relief was warranted, the Council unanimously removed that language in the first set of amendments to IRAA, Omnibus Public Safety and Justice Amendment Act of 2018, D.C. Law 22-313, § 16(b)(3)(A), 66 D.C. Reg. 6308 (May 10, 2019), while adding language directing that “the hallmark features of youth . . . counsel against . . . lengthy terms in prison, *despite the brutality or cold-blooded nature of any particular crime*,” *id.* § 16(b)(3)(B) (emphasis added).¹⁰ Two years later, the Council added language requiring courts to consider “the defendant’s personal circumstances that support an aging out of crime.” Omnibus Public Safety and Justice Amendment Act of 2020, D.C. Law 23-274, § 601(d)(3)(B), 68 D.C. Reg. 4792 (Apr. 27, 2021). In adopting this language, which “mandate[s] consideration of how the movant has changed between the time of the underlying offense and the time of his or her IRAA motion,” *Bishop v. United States*, 310 A.3d 629, 644 (D.C. 2024), the Council explained that “[e]xtensive data shows that individuals age out of crime,” a “phenomenon . . . known as the ‘age-crime curve,’” 2020 Committee Report at 16, 18. Further, in response to evidence demonstrating that the brain

¹⁰ As the Council explained, “[i]ndividuals eligible to petition for relief under the IRAA have *all* served long sentences for *exclusively* serious offenses.” 2020 Committee Report at 19. It removed the “nature of the offense” language “in response to the over-reliance on the underlying offense . . . as an argument for denying the petitions of potentially rehabilitated defendants.” *Id.*

continues to develop well into the twenties and that criminal conduct “declines precipitously” after the young-adult years, *id.* at 15-16, 18 (quoting Elaine Eggleston Doherty & Bianca E. Bersani, *Mapping the Age of Official Desistance for Adult Offenders*, 4 J. Developmental & Life-Course Criminology 516, 517 (2018)), the Council expanded IRAA eligibility to people sentenced before age twenty-five, D.C. Law 23-274, § 601(a). Given “[e]xtensive” age-based desistance data, the Council reasoned that any deterrent effects of continued incarceration beyond middle adulthood were unlikely “to justify their social and economic costs.” 2020 Committee Report at 16, 18 (quoting Doherty & Bersani at 530). IRAA’s text and legislative history illustrate that the purpose of the statute is to reduce the personal and societal costs of mass incarceration by releasing less-culpable youthful offenders who have already served long prison terms and have demonstrated their current maturity and rehabilitation.

To accomplish its purpose to identify “people whose current conduct proves further incarceration is not in the public interest,” 2020 Committee Report at 12 (quoting Ben Miller & Daniel S. Harawa, *Why America Needs to Break Its Addiction to Long Prison Sentences*, Politico (Sept. 3, 2019)), IRAA provides that a court “shall reduce a term of imprisonment” for an eligible person—someone incarcerated for a crime committed before his twenty-fifth birthday who has served at least fifteen years in prison¹¹—if the court finds that he is not a danger to the community and that the interests of justice warrant a sentence modification. D.C. Code § 24-403.03(a). The court’s discretion in making these determinations is guided by eleven factors “bearing on the defendant’s maturation, rehabilitative progress and amenability to reform,” (*Brian Williams*, 205 A.3d at 848:

- (1) The defendant’s age at the time of the offense;
- (2) The history and characteristics of the defendant;
- (3) Whether the defendant has substantially complied with the rules of the institution to which [he] has been confined, and whether the defendant has completed any educational, vocational, or other program, where available;

¹¹ It is undisputed that Mr. Dobie is IRAA-eligible.

- (4) Any report or recommendation received from the United States Attorney;
- (5) Whether the defendant has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;
- (6) Any statement, provided orally or in writing, provided pursuant to § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense for which the defendant is imprisoned, or by a family member of the victim if the victim is deceased;
- (7) Any reports of physical, mental, or psychiatric examinations of the defendant conducted by licensed health care professionals;
- (8) The defendant's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;
- (9) The extent of the defendant's role in the offense and whether and to what extent another person was involved in the offense;
- (10) The diminished culpability of juveniles and persons under age 25, as compared to that of older adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing them to lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime, and the defendant's personal circumstances that support an aging out of crime; and
- (11) Any other information the court deems relevant to its decision.

D.C. Code § 24-403.03(c).

B. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The image consists of a single, uniform black rectangle covering the entire area. There are no discernible features, text, or patterns.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12

[REDACTED]

[REDACTED]

[REDACTED]

13

[REDACTED] Here, the trial court's factor-ten discussion began with a brief, general paragraph about the Supreme Court's recognition of the age-crime curve, and then stated: "The Defendant committed the crimes in this case at 18. His acts were violent and senseless. He is now 42 and has been imprisoned for over 20 years." S.R. 171 (Order at 20). Referencing the "violent and senseless" nature of the offense under factor ten, which expressly directs courts to set aside "the brutality or cold-blooded nature of any particular crime," D.C. Code § 24-403.03(c)(10), was error.

[REDACTED]

¹⁴ For example, with respect to the role of peer pressure, the trial court did not appear to give the involvement of peers—including at least one older man—any mitigating weight. S.R. 171 (Order at 20). This may have been because the trial court was relying on an outdated version of factor nine, which directed courts to consider “whether and to what extent *an adult* was involved in the offense.” *Id.* (emphasis added); *see* D.C. Law 23-274, § 601(d)(3)(B) (changing “an adult” to “another person”). As the Council recognized in changing “adult” to “another person,” young people are “uniquely susceptible to peer pressure, and their poor decision-making ability is often compounded when they act in concert with others.” 2020 Committee Report at 18.

[REDACTED]

¹⁵ Although the trial court largely dismissed this letter from BOP drug treatment specialist Shana Goodell, M.S., its decision to do so was premised on clear factual errors. First, the court was concerned that the letter was not current because Mr. Dobie was incarcerated at FCI Manchester at the time of its ruling, while Ms. Goodell's letter indicated that she was at FCI Edgefield. S.R. 164-65 (Order at 13-14). Mr. Dobie was transferred to Manchester from Edgefield less than a month before filing his IRAA motion, however. Ms. Goodell's letter makes clear that it was written while Mr. Dobie was enrolled in the BOP's Non-Residential Drug Abuse Treatment Program (NRDAP), which, according to the undisputed record, was in 2022. S.R. 91 (Exh. 1 at 26). The trial court erroneously asserted that Mr. Dobie participated in NRDAP in 2017. S.R. 164 (Order at 13). This factual error affected the weight the court gave to Ms. Goodell's letter.

██
██
██

C. The Trial Court’s Reliance on Mr. Dobie’s Decision to Maintain His Innocence Was Legally Erroneous, and Its Assumption That He Committed and Suborned Perjury Lacked a Firm Factual Foundation.

The trial court erred in relying on Mr. Dobie’s 2006 IPA litigation to determine that his release would not be in the interests of justice. The court concluded that Mr. Dobie’s submission of a “sworn affidavit[and] ██████████ sworn statement,” his “present[ation] [of] the false testimony of ██████████ at the hearing,” and his pursuit of an appeal “through decision,” were “deliberate, and recent, choices” that “cannot be ignored, and preclude a finding that [his] early release is in the interests of justice.” S.R. 176 (Order at 25). First, the trial court’s assumption that by pursuing an IPA claim based on a recantation, Mr. Dobie was “responsible for committing and suborning perjury,” S.R. 169 (Order at 18), lacked a foundation in the record. *See Johnson*, 398 A.2d at 364 (trial court abuses its discretion if its determination is not “drawn from a firm factual foundation”). Although the IPA court “did not credit ██████████ recantation,” it never found that ██████████ had committed perjury.¹⁶ *See Dobie II*, Mem. Op. & J. at 4. Nor did that court conclude or even suggest that Mr. Dobie’s affidavit asserting his innocence (a requirement for an IPA claim) was false, much less perjurious. Moreover, nothing in the record in this case or in the IPA litigation suggested that Mr. Dobie had procured ██████████ ██████████ recantation or knew it to be false.

The trial court’s reasoning would penalize nearly any IRAA movant who previously pursued relief under the IPA. Mr. Dobie’s IPA litigation ran the course most IPA litigation does—given the standards applicable to such claims, the vast majority of IPA motions are denied despite the movant signing an affidavit asserting his innocence. It cannot be that unsuccessfully

¹⁶ Indeed, recantations are routinely discredited in the IPA context, as the law mandates that they be “viewed with great suspicion.” *Caston v. United States*, 146 A.3d 1082, 1093 (D.C. 2016) (quoting *Turner v. United States*, 116 A.3d 894, 927 (D.C. 2015)).

pursuing IPA litigation demonstrates a lack of maturity, especially where the D.C. Council declined to make acceptance of responsibility an IRAA factor.¹⁷ Although the trial court seemingly recognized that an IRAA movant need not “accept responsibility or express remorse to qualify” for a sentence reduction, S.R. 169 (Order at 18), its reasoning effectively penalized Mr. Dobie for failing to do just that. The sole reason the court found *United States v. Steward*, No. 1997-FEL-008176 (D.C. Super. Ct. Sept. 4, 2019) (granting IRAA relief notwithstanding falsehoods in prior IPA litigation), unpersuasive was because Mr. Steward had “withdr[awn] his IPA motion before an evidentiary hearing was held” and “acknowledged his guilt,” whereas Mr. Dobie had not. S.R. 174-75 (Order at 23-24). Continuing to incarcerate someone for pursuing an IPA claim through a decision on appeal, rather than admitting guilt, is untenable under IRAA.

D. The Record, Fairly Considered in Line with IRAA’s Purposes, Compels Mr. Dobie’s Release, but Either Way Remand Is Required Given the Trial Court’s Errors.

Viewed properly, the record established as a matter of law that Mr. Dobie is not a danger to society and that the interests of justice support his release. The undisputed facts in the record “le[ft] the trial court with but one option [to] choose without abusing its discretion, all the others having been ruled out.” *Johnson*, 398 A.2d at 364. These facts included Mr. Dobie’s “low” PATTERN score;¹⁸ the opinions of present and former BOP professionals describing Mr. Dobie

¹⁷ This decision is particularly meaningful in light of IRAA’s legislative history. Despite other states including acceptance of responsibility as a factor in analogous statutes, including the Florida sentence review provision specifically intended as a model for IRAA, 2016 Committee Report at 14, the Council chose *not* to include acceptance of responsibility in IRAA’s text. *See, e.g.*, Fla. Stat. § 921.1402(6)(e); Cal. Penal Code § 1170(d)(6)(F); Conn. Gen. Stat. § 54-125a(f)(4)(C). In the words of then-Chief Judge Robert E. Morin, “the Council did not indicate that acceptance of responsibility was an express factor to be considered by the Court in considering a request for relief under the IRAA,” because “individuals who . . . maintain their innocence are not and should not be precluded from undertaking their own efforts to rehabilitate and therefore seek relief.” *United States v. Poole*, No. 1999-FEL-007782, slip op. at 10 (D.C. Super. Ct. Dec. 11, 2019).

¹⁸ Given the low PATTERN score, it is unsurprising that the government did not rely on the “needs” that gave the trial court concern about Mr. Dobie’s programming. As explained *supra* note 8, the Needs Assessment simply identified additional ways that Mr. Dobie could reduce his already-low recidivism risk.

as “immersed in self-improvement” and prepared to lead a “prosocial lifestyle” based on his programming participation, S.R. 125 (Exh. 3G), and describing his modest and almost entirely nonviolent BOP disciplinary history as one that does not “correlate to community dangerousness,” S.R. 146 (Exh. 4 at 4); and a comprehensive release plan. Although the trial court focused on Mr. Dobie’s past, the record showed that Mr. Dobie is a different person today than the adolescent who was struggling to cope with abandonment, trauma, and community violence. And the people forming what is now a robust support system for Mr. Dobie have changed, too—

Mr. Dobie is precisely the kind of person whose “further incarceration is not in the public interest,” 2020 Committee Report at 12 (quoting Miller & Harawa), and any decision other than granting IRAA relief would contravene the statute’s goals.

But even assuming that a court could deny a sentence reduction on this record without abusing its discretion, the trial court here plainly abused its discretion—it relied on “improper reasons” that “contravene[d]” IRAA’s purposes. *Johnson*, 398 A.2d at 367. “[T]he impact of th[ese] error[s] requires reversal” not only because the nature of the errors—“application of erroneous legal principles to guide discretionary choice”—is presumptively reversible error, but also because the errors had a “possibly substantial impact upon the outcome.” *See id.* at 366-68 (discussing when an erroneous exercise of discretion requires reversal). As the trial court’s conclusions regarding dangerousness and the interests of justice show, S.R. 172-76 (Order at 21-25), its erroneous reliance on and his unsuccessful IPA litigation had an outsize impact on its decision. At minimum, therefore, this Court must remand so the trial court can consider Mr. Dobie’s IRAA motion without the improper reliance on these factors.

CONCLUSION

For the reasons stated above, this Court should summarily reverse the trial court’s order denying relief and remand for resentencing to effectuate Mr. Dobie’s immediate release.

Respectfully submitted,

/s/ Sarah McDonald

Jaclyn S. Frankfurt, Bar No. 415252

Shilpa S. Satoskar, Bar No. 457263

Sarah McDonald, Bar No. 90001349

PUBLIC DEFENDER SERVICE

633 3rd Street, NW

Washington, DC 20001

(202) 628-1200

Counsel for Goldie Dobie

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been served, by this Court's electronic filing system, upon Chrisellen Kolb, Esq., Chief, Appellate Division, Office of the United States Attorney, on this 8th day of October, 2024.

/s/ Sarah McDonald

Sarah McDonald, Bar No. 90001349