

IN THE CRIMINAL COURT FOR THE 30TH JUDICIAL DISTRICT
SHELBY COUNTY, TENNESSEE AT MEMPHIS

Vern Braswell,

Petitioner,

vs.

Case No. 05-03038

State of Tennessee,

Respondent

**EMERGENCY MOTION TO ALTER OR ADJUST SENTENCE TO CONFORM WITH THE
PRINCIPLES OF COMPASSIONATE RELEASE**

Comes now the Petitioner, Vern Braswell, by and through himself, *pro se*, pursuant to the Tennessee State Constitution, Article 1, Section 16, and the Eight Amendment to the United States Constitution praying that this Honorable Court will alter or adjust Petitioner's sentence to home confinement because of Petitioner's extreme vulnerability due to his cancer diagnosis during the current pandemic and an unmanageable emergency surge in recent COVID-19 cases.

Petitioner notes that:

- Although on Tuesday December 22nd, 2020 the Tennessee Supreme Court cancelled all in court hearings, **the Court made exceptions** for:
 - **emergency protection of vulnerable persons,**
 - proceedings related to the **COVID-19 public health emergency.**

Petitioner requests an immediate emergency video hearing so that he can show the following:

- Petitioner was convicted of 2nd degree murder in 2005 and has approximately 4 years remaining on a 24 year sentence.
- Petitioner was diagnosed with cancer in August of 2020.
- Petitioner is housed at the minimum security annex of Northwest Correctional Complex where there are currently numerous COVID-19 outbreaks among staff & inmates who are being hospitalized.
- Tennessee currently leads the nation in new COVID-19 cases.
- On Sunday, December 20th, 2020, Tennessee Governor Bill Lee declared a state of emergency due decreasing hospital space because of rising COVID-19 levels across the state.

- Statistics show that COVID-19 is 3 times more fatal for Blacks, 3 times more fatal for those with cancer, and inmates are 5 times more likely to contract COVID-19.
- It will be next to impossible to prevent Petitioner from contracting COVID-19 while incarcerated where numerous people are extremely lackadaisical about wearing masks and where it's virtually impossible to social distance.

The Petitioner's **vulnerable counterparts in federal prisons are routinely being granted compassionate release to home confinement to prevent their unnecessary deaths** during this pandemic.

Likewise, Petitioner should be granted compassionate release to home confinement for the following reasons:

- If or when Petitioner contracts COVID-19 it will likely be deadly to him since he is Black, incarcerated, and currently has cancer hence a compromised immune system.
- Petitioner's **prison security level is minimum** direct which means he can be housed and can complete tasks **outside the secure perimeter of an institution while under constant supervision.**
- Petitioner is **currently housed at a minimum security annex.**
- Petitioner is **currently eligible for minimum trustee status** which means he can be housed and can complete tasks **outside the secure perimeter of an institution while under periodic supervision.**
- According to statistics, **Blacks receive 20% longer sentences than Whites for the exact same crimes** under the exact same circumstances; consequently, statistically speaking, if Petitioner were White, he would have received approximately 19 years instead of 24 years with no parole.
- **OF NOTE, ON TUESDAY DECEMBER 15TH A TENNESSEE RADIO PERSONALITY CONTRACTED COVID-19 AND HAD TO BE DRIVEN 100 MILES IN AN ADJOINING STATE BECAUSE THERE WERE NO ICU BEDS AVAILABLE. AFTER FINALLY FINDING A HOSPITAL HE LATER DIED.**

CONCLUSION

Petitioner prays that this court will immediately grant this motion by transforming the remainder of the Petitioner's sentence to monitored home confinement with periodic probationary supervision.

Vern Braswell
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NWCX – SITE 2 ANNEX
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