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Democracy Dies in Darkness

Paul Manafort released from prison, granted home confinement due to coronavirus fears

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Paul Manafort, President Trump's former campaign chairman, was released Wednesday to serve his prison term under home confinement because of coronavirus fears, one of his lawyers confirmed.

Manafort had been imprisoned since June 2018 when he was indicted by special counsel Robert S. Mueller III on a charge of witness tampering while awaiting trial on bank and tax fraud charges, for which he was convicted that summer. He later pleaded guilty to conspiracy to defraud the United States and obstruct justice related to his undisclosed lobbying for a pro-Russian politician and political party in Ukraine.

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Manafort, serving a seven-year term, was released to his home in Alexandria, Va., from the minimum-security Loretto Federal Correctional Institution in central Pennsylvania. His term was set to end in November 2024. His release was first reported by ABC News.

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Manafort's attorneys argued in April that, in light of the coronavirus pandemic, Manafort should be released to serve out at least a portion of that sentence with his wife in their Northern Virginia condominium. His release was confirmed Wednesday by attorney Todd Blanche.

"Mr. Manafort is 71 years old and suffers from several preexisting health conditions, including high blood pressure, liver disease, and respiratory ailments," his lawyers wrote.

Manafort was hospitalized for several days in December because of heart problems, they noted, and in February he contracted influenza and bronchitis. Given that history, the lawyers said that if he became infected with covid-19, "Mr. Manafort is at a significantly higher risk for serious illness or death."

Attorney General William P. Barr in late March directed the U.S. Bureau of Prisons to release to home confinement more vulnerable prisoners not considered a danger to the community.

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The bureau has said it is “prioritizing for consideration” inmates who had served more than half their sentences or had 18 months or less remaining; Manafort is not in either category.

A Justice Department official said though Manafort had not served enough time to be granted priority release, the Bureau of Prisons felt it was necessary because of his age and vulnerability because of his underlying health issues. The person spoke on the condition of anonymity because officials are not authorized to publicly discuss the details of particular inmates’ cases.

The U.S. Bureau of Prisons reported as of Tuesday that 2,818 inmates and 262 staff in its 140,000-prisoner system have tested positive for the virus, and 50 inmates have died. There have been no confirmed infections at the Loretto complex, according to the bureau.

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The Bureau of Prisons has struggled to implement Barr's directive to release inmates to home confinement, issuing shifting guidance that apparently has not been applied uniformly. At times, the bureau has insisted that inmates must serve half their sentence before being eligible for release — even pulling back some people who had been told they would be let go and put in mandatory, prerelease quarantine.

More recently, the bureau issued guidance saying it would prioritize for release those who either had served half their sentence, or just 25 percent, if they had less than 18 months remaining. Former Trump lawyer Michael Cohen, who had been expecting his own release early this month, was prevented from departing because of those criteria. He is still expecting to get out later this month when, because of his good behavior time, he will reach the lower benchmark, people familiar with the matter said.

The Justice Department has insisted, too, that the Bureau of Prisons has discretion to release inmates who do not meet those markers, particularly if they are at high risk of complications from the coronavirus.

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Jeremy Kamens, the public defender for the Eastern District of Virginia, said in an email that his office is “reviewing hundreds of cases to identify people within BOP facilities who are particularly vulnerable to COVID-19” but that none of their clients have been released, as Manafort was, before serving 50 percent of their sentence.

One such inmate is a man convicted on a child pornography charge in 2019, also held at Loretto prison. Like Manafort, Daniel Feiling is 71 and set to finish his sentence at the end of 2024. He is “in much worse health,” Kamens said, suffering from diabetes and multiple heart and respiratory conditions. The government opposed his release and a judge denied it, in part because there are no known covid-19 cases at Loretto.

“He fails to demonstrate a particularized risk of contracting the disease,” the judge wrote last month.

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Other federal judges have criticized the Bureau of Prisons for being slow to act on bids for compassionate release.

“We need to take away some of the discretion the BOP has here if it’s not going to be used generously and going to be used selectively,” said Kanya Bennett, senior legislative counsel at the American Civil Liberties Union. The group is behind legislation that would require the Bureau of Prisons to release older, pregnant and ailing inmates immediately.

The Bureau of Prisons did not return an immediate request for comment.

A federal judge recently suspended the 45-day intermittent prison term of Manafort's co-conspirator, Rick Gates, in light of the pandemic.

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Both Gates and Manafort landed in federal custody because the of illegal lobbying work they did for Ukraine, taxes they failed to pay on \$15 million in unreported income and bank fraud they committed when the business dried up. Gates pleaded guilty and testified against Manafort at trial; Manafort accepted a plea deal in D.C. federal court after being convicted on some charges in federal court in Alexandria.

Manafort served with Trump's campaign from spring until August 2016, when he resigned as chairman amid disclosures of his Ukraine role. He was later indicted in October 2017 by Mueller's team, which investigated — but did not charge him in connection with — his ties to Russian oligarchs and employment of an aide assessed by U.S. authorities to have links to Russian intelligence.

After his conviction in Virginia, Manafort pledged to cooperate with the Russia investigation. But a judge found that he lied repeatedly to the special counsel's team, and prosecutors sought a lengthy prison sentence.

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