NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted May 9, 2025*
Decided May 9, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2795

UNITED STATES OF AMERICA, *Plaintiff-Appellee*,	Appeal from the United States District Court for the Central District of Illinois.
v.	No. 93-cr-30010
HARRISON R. KING, *Defendant-Appellant*.	Sue E. Myerscough, *Judge*.

O R D E R

Harrison King, a federal prisoner convicted of murder and multiple drug offenses—including one for distribution of crack cocaine—appeals the denial of his motion to have his life sentence reduced under § 404(b) of the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194. Because the district court did not abuse its discretion

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

by concluding that the factors under 18 U.S.C. § 3553(a) weighed against a reduction, we affirm.

In January 1993, a grand jury returned an 18-count indictment charging King with offenses including engaging in a continuing criminal enterprise (Count 1), murder in furtherance of that enterprise and in aid of racketeering (Counts 2 and 3), and distribution of crack cocaine (Count 18). After a trial, a jury found King guilty of 17 counts (one charge had been dismissed during the trial), and the district court sentenced him to life in prison. We affirmed his conviction and sentence on appeal. *United States v. Rogers*, 89 F.3d 1326, 1339 (7th Cir. 1996).

In January 2021, King (through counsel) moved for compassionate release. *See* 18 U.S.C. § 3582(c)(1)(A). He argued that there were extraordinary and compelling reasons to reduce his sentence—among them, that the Fair Sentencing Act of 2010, Pub. L. No. 111-220, § 2(a), 124 Stat. 2372, had reduced the statutory penalties for some of his offenses and because he qualified for relief under § 404(b) of the First Step Act of 2018. The district court denied this motion.

That September, King moved for a sentence reduction under § 404(b) of the First Step Act. Under that provision, if a defendant was convicted of a "covered offense"—one related to crack cocaine and whose statutory penalties were modified by the Fair Sentencing Act—he is eligible for retroactive application of the Fair Sentencing Act. King contended that his conviction for distribution of crack, *see* 21 U.S.C. § 841(b)(1)(B)(iii), was a "covered offense" and that the court should exercise its discretion to reduce the sentence primarily because of his youth. Specifically, he argued that, because he was between the ages of 19 and 22 during the offense conduct, his brain had not fully developed, so he was less culpable. He added that he had made significant efforts toward rehabilitation since his conviction.

The court denied the motion. It first determined that King's January 2021 motion sought relief under § 404(b) in addition to compassionate release, and therefore he could not bring a second motion. *See* First Step Act § 404(c). The court also stated that the facts underlying the conviction—namely, his calculated murder of a rival—weighed against a reduction under the factors of 18 U.S.C. § 3553(a). The court considered King's age at the time of conviction and the evidence of subsequent rehabilitation, but it concluded these did not outweigh the egregious circumstances of the crime. And though the court noted that his crack-cocaine conviction was a covered offense, it also observed his guidelines range (which was largely driven by the murder) would be

unaffected by application of the Fair Sentencing Act, and the statutory maximum for the most serious counts would be no lower.

On appeal, King challenges the decision not to reduce his sentence, reprising his argument that his youth at the time of his offense, plus his subsequent rehabilitation, were mitigating factors that called for an exercise of discretion in his favor. We construe this as an argument that the district court did not sufficiently account for the mitigating factors. *See Concepcion v. United States*, 597 U.S. 481, 500–01 (2022).

A motion for a reduced sentence under § 404 of the First Step Act is reviewed in two parts: The court determines first whether the defendant is eligible for relief, and then, if so, whether the sentence should be reduced. *United States v. Clay*, 50 F.4th 608, 611 (7th Cir. 2022). When deciding whether to reduce the sentence of an eligible defendant, the court may consider the § 3553(a) sentencing factors, "the current Guidelines, the defendant's post-sentencing conduct, and other relevant information about the defendant's background." *Id.* at 612. We review this determination for abuse of discretion. *United States v. Fowowe*, 1 F.4th 522, 526 (7th Cir. 2021).

Even if this § 404(b) motion were King's first, the district court acted well within its discretion to deny it. Although Count 18 was a covered offense, the court appropriately grounded its ruling in the relevant § 3553(a) factors, chiefly the seriousness of the murder and the need to protect the public. Moreover, the court took King's youth and rehabilitative efforts into consideration but concluded that these factors did not outweigh the ones supporting the original sentence.

The court also did not err by observing that King still would have life sentences for Counts 1 through 3 even if the court reduced the sentence for Count 18. *See United States v. Miedzianowski*, 60 F.4th 1051, 1056–57 (7th Cir. 2023) (affirming denial of § 404(b) motion where court considered impact of other counts of conviction on defendant's sentence). King insists that the court should have considered that Counts 1 through 3 might be overturned through a collateral attack,[†] in which case he would not still face life sentences on those counts. But the prospect of those sentences being

[†] We assume he refers here to his May 2024 motion to compel production of grand jury materials to aid in a prospective collateral attack, which the district court denied. On appeal, we construed that motion as an unauthorized successive petition under 28 U.S.C. § 2255, and we ordered the court to dismiss for lack of subject-matter jurisdiction. *United States v. King*, No. 24-2303, 2025 WL 40874, at *2 (7th Cir. Jan. 7, 2025).

vacated through a (successive) collateral attack was speculative at best and not mitigating.

As a final note, the government's briefing relies on information that comes from the verdict forms, jury instructions, and sentencing hearing transcript. When the government filed its brief, those documents were not in the electronic record, which is common in cases that originated before the CM/ECF system. Because the parties did not supply these documents in an appendix, we had to order the government to supplement the record. Parties should be aware that obtaining hard-copy documents outside the electronic record is not a simple task for this court. We remind the parties of their responsibility under Circuit Rule 10(a)(3): "Counsel must ensure, within 21 days of filing the notice of appeal, that all electronic and non electronic documents necessary for review on appeal are on the district court docket." This is especially true when a party bases its arguments on those documents, as the government did here.

AFFIRMED