

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-3007

September Term, 2026

1:15-cr-00117-TSC-1

Filed On: October 26, 2026

United States of America,

Appellee

v.

Daraya Marshall, also known as Dee,

Appellant

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett, Walker*, and Childs, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and fact filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. It is

ORDERED AND ADJUDGED that the district court's order filed on December 9, 2025, denying appellant's third motion for compassionate release or a sentence reduction, be affirmed. Appellant has not shown that the district court abused its discretion in denying his motion. See United States v. Long, 997 F.3d 342, 352 (D.C. Cir. 2021). The district court did not abuse its discretion in concluding that the factors in 18 U.S.C. § 3553(a) did not weigh in favor of compassionate release under 18 U.S.C. § 3582(c)(1)(A). See United States v. Rosebar, 159 F.4th 63, 67 (D.C. Cir. 2025) (disagreement with the district court's weighing of the § 3553(a) sentencing factors is not sufficient to show an abuse of discretion). In so concluding, the district court properly considered the offense conduct to which appellant stipulated when pleading guilty. In addition, appellant has shown no error in the district court's conclusion that he was not eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2).

* A concurring statement by Circuit Judge Walker is attached.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

WALKER, *Circuit Judge*, concurring:

In Daraya Marshall's appellate brief, he refers to the district court's denial of his motion for compassionate release and then asks: "Is this to say that no matter what Marshall does it will never be enough?" That question is perhaps better directed at the district court, which will decide any future motions for release, in the exercise of its discretion. But since Marshall asked us, I will answer, if only for myself and based only on the record before us.

* * *

At his plea hearing, Daraya Marshall agreed to a Statement of Offense that said he "ran a prostitution business out of his apartment."¹ At times, he "had six or more women and girls prostituting for him."² Marshall knew that four of them were 14, 15, 16, and 17 years old.³ He took pictures of them "and posted the pictures along with advertisements on Backpage.com, a website used for commercial sex."⁴

"One of the images taken by Marshall . . . depicts then 15-year old M.G. from her neck down to her ankles. M.G. is completely naked and she is standing with her left foot resting on the seat of a chair, opening her legs so that her genitalia is

¹ Statement of Offense, Dkt. 129 at 1.

² *Id.*

³ *Id.* at 4 (M.G. was initially 15 and was later 16), 5 (M.S. was 17), 6 (A.C. was 14; L.A. was 15).

M.G. was 15 when Marshall began prostituting her. She initially told him she was 18. After she turned 16, Marshall "learned that M.G. was 16 years old" and "told her that he knew she was 16 years old. Defendant Marshall continued to post M.G. on Backpage.com and take a cut of the proceeds of any resulting commercial sex transactions even after learning M.G. was 16 years old." *Id.* at 4.

⁴ *Id.* at 1.

both visible and at the center of the photograph.”⁵ Marshall also “used his cell phone to take a series of pictures and videos of M.G., who was then 16 years old, at a stripper party M.G. appears to be engaging in oral-genital sexual intercourse with [a seated] female.”⁶ Another video shows M.G. with “her left hand inserted into the vagina of the sitting female.”⁷

M.G. and the other three underage girls “did ‘in calls,’ where the customer came to the defendant Marshall’s apartment to exchange money for sex, and ‘out calls,’ where [Marshall and his co-defendant] transported or arranged transportation for the women and girls to go to the customer’s location to exchange sex for money. . . . Defendant Marshall received a substantial cut of the proceeds earned.”⁸

Marshall also had sex with some of his victims. When Marshall was 34 years old, he “had vaginal intercourse with M.G. when M.G. was 15 years old.”⁹ When he was 35 years old, he “engaged in vaginal intercourse with 14 year old A.C.”¹⁰

On the eve of trial, “Marshall pleaded guilty to six counts of sex trafficking and related crimes against minors.”¹¹ The U.S. Sentencing Guidelines called for life imprisonment.¹² The Government sought 50 years. The Probation Office

⁵ *Id.* at 2–3.

⁶ *Id.* at 3.

⁷ *Id.* at 4.

⁸ *Id.* at 1–2.

⁹ *Id.* at 2.

¹⁰ *Id.* at 6.

¹¹ *United States v. Marshall*, 946 F.3d 591, 594 (D.C. Cir. 2020).

¹² Sentencing Hearing, Dkt. 179 at 21.

recommended 45 years.¹³ The district court instead sentenced Marshall to only 25 years.¹⁴

Marshall is just one decade into his incarceration.¹⁵ He has already moved three times for compassionate release.¹⁶ The district court denied each motion.¹⁷

Appealing the most recent of those denials, Marshall claims that the district court relied on “false and inflammatory statements that were unsupported by actual evidence.”¹⁸ That is incorrect. Marshall stipulated to each of those statements when he pleaded guilty.¹⁹

Marshall says he now accepts full responsibility for his crimes.²⁰ But in his next breath, he blames the victims. For example, he says that “these young women lied . . . about their age and presented themselves to be adults,”²¹ even though Marshall confessed to prostituting them *after* learning they were under age.²²

¹³ *Id.* at 25.

¹⁴ *Id.* at 63.

¹⁵ Dkt. 199 at 4.

¹⁶ *See* Dkt. 199 at 1; Dkt. 196 at 1; Dkt. 194 at 1.

¹⁷ *See* Dkt. 199 at 1; Dkt. 196 at 1; Dkt. 194 at 1.

¹⁸ *See* Appellant’s Mem. at 3.

¹⁹ *See* Statement of Offense, Dkt. 129 at 1–7; *see also* Plea Hr’g Transcript Dkt. 177 at 13–19.

²⁰ *See* Appellant’s Mem. at 3; *see also id.* at 5 (“Marshall is not trying to make light of his actual crimes.”).

²¹ *See* Appellant’s Mem. at 4.

²² Statement of Offense, Dkt. 129 at 4 (M.G.), 5 (M.S.), 6 (A.C. and L.A.).

Finally, Marshall notes that the district court said it would “be more willing to consider a motion for compassionate release at a later date and if Marshall provides more substantial documentation of his alleged medical issues.”²³ But Marshall should not get his hopes up. Though I cannot be sure, I suspect the statement means that new evidence of illness might move the needle on Marshall’s compassionate-release motion from “frivolous” to merely “meritless.”²⁴

* * *

Daraya Marshall is serving only half the fifty years proposed by the Government, and far less than the lifetime in prison recommended by the Guidelines. That sentence already provides for the earliest and most “compassionate release” that justice allows.²⁵

²³ See Appellant’s Mem. at 10; Dkt. 199 at 5.

²⁴ I say I cannot be sure because the district court is positioned to know the defendant, the victims, and the case’s record in a way that no appellate court can.

²⁵ See 18 U.S.C. § 3553(a).