

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

RONALD VALENTINE,

Defendant.

Criminal No. 03-229 (ESH)

FILED

JUN 09 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

MEMORANDUM OPINION AND ORDER

Before the Court is defendant's motion to reduce his sentence of imprisonment pursuant to Amendments 706 and 711 of the U.S. Sentencing Guidelines (Nov. 1, 2007), which lower the base offense levels for certain crack cocaine offenses. On October 24, 2003, defendant pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute 50 grams or more of cocaine base, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A)(iii). (Def.'s Judgment, at 1.) Defendant was subject to a statutorily-required minimum sentence of ten years, and his range under the U.S. Sentencing Guidelines was 140 to 175 months. (*See* 21 U.S.C. § 841(b)(1)(A); Def.'s Judgment, Attach. at 1.) However, in light of defendant's substantial assistance, this Court granted the government's 5K1.1 motion and sentenced defendant to 65 months of imprisonment.

Under 18 U.S.C. § 3582(c)(2), a court considering a motion for a sentence reduction must apply the factors set forth in 18 U.S.C. § 3553(a). In light of these factors, the Court concludes that a sentence reduction is not appropriate in this case. First, in considering "the history and

characteristics of the defendant,” 18 U.S.C. § 3553(a)(1), the Court notes that defendant has a Category V criminal history. Second, defendant has already benefitted from a significant downward departure from the Guidelines range of 140 to 175 months. In fact, his sentence is almost five years shorter than the statutorily-required minimum sentence of ten years. A further reduction is unwarranted in light of the magnitude of the Court’s downward departure and the defendant’s criminal history.

Therefore, for the foregoing reasons, defendant’s Motion to Reduce Sentence [Dkt. # 68] is hereby **DENIED**.

SO ORDERED.


ELLEN SEGAL HUVELLE
United States District Judge

DATE: June 9, 2008