

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

NEWETT VINCENT FORD,

Defendant.

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) Criminal No. 05-0100-9 (PLF)
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MEMORANDUM OPINION

This matter is before the Court on the motion of defendant Newett Vincent Ford to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2) [Dkt. No. 1684]. The United States opposes the motion in part. It agrees that Mr. Ford is eligible for a sentence reduction and that the revised Guidelines sentencing range is 168 to 210 months imprisonment. It suggests, however, that in the circumstances presented the Court should exercise its discretion and grant a reduction in sentence to 189 months (the middle of the Guidelines sentencing range), rather than the lower sentence proposed by Mr. Ford.

The defendant was a member of a conspiracy involving the distribution of cocaine and crack cocaine in the Congress Park neighborhood. He was charged in three counts, one count of narcotics conspiracy and two counts of narcotics distribution. After a trial, the jury found him guilty on all counts. Mr. Ford's Guidelines sentencing Offense Level was Level 40, and he had a Criminal History Category of II, resulting in a Guidelines sentencing range of 324 to 405 months. Judge Richard W. Roberts, the trial judge, varied from the Guidelines and sentenced Mr. Ford to 262 months on the conspiracy count and concurrent terms of 240 months

on the narcotics distribution counts, all sentences to run concurrently. Defendant's conviction and sentence were affirmed on appeal.

On October 28, 2009, Mr. Ford filed a motion to reduce his sentence based on Amendment 706 to the Sentencing Guidelines. Over the government's objections, Judge Roberts granted the motion, found that the revised Guidelines sentencing range was 210 to 262 months, and imposed a sentence of 210 months. See Dkt. No. 1465. On October 4, 2018, Mr. Ford filed the instant motion to reduce his sentence further. This new motion is based on a further amendment to the Sentencing Guidelines, Amendment 782, which became effective on November 1, 2014.

As noted, both Mr. Ford and the government agree that Mr. Ford is eligible for a reduction of his sentence under Amendment 782. They further agree that under that amendment, his Offense Level is 34, his Criminal History Category is II, and his Guidelines sentencing range under Amendment 782 is 168 to 210 months. The defendant asks for a reduction to the bottom of that range, 168 months. The government argues that the Court should not reduce the sentence below 189 months, the middle of the range, suggesting that such a sentence would be fair, just, and appropriate in view of all of the circumstances. The government points out that Mr. Ford was involved in a long-running, serious drug conspiracy to distribute crack cocaine in the Congress Park neighborhood; that his conduct involved repeated acts of distributing drugs on the streets of the District of Columbia; and that he possessed a gun on more than one occasion during the course of the conspiracy. The government also notes that since Mr. Ford has been incarcerated, he has incurred seven disciplinary infractions while in a Bureau of Prisons facility, two involving the use of drugs or alcohol, and several occurring even after being granted a sentence reduction by Judge Roberts in 2011.

In view of all of these circumstances, the Court will grant Mr. Ford's motion to reduce his sentence [Dkt. No. 1684] and impose a sentence of 189 months. An Order effectuating that sentence will issue this same day.

SO ORDERED.

PAUL L. FRIEDMAN
United States District Judge

DATE: December 11, 2018