

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:93-CR-84-T-17TGW

DARRELL FLOWERS.

_____ /

ORDER

This cause is before the Court on:

Dkt. 135 First Step Memorandum
Dkt. 137 Unopposed Motion for Sentence Reduction
 Under the First Step Act of 2018

Defendant Darrell Flowers moves for a sentence reduction under Section 404 of the First Step Act of 2018, and 18 U.S.C. Sec. 3582(c)(1)(B).

On February 8, 1994, Defendant Flowers was sentenced on Count 2 of the Indictment, which charged Defendant Flowers with possession with intent to distribute 50 grams or more of crack cocaine in violation of 21 U.S.C. Sec. 841(a)(1) and 18 U.S.C. Sec. 2, to a mandatory term of life imprisonment. The Government filed an Information and Notice of Prior Convictions. (Dkt. 120-3). The Statement of Reasons indicates that supervised release is not applicable.

Defendant Flowers moves for a reduction of the term of imprisonment from life imprisonment to 120 months imprisonment.

The First Step Memorandum indicates that no term of supervised release was imposed at Defendant Flowers' sentencing, based on the erroneous

indication in Defendant Flowers' PSR that Defendant Flowers was not eligible for a term of supervised release.

The First Step Memorandum provides the following guidance:

Original Statutory Provisions:

Penalty Statute(s): 21 U.S.C §841(b)(1)(A)

Imprisonment: Life

Supervised Release: 5 years *ineligible
due to life
imprisonment

Fine: \$8,000,000

Enhanced penalties apply pursuant to 21 U.S.C. Sec. 851: Yes

Guideline Provisions:

Last Applied Guideline:

Total Offense Level: 32
Criminal History Category: III
Imprisonment Range: Life

Supervised Release Range: None¹
Fine Range: \$17,500 to \$8,000,000

Reduced Statutory Provisions:

Penalty Statute(s): 21 U.S.C. §
841(b)(1)(B)

Imprisonment: 10 years to Life

Supervised Release: 8 years

Fine: \$4,000,000

Amended Guideline:

Total Offense Level: 24
Criminal History Category: III
Imprisonment Range: 120 months *
minimum mandatory
Supervised Release Range: 8 years
Fine Range: \$10,000 to \$4,000,000
(Incorporating Amendments 706, 750,
and or 782)

(Dkt. 135, p. 2)

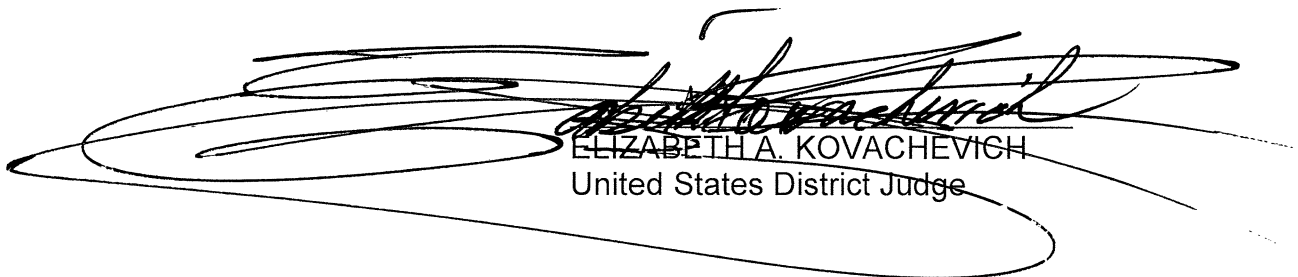
¹The PSR originally erroneously indicated that the defendant was statutorily ineligible for supervised release due to statutorily mandatory life imprisonment.

After consideration, the Court directs Defendant Darrell Flowers and the Government to notify the Court whether there is an objection to the imposition of a term of supervised release of 8 years, which is required by 21 U.S.C. Sec. 841(b)(1)(B), and the Amended Guideline, by filing a response to this Order within ten days. Accordingly, it is

ORDERED that Defendant Darrell Flowers and the Government **shall notify** the Court whether there is an objection to the imposition of a term of supervised release of 8 years, which is required by 21 U.S.C. Sec. 841(b)(1)(B) and the Amended Guideline, **by filing a response to this Order within ten days;** it is further

ORDERED that consideration of the Unopposed Motion for Sentence Reduction (Dkt. 137) is **deferred**.

DONE and ORDERED in Chambers in Tampa, Florida on this 30th day of April, 2019.


ELIZABETH A. KOVACHEVICH
United States District Judge

Copies to:

All parties and counsel of record