

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:06-CR-464-T-17TGW

ANTHONY LEON WARRICK.

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ORDER

This cause is before the Court on:

Dkt. 675	Stipulation Regarding Retroactive Application
Dkt. 682	Order Granting Sentence Reduction
Dkt. 765	Amendment 782 Memorandum
Dkt. 773	Order Granting Sentence Reduction
Dkt. 779	Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782
Dkt. 813	Response

Defendant Anthony Leon Warrick, *pro se*, moves for a 2-level reduction in Defendant's sentence pursuant to Amendment 782. Defendant Warrick argues that the Total Offense Level is 33, rather than 34, and therefore Defendant is entitled to a further reduction.

Defendant Anthony Leon Warrick entered into a Plea Agreement, pleading guilty to Count 1 of the Indictment. (Dkt. 160). Defendant Warrick was sentenced on Count 1 on October 9, 2007 to a term of imprisonment of 235 months, a term of supervised release of 60 months; fine waived, and a special assessment fee of \$100.00. (Dkts. 379, 396). At sentencing, the Court granted the Government's 5K1.1 Motion for a 4-level reduction in the offense level, and denied Defendant's Motion for a 7-level reduction on the offense level.


Pursuant to a Stipulation, Defendant Warrick's term of imprisonment was later reduced to 188 months. (Dkt. 682).

The Amendment 782 Memorandum indicates that Defendant Warrick was eligible for a sentence reduction, with 170 months being the lowest possible term of imprisonment.

The Court granted Defendant's previous Motion for a sentence reduction pursuant to Amendment 782, reducing Defendant Warrick's term of imprisonment to 170 months. The Court notes that the Total Offense Level is 34 based on a career offender enhancement, although Amendment 782 reduces the USSG 2D1.1 Total Offense Level to 33. (Base Offense Level 34; dangerous weapon +2; acceptance of responsibility -3 = 33). Pursuant to USSG 4D1.1, the Total Offense Level became 34 (Base Offense Level 37; acceptance of responsibility -3 = 34). Because the Total Offense Level under the career offender guideline is higher, that offense level is applicable.

After consideration, the Court denies Defendant Warrick's Motion for Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 is denied. Accordingly, it is

ORDERED that *pro se* Defendant Anthony Leon Warrick's Motion For Retroactive Application of Sentencing Guidelines Pursuant to Amendment 782 (Dkt. 779) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this  day of November, 2019.



ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

Anthony Leon Warrick
49160-018
Marianna Federal Correctional Institution
P.O. Box 7007
Marianna, FL 32447