

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. 848	First Step Memorandum
Dkt. 851	Amended First Step Memorandum
Dkt. 858	Motion to Reduce Sentence Pursuant to First Step Act of 2108
Dkt. 859	Supplement
Dkt. 862	Response in Opposition
Dkt. 865	Reply
Dkt. 867	Notice of Filing Supplemental Authority

Defendant Anthony Leon Warrick moves for a reduction of sentence pursuant to 18 U.S.C. Sec. 3582(c)(1)(B) and Section 404 of the First Step Act of 2018 to time served, followed by a 36-month term of supervised release.

The Government opposes Defendant Warrick's Motion.

1. Background

Count 1 of the Indictment charges Defendant Warrick with conspiracy to possess with intent to distribute 50 grams or more of crack cocaine, and a quantity of cocaine, in violation of 21 U.S.C. Sec. 846.

Defendant Warrick entered into a Plea Agreement, pleading guilty to Count 1 of the Indictment. (Dkt. 160). On October 9, 2007, Defendant Warrick was sentenced on Count 1 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).

The Government filed a 5K1.1 Motion for a 4-level reduction of the offense level (Dkt. 366); the Court granted the Motion. The Court denied Defendant's

Motion for a 7-level downward departure. (Dkts. 381, 382).

The Court denied Defendant's Motion for Modification of Sentence pursuant to the amended guidelines. (Dkt. 527).

Pursuant to a Stipulation (Dkt. 680), on March 28, 2013, the Court reduced Defendant Warrick's term of imprisonment to 188 months. (Dkt. 682).

Defendant Warrick filed an Unopposed Motion for Sentence Reduction Under Amendment 782. (Dkt. 772). On October 31, 2017, the Court reduced Defendant Warrick's term of imprisonment to 170 months. (Dkt. 773).

The U.S. Probation Office filed a First Step Memorandum which indicates that Defendant Warrick is eligible for relief under the First Step Act of 2018. (Dkt. 848). The U.S. Probation Office then filed an Amended First Step Memorandum which indicates that Defendant Warrick is not eligible for relief under the First Step Act of 2018 because Defendant Warrick's previous sentence was imposed in accordance with the Fair Sentencing Act of 2010. (Dkt. 851).

## 2. Discussion

Section 404(c) of the First Step Act provides that "No court shall entertain a motion made under this section to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010." In this case, Defendant Warrick's sentence was previously reduced in accordance with the Fair Sentencing Act.

After consideration, the Court concludes that Defendant Warrick is not eligible for a reduction of sentence under Section 404(c) of the First Step Act, and denies Defendant Warrick's Motion. Accordingly, it is

**ORDERED** that Defendant Anthony Warrick's Motion to Reduce Sentence Pursuant to the First Step Act of 2018 (Dkt. 858) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this 13<sup>th</sup>  
day of November, 2019.



ELIZABETH A. KOVACHEVICH  
Senior United States District Judge

Copies to:

All parties and counsel of record