UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA,

    Plaintiff,

v.   Case No. 3:09-cr-38-J-32MCR

STANLEY MAXWELL,

    Defendant.

O R D E R

This case is before the Court on Defendant Stanley Maxwell's Unopposed Motion for Sentence Reduction under the First Step Act of 2018. (Doc. 77). Section 404 of the First Step Act, Pub. L. No. 115-391, made retroactive the reduction in statutory penalties that were modified by the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Sta. 2372 (2010). According to the First Step Act, a court may "impose a reduced sentence as if [the Fair Sentencing Act of 2010] were in effect at the time the covered offense was committed." First Step Act of 2018, Pub. L. No. 115-391, § 404(b) (2018).

In January 2010, this Court sentenced Mr. Maxwell to 184 months' imprisonment followed by 5 years of supervised release. (Doc. 44). This sentence included a seventy-eight-month downward variance under § 3553(a). Under the

First Step Act, Mr. Maxwell's amended guideline range is 188 to 235 months to be followed by a minimum of 4 years of supervised release. (Doc. 74). Although the United States originally opposed Mr. Maxwell's motion for a sentence reduction based on a lack of a release plan, the United States and Mr. Maxwell now agree that a new sentence imposed at the low end of the guideline range, including a similar variance, is appropriate. (Doc. 78).

Accordingly, it is hereby

ORDERED:

Defendant Stanley Maxwell's term of imprisonment is reduced to 132 months or time served, whichever is greater. USSG § 1B1.10(b)(2)(C). Further, Defendant's term of supervised release is reduced to four years. All other terms and conditions of the Defendant's Judgment, (Doc. 44), remain in full force and effect.

DONE AND ORDERED in Jacksonville, Florida this 5th day of April, 2019.

TIMOTHY J. CORRIGAN
United States District Judge

jb
Copies:

Counsel of record

United States Marshals Service
United States Probation Office
Bureau of Prisons
Defendant