

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:13-CR-517-T-17TBM

CARLOS ALBERTO DE PIAIU.

\_\_\_\_\_ /

ORDER

This cause is before the Court on:

Dkt. 130 Motion for Reconsideration of Order (Dkt. 129)

Defendant Carlos Alberto de Piau, pro se, seeks reconsideration of the Order denying Defendant's Amendment 782 Motion. (Dkt. 129). Defendant de Piau asserts that the correct weight of the cocaine Defendant has in his possession at the time of arrest was 1,100 kilograms of cocaine, and not 1,450 kilograms of cocaine.

The Court notes that Defendant de Piau entered into a Plea Agreement (Dkt. 41). The factual basis in the Plea Agreement indicates that the total weight of cocaine seized was approximately 1,450 kilograms. (Dkt. 41, p. 20). The minutes of the change-of-plea hearing indicate that the factual basis was established. (Dkt. 52).

Defendant de Piau was sentenced under the 2013 Sentencing Guidelines. (Dkt. 115, p. 10). The applicable guideline for the offense, violation of 46 U.S.C. Sec. 70503(a)(1) was USSG Sec. 2D1.1. That guideline provides that an offense involving 150 or more kilograms has a base offense level of 38. USSG Sec. 2D1.1

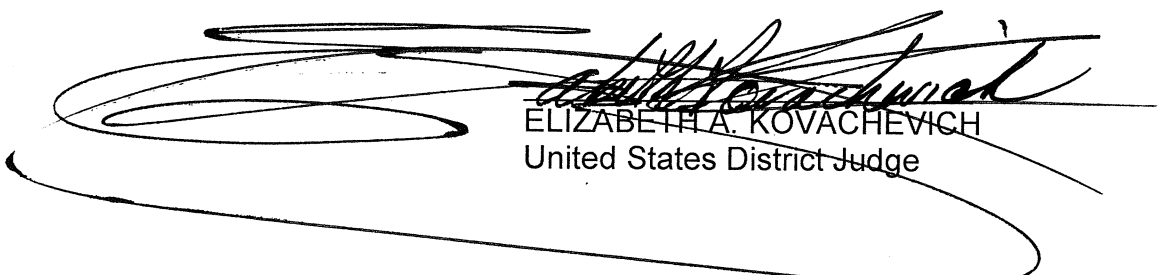
(c)(1). The PSR states that this offense involved 1,450 kilograms of cocaine, and the base offense level is 38. (Dkt. 115, p. 11).

If the offense had involved 1,100 kilograms of cocaine, Defendant's base offense level would have remained at level 38. The Court notes that Defendant de Piau did not object to the factual determination of 1,450 kilograms of cocaine at sentencing; there are no objections in the Addendum to the PSR. (Dkt. 115, p. 16).

After consideration, Defendant Carlos Alberto de Piau's Motion for Reconsideration is denied. Accordingly, it is

**ORDERED** that pro se Defendant Carlos Alberto de Piau's Motion for Reconsideration (Dkt. 130) is **denied**.

**DONE and ORDERED** in Chambers in Tampa, Florida on this 15<sup>th</sup> day of August, 2018.



ELIZABETH A. KOVACHEVICH  
United States District Judge

Copies to:

Pro Se Defendant:

Carlos Albert de Piau  
59546-018  
2001 Rickabaugh Dr.  
Big Spring, Texas 79720