

TRULINCS 73324019 - THOMAS, DARRELL - Unit: COL-B-C

FROM: 73324019
TO:
SUBJECT: RE: REQUESTING AMENDMENT 821 PART B
DATE: 04/03/2024 08:14:18 AM

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APR 15 2024

PRO-SE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GEORGIA
NORTHERN DIVISION

KEVIN P. WEIMER, Clerk
By: Deputy Clerk

UNITED STATES OF AMERICA

VS.

CASE NO.: 1:20-CR-296-JPB-CMS

THOMAS DARRELL

MOTION TO MODIFY SENTENCE PURSUANT
18 U.S.C. 3582 (C)(2) OF AMENDMENT 821 PART B

COMES NOW, Thomas Darrell, (hereinafter referred to as petitioner), proceeding in a PRO-SE pursuant to title 18 U.S.C. 3582 (C)(2), MOVES this honorable court to modify or reduce his sentence by applying Amendment 821, "... which provides for retroactive application of Amendment 821 subject to a special instruction..." and will show the following:

(1) Amendment 821 part B creates a new 4.C1.1 guideline that provides a decrease of two offense levels for "zero point offenders" whose offense did not involve specific aggravation factors.

(2) Title 18 U.S.C. 3582 provides in relevant part:

... The court may not modify a term of imprisonment once it has been imposed except that - (1) In any case - ...
(A) In any case of a defendant who has been sentenced to a term of imprisonment based on a sentence range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 944 (A), ... The court may reduce term of imprisonment, after considering the factors set forth in Section 3553 (A) to the extent they are applicable, if such reduction is consistent with the applicable policy statement issued by the Sentencing Commission.

Petitioner was convicted of attempt and conspiracy to commit fraud (CTI) and 2 money laundering - bank fraud (CTI8). Petitioner entered into a plea bargain with government and was sentenced on or about May 09, 2022, and was sentenced to a term of 180 months imprisonment with a 5-year term of supervised release.

Petitioner, now files said actions under 18 U.S.C. 3582 (C)(2). Seeking to have his sentenced reduced by virtue of applying Amendment 821 part B which creates a new 4C1.1 guideline that provides a decrease of two (2) offense levels for "zero point offenders" whose offense did not involve specific aggravating factors.

On August 24, 2023, the Sentencing Commission further determined that the change in Amendment 821 parts "A" and "B" should be applied retroactively and that the retroactivity of this Amendment should go into effect on November 1, 2023.

RELIEF SOUGHT:

CONCLUSION:

(S)

Thomas Darrell
Reg. No.: 73324-019

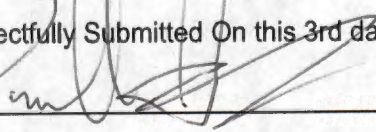
TRULINCS 73324019 - THOMAS, DARRELL - Unit: COL-B-C

CERTIFICATE OF SERVICE:

I, HERIBY CERTIFY, that a true and correct copy of the foregoing motion was mailed via first class postage to:

United States Attorney's Office
For the District of Northern Georgia,
75 Ted Turner Dr. SW Suite 600
Atlanta, Ga 30303

Respectfully Submitted On this 3rd day of April, 2024.

(s) 

Thomas Darrell
Reg. No.: 73324-019



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