

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

HARRESCIA HOPKINS,)

Defendant.)

CASE NO.: 1:22-cr-00284-SEG-CMS-1

DEFENDANT’S SUPPLEMENTAL SENTENCING MEMORANDUM

COMES NOW, Defendant **HARRESCIA HOPKINS**, by and through her undersigned counsel, and respectfully asks this Court to consider the information contained in this Supplemental Memorandum when determining her sentence. Ms. Hopkins submits that upon a review of the sentencing factors contained in 18 U.S.C. § 3553(a), this Court should sentence her to a non-custodial sentence. In support of this sentence, Ms. Hopkins shows as follows:

Ms. Hopkins attaches hereto as Exhibit A an additional character letter submitted on her behalf.

Ms. Hopkins also wishes to highlight that the United States Sentencing Commission recently released its preliminary Amendments to the Sentencing Guidelines. *See* “Amendments to the Sentencing Guidelines (Preliminary), released April 5, 2023, <https://www.ussc.gov/guidelines/amendments/adopted-amendments-effective-november-1->

2023. These amendments will likely become effective on November 1st of this year.

Notably, one proposed amendment includes a new guideline section which provides for an additional two-level guideline level reduction for “Zero-Point Offenders” who have no criminal history points and meet certain other criteria. A copy of this proposed amendment is attached hereto as Exhibit B. The proposed amendment also contains commentary which instructs that:

“If the defendant received an adjustment under §4C1.1 (Adjustment for Certain Zero-Point Offenders) and the defendant’s applicable guideline range is in Zone A or B of the Sentencing Table, a sentence other than a sentence of imprisonment, in accordance with subsection (b) or (c)(3), is generally appropriate.”

See Exhibit B, p. 5.

Given that Ms. Hopkins has no criminal history points and otherwise qualifies for this reduction, she respectfully requests that this Court consider this amendment when determining a reasonable sentence in her case. Were she to be sentenced a mere seven months from today, this proposed amendment would likely be in effect and apply to her case. An additional two-level reduction would place Ms. Hopkins at a level 9 with a guideline range of 4-10 months and, considering this new guideline commentary, a non-custodial sentence is therefore appropriate for Ms. Hopkins.

WHEREFORE, for the foregoing reasons, as well as additional arguments that Ms. Hopkins will make at her sentencing hearing, Ms. Hopkins respectfully requests a non-custodial sentence in her case.

This, the 11th day of April, 2023.

Respectfully submitted,

s/ Benjamin Black Alper

BENJAMIN BLACK ALPER

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CERTIFICATE OF COMPLIANCE

This is to certify that to the best of my knowledge this document has been prepared with one of the font and point selections approved by the Court in LR 5.1B, pursuant to LR 7. Specifically, the above-mentioned document has been prepared using Times New Roman font, 14 point.

This, the 11th day of April, 2023.

Respectfully submitted,

s/ Benjamin Black Alper

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on the above date, I electronically filed this document with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all attorneys of record.

Respectfully submitted,

s/ Benjamin Black Alper

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