

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

HARRESCIA HOPKINS,

Defendant.

CRIMINAL ACTION NO.

1:22-CR-0284-SEG

ORDER

This matter is before the Court on Defendant Harrescia Hopkins's motion for a reduction of sentence under 18 U.S.C. § 3582(c)(2). (Doc. 47.) This statute permits a district court to reduce a term of incarceration "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . ." 18 U.S.C. § 3582(c)(2). Ms. Hopkins seeks a reduction based on the retroactive criminal history amendment (Amendment 821) to the United States Sentencing Guidelines ("U.S.S.G."). Amendment 821, made effective on November 1, 2023, retroactively permits a two-level reduction of the total offense level for certain defendants who have zero criminal history points and who satisfy other enumerated criteria.

Ms. Hopkins, a former correctional officer at the United States Penitentiary in Atlanta, Georgia, pleaded guilty on December 20, 2022, to two

counts of wire fraud (18 U.S.C. § 1343) for submitting two fraudulent applications for a Paycheck Protection Program (“PPP”) loan on behalf of “Hopkins Towing and Storage,” a fake business. (Doc. 19.) She was sentenced on June 8, 2023, to five months of imprisonment to be followed by two years of supervised release. (Doc. 35.) The Government opposes Ms. Hopkins’s request to reduce this sentence, arguing that she “already received the benefit of Amendment 821 via a variance at sentencing.” (Doc. 52 at 1.)

Prior to sentencing, Ms. Hopkins filed a supplemental sentencing memorandum urging the Court to consider a reduction of any sentence pursuant to Amendment 821 because “were she to be sentenced a mere seven months from today, this proposed amendment would likely be in effect and apply to her case.” (Doc. 24 at 2.) The Government stated that it did “not object to Hopkins receiving a two-level downward variance at sentencing to receive the anticipated benefit of the amendment as long as the record is clear that Hopkins waives the right to seek a further sentence reduction under 18 U.S.C. § 3582(c)(2) based on Section 4C1.1 once the amendment is adopted.” (Doc. 32 at 1-2.)

At the time of Ms. Hopkins’s sentencing, her base offense level was 7. The base offense level was then reduced by two points for acceptance of responsibility, and enhanced by six points because the loss was more than \$40,000 but less than \$95,000, resulting in a total offense level of 11. That

corresponded to a custody guideline range of 8-14 months. The Court then varied downward based, in part, on the reduction that Ms. Hopkins would have received pursuant to Amendment 821 had it been in effect at that time. The Court's sentence thus took into account the guideline range of 4-10 months that would have applied if Amendment 821 had then been in place. And the Court sentenced Ms. Hopkins within that reduced range. Put another way, Amendment 821 was already factored into the sentencing decision.¹

Having fully considered Ms. Hopkins's motion, and taking into account the policy statement set forth at U.S.S.G. § 1B1.10 and the sentencing factors in 18 U.S.C. § 3553(a), the Court concludes that no further reduction is warranted. Ms. Hopkins's motion for a reduction of sentence is therefore DENIED. (Doc. 47.)

The Clerk is DIRECTED to mail a copy of this order to Ms. Hopkins at the following addresses:

Harrescia Hopkins
Reg. No. 15535-510
FMC Lexington Atwood Unit
P.O. Box 14525
Lexington, KY 40512

¹ As Ms. Hopkins noted in her supplemental sentencing memorandum, a reduction pursuant to Amendment 821 "would place Ms. Hopkins at a level 9 with a guideline range of 4-10 months." (Doc. 24 at 2.)

Harrescia Hopkins
1509 Conley Way
Conley, GA 30288

SO ORDERED this 15th day of April, 2024.


SARAH E. GERAGHTY
United States District Judge