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

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

Orders on Motions

1:22-cr-00284-SEG-CMS USA v. Hopkins **CASE**
CLOSED on 06/09/2023

2255,821,CLOSED,CertRdyTrl,SHORT,SUBMDJ

U.S. District Court

Northern District of Georgia

Notice of Electronic Filing

The following transaction was entered on 4/15/2024 at 3:28 PM EDT and filed on 4/15/2024

Case Name: USA v. Hopkins

Case Number: 1:22-cr-00284-SEG-CMS

Filer:

Document Number: 53

Docket Text:

ORDER denying [47] Motion for Reduction of Sentence - USSC Amendment 821 as to Harrescia Hopkins (1). 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. Harrescia Hopkins 1509 Conley Way Conley, GA 30288. Signed by Judge Sarah E. Geraghty on 4/15/2024. (dgr)

1:22-cr-00284-SEG-CMS-1 Notice has been electronically mailed to:

Garrett L. Bradford garrett.bradford@usdoj.gov, aarione.wilson@usdoj.gov, CaseView.ECF@usdoj.gov, latashia.way@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Mildred Geckler Dunn Millie_Dunn@FD.Org, belinda_rogers@fd.org, GANAT_ECF@FD.ORG

Nathan Parker Kitchens nathan.kitchens@usdoj.gov, Andrea.Schulke@usdoj.gov, CaseView.ECF@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Sarah Klapman sarah.klapman@usdoj.gov, CaseView.ECF@usdoj.gov, Shelita.Porter@usdoj.gov, USAGAN.CriminalDocketing-CourtNotices@usdoj.gov

Whitman Matthew Dodge matthew_dodge@fd.org, nyeshia_mercier@fd.org

1:22-cr-00284-SEG-CMS-1 Notice has been delivered by other means to:

Harrescia Hopkins(Terminated)
FMC Lexington Atwood Unit
PO Box 14525
Lexington, KY 40512

The following document(s) are associated with this transaction.

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1060868753 [Date=4/15/2024] [FileNumber=13958246-0] [082dcbf91e72cc015e8e29c09c1342a4426c82eab5ae23fcb3606140f5ad1b32f6019c803ee42d6b185bb94e2a13d535d5959cf1cd7b4415f3b4534652cfl e05]]

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

Defendant Harrescia Hopkins pleaded guilty on December 20, 2022, to two counts of wire fraud (18 U.S.C. § 1343) for submitting two fraudulent applications for Paycheck Protection Program (“PPP”) loans 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.)

On August 14, 2023, Ms. Hopkins filed a pro se motion to vacate, set aside, or correct the sentence pursuant to 28 U.S.C. § 2255. (Doc. 44.) The motion was scant on details and listed the sole ground for relief as “misrepresentation.” (*Id.* At 6.) On August 22, 2023, the Magistrate Judge directed Ms. Hopkins to file an amended petition to “provide additional details so that the Court can better understand the claim that Movant seeks to raise.”

(Doc. 45 at 1.) On August 31, 2023, Ms. Hopkins filed a more fulsome amended motion asserting ineffective assistance of counsel. (Doc. 46.)

On February 26, 2024, the Magistrate Judge issued a Report and Recommendation (“R&R”) on the § 2255 motion. (Doc. 49.) The Magistrate Judge noted that Ms. Hopkins completed the custodial portion of her sentence in February 2024 but “has not provided the Court with an updated address since she was released.” (*Id.* at 2.) The Magistrate Judge recommends that the § 2255 motion be dismissed without prejudice because management of the case is adversely affected by Ms. Hopkins’s failure to keep her contact information current. Ms. Hopkins has not filed any objections to the R&R.

The Court recognizes that the period following release from incarceration can be one of significant transition. The Court is therefore disinclined to dismiss the § 2255 motion for Ms. Hopkins’s failure immediately to update her address upon her release.¹ Ms. Hopkins is DIRECTED to file a notice updating her contact information by May 3, 2024.

The Government is DIRECTED to file a response to the § 2255 motion within 45 days of the entry date of this order. The Clerk is DIRECTED to mail a copy of this order to Ms. Hopkins at the following addresses:

¹ The Court accordingly declines to adopt the Magistrate Judge’s R&R. (Doc. 49.)

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

Harrescia Hopkins
1509 Conley Way
Conley, GA 30288

SO ORDERED this 15th day of April, 2024.


SARAH E. GERAGHTY
United States District Judge