

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

v.

Case No. 4:22cr32/MW

FELICIA JACKSON STANLEY

GOVERNMENT'S RESPONSE TO THE DEFENDANT'S MOTION FOR
RELIEF UNDER 18 U.S.C. § 3582(c)(2) AND AMENDMENT 821

Comes now the United States of America, by and through the undersigned Assistant United States Attorney, and files this response to Stanley's January 2, 2024, motion for relief under 18 U.S.C. § 3582(c)(2) and Sentencing Guidelines Amendment 821.

When the Court originally sentenced Stanley, Stanley's total offense level was 21, Stanley had zero criminal history points and her criminal history category was I, and Stanley's guideline range was 37 to 46 months imprisonment. (Doc. 68, ¶¶ 48, 52-53, 90; Doc. 76 - Pg. 1 -- that is, the statement of reasons, the docket sheet reflects the SOR is Doc. 76, the SOR's header says Doc. 75). The government did not file a substantial assistance motion on Stanley's behalf. (Doc. 76). The Court varied downward and sentenced Stanley to three concurrent 24-month terms of imprisonment. (Doc. 75). Amendment 821 lowers Stanley's total offense level to 19. U.S.S.G. Amend. 821; U.S.S.G. § 4C1.1(a) (November 1,

2023). At total offense level 19, criminal history category I, Stanley's new guideline range is 30-37 months imprisonment. U.S.S.G. § 5A.

Except in cases of substantial assistance, a district court reducing a sentence under § 3582(c)(2) may not reduce a defendant's sentence "to a term that is less than the minimum of the amended guidelines range." Dillon v. United States, 560 U.S. 812, 819, 822, 827-31 (quoting U.S.S.G. § 1B1.10(b)(2)(A)). Accordingly, if a defendant has already been sentenced below her new, amended guidelines range she is not eligible for relief. Id. In the present case, Stanley has already been sentenced below her new, amended guidelines range and is not eligible for relief.¹ Accordingly, the Court should deny Stanley's motion for relief under 18 U.S.C. § 3582(c)(2) and Sentencing Guidelines Amendment 821.

Respectfully submitted,

JASON R. COODY
United States Attorney

s/ Robert G. Davies
Robert G. Davies
Assistant U.S. Attorney
Florida Bar No. 704301
21 East Garden Street, Suite 400
Pensacola, Florida 32502
(850) 444-4000

¹ As is set forth in the attached January 9, 2024, memorandum, the United States Probation office agrees with this conclusion

CERTIFICATE OF COMPLIANCE WITH N.D. FLA. LOC. R. 7.1(F)

I hereby certify that this response complies with the word limitation set forth in N.D. Fla. Loc. R. 7.1(F). This response contains 363 words.

s/ Robert G. Davies
Robert G. Davies
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed to Felicia Jackson Stanley, SPC Aliceville, P.O. Box 487, Aliceville, AL 35442 this the 17th day of January, 2024.

s/ Robert G. Davies
Robert G. Davies
Assistant U.S. Attorney