

UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma

United States of America)

v.)

ANTONIO LARON COLLINS)

Case No: CR-06-00030-001-JHP

USM No: 04507-063

Date of Previous Judgment: January 18, 2007)

(Use Date of Last Amended Judgment if Applicable))

Barry Derryberry

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the Court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months on Ct. 1 **IS REDUCED TO 110 months** on Ct. 1.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 30

Amended Offense Level: 28

Criminal History Category: IV

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Previous Guideline Range: 135 to 168 months

Amended Guideline Range: 110 to 137 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain):

III. ADDITIONAL COMMENTS

The Court has taken into consideration the sentencing factors set out in 18 U.S.C. § 3553(a) in the imposition of the reduced sentence in this case. Specifically, the Court has reviewed the Second Addendum to the Presentence Report Regarding Retroactive Crack Cocaine Amendment and notes Mr. Collins' has completed several educational programs during his incarceration and has incurred only one disciplinary action. His progress report indicates that he has good work ratings, and he is participating in the Inmate Financial Responsibility Program in order to pay the special assessment in this case. The Court finds that the amended sentence imposed herein is sufficient but not greater than necessary to address the factors set forth in 18 U.S.C. § 3553(a); therefore, the defendant's request for a variance below the amended guideline range is denied.

Except as provided above, all provisions of the judgment dated January 18, 2007 shall remain in effect.

IT IS SO ORDERED.

Order Date: August 1, 2008

Effective Date: _____
(if different from order date)


James H. Payne
United States District Judge
Eastern District of Oklahoma