

UNITED STATES DISTRICT COURT
for the
Western District of New York



United States of America
v.

WILLIE HUGHES

Date of Previous Judgment: _____
(Use Date of Last Amended Judgment if Applicable)

)
)
) Case No: 04-CR-6176
) USM
) No: 12348-055
) Mary Beth Covert, A.F.P.D.
) 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 _____ months is reduced to _____.

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

Previous Offense Level: _____ Amended Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ 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): Defendant's motion is denied based upon consideration of 18 U.S.C. § 3553(a) factors, and more specifically § 3553(a) 2A and 2C, while incarcerated, defendant has attempted to escape and smuggle tobacco into prison.
X

III. ADDITIONAL COMMENTS

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

IT IS SO ORDERED.

Order Date: February 10, 2009

Judge's signature

Effective Date: _____
(if different from order date)

CHARLES J. SIRAGUSA, U.S. DISTRICT JUDGE
Printed name and title