

ENTERED

April 01, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

ANTHONY MACE

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Criminal Action No. H-17-618

ORDER FOR REDUCED SENTENCE AND RELEASE TO HOME
CONFINEMENT PURSUANT TO
18 U.S.C. § 3582(c)(1)(A)

Pending before the Court is Expedited Motion for Reduced Sentence and Release to Home Confinement Pursuant to 18 U.S.C. § 3582(C)(1)(A)(i) in Light of the COVID-19 Emergency (Document No. 54). Having considered the motion, submissions, and applicable law, the Court determines the motion should be granted.

On November 9, 2017, Defendant Anthony Mace (“Mace”), an English citizen, waived extradition and indictment. The same day, Mace pleaded guilty to a Criminal Information charging him with conspiracy to violate the Foreign Corrupt Practices Act (“FCPA”) in violation of 18 U.S.C. § 371. On September 28, 2018, the Court sentenced Mace to imprisonment for a term of thirty-six months.

On October 22, 2019, the Department of Justice (“DOJ”) approved Mace’s application to be transferred to a prison in England pursuant to the International Prisoner Transfer Program. On February 25, 2020, Mace was transferred from Moshannon Valley Correctional Center in Philipsburg, Pennsylvania to the

Metropolitan Correctional Center (“MCC”) in New York City, New York to await his then-imminent transfer to England. However, Mace’s transfer has been suspended in light of the COVID-19 pandemic. On March 27, 2020, Mace moved for a reduced sentence and release to home confinement.¹

The First Step Act provides this Court with authority to consider motions for compassionate release filed by defendants. *See* First Step Act of 2018, § 603, Pub. L. No. 115-391, 132 Stat. 5194, 5239–40 (2018); 18 U.S.C. § 3582(c)(1)(A)(i). The Court has discretion to modify a prison term to home confinement: (1) after considering the factors set forth in 18 U.S.C. § 3553(a) to the extent that they are applicable; (2) if it finds that extraordinary and compelling reasons warrant such a reduction; and (3) if it finds a reduction is consistent with applicable policy statements in U.S.S.G. § 1B1.13. *See United States v. Cantu*, No. 1:05-CR-458-1, 2019 WL 2498923, at *7 (S.D. Tex. June 17, 2019) (Marmolejo, J.); 18 U.S.C. § 3582(c)(1)(A)(i). Because the policy statements were not updated after the enactment of the First Step Act, the Court may determine whether the defendant has shown extraordinary and compelling reasons for compassionate release. *See Cantu*, 2019 WL 2498923 at *5 (S.D. Tex. June 17, 2019) (Marmolejo, J.).

¹ The Court notes Mace’s lengthy motion, filed by his New York counsel, Sullivan & Cromwell LLP, contains references to New York political officials and comments on alleged conditions within the Federal Bureau of Prisons. Such inappropriate comments were not persuasive to this Court in reaching its ultimate, legal decision herein.

Mace is sixty-eight years old and an English citizen.² Mace waived extradition and accepted responsibility by pleading guilty to a violation of the FCPA in connection with his role with his former business.³ Mace has no other criminal convictions or arrests.⁴ Mace has been incarcerated since November 20, 2018,⁵ and has already served approximately sixteen months of his sentence. In addition, Mace cooperated with DOJ and was approved for transfer to England to serve the remainder of his sentence.⁶ Because of Mace's approval for transfer by DOJ and in light the current COVID-19 pandemic, the Court finds extraordinary and compelling reasons warrant release to home confinement. Careful consideration of the applicable factors in 18 U.S.C. § 3553(a) also support the Court's finding that release to home confinement is appropriate. Thus, the motion for reduced sentence and release to home confinement is granted. Accordingly, the Court hereby

ORDERS that Defendant Anthony Mace's Expedited Motion for Reduced Sentence and Release to Home Confinement Pursuant to 18 U.S.C. §

² *Expedited Motion for Reduced Sentence and Release to Home Confinement Pursuant to 18 U.S.C. § 3582(C)(1)(A)(I) In Light of The COVID-19 Emergency*, Document No. 54 at 1–2 [hereinafter *Motion for Home Confinement*].

³ *Plea Agreement*, Document No. 18.

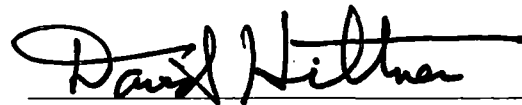
⁴ *Final Presentence Report*, Document No. 40.

⁵ *Imprisonment and Executed Judgment*, Document No. 50.

⁶ *Motion for Home Confinement*, *supra* note 2, at 4.

3582(C)(1)(A)(i) in Light of the COVID-19 Emergency (Document No. 54) is **GRANTED**. Mace will remain in home confinement, within the jurisdictional boundaries of the Southern District of New York, for what would have otherwise been the remainder of his term of imprisonment pending his transfer to the United Kingdom. The Federal Bureau of Prisons is directed to proceed expeditiously to avoid any unnecessary delay in Mace's release from custody and his ultimate return to the United Kingdom.

SIGNED at Houston, Texas, on this 1 day of April, 2020.

A handwritten signature in black ink, appearing to read "David Hittner", written over a horizontal line.

DAVID HITTNER
United States District Judge