

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

DAVID EUGENE LEE

CASE NUMBER: 8:06-cr-325-T-23JSS

USM NUMBER: 20456-017

Defendant's Attorney: Zachary L. Newland, Ret.

Date Original Judgment Signed: 3/29/2007

Order Regarding Motion for Sentence Reduction

Under Section 404 of the First Step Act, which permits in a qualifying circumstance the retroactive application of the Fair Sentencing Act of 2010's reduction in statutory penalties, the defendant moves (Docs. 67, 77) for a reduction in the term of imprisonment imposed.

The United States Probation office filed an amended memorandum (Doc. 76), which states that Lee was accountable for 50 grams or more of cocaine and asserts that a reduced statutory penalty applies to the defendant under the First Step Act and the Fair Sentencing Act of 2010. Under the Fair Sentencing Act, Lee's offense falls under 21 U.S.C. § 841(b)(1)(B), his statutory range of imprisonment is 10 years to Life, and his minimum term of supervised release is 8 years. Under the United States Sentencing Guidelines, the career offender enhanced offense level remains 37. After a three-level adjustment for acceptance of responsibility, the total offense level remains 34. At Offense Level 34, Criminal History Category VI, the guideline range is 262–327 months of imprisonment.


Retained counsel argues for a variance under 18 U.S.C. § 3553 because "the particular circumstances and history of his case warrant a sentence reduction which substantially varies downward from the guidelines to a sentence of time served." Although agreeing that Lee is eligible for consideration of a reduced sentence under the First Step Act, the United States opposes (Doc. 78) the motion for a variance below 262 months, the bottom of the United States Sentencing Guidelines range.

The defendant's motion is **GRANTED-IN-PART**, and Lee's total term of imprisonment is reduced to 210 months, and his term of supervised release is reduced to 8 years. All other terms of the judgment signed March 29, 2007, remain unchanged.

ORDERED in Tampa, Florida:

Order Date:

July 24th, 2019



Judge's Signature

STEVEN D. MERRYDAY, U.S. DISTRICT JUDGE
Printed name and Title