

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

ANDRE CARTER

Crim. No. 3:05cr00054 (JBA)

November 9, 2015

RULING DENYING DEFENDANT'S MOTION FOR REDUCTION IN SENTENCE

On April 26, 2006, Defendant Andre Carter was sentenced to a below guideline term of 144 months imprisonment and 72 months supervised release following his conviction upon his plea of guilty on a charge of Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine Base, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(C). He now moves [Doc. # 810], pursuant to 18 U.S.C. § 3582(c)(2), for a reduction in his sentence. For the following reasons, his motion is denied.

Under 18 U.S.C. § 3582(c)(2), “a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission” may move for a reduction in his sentence. Mr. Carter contends that he is eligible for such a reduction based on Amendment 782 to the United States Sentencing Guidelines. That Amendment, effective November 1, 2014, reduced by two levels the offense levels assigned to the quantities of controlled substances that trigger the statutory mandatory minimum penalties in U.S.S.G. § 2D1.1 and made parallel changes to § 2D1.11.

However, as the Government notes in its opposition to Mr. Carter's motion [Doc. # 812], Mr. Carter's sentence was not determined by operation of § 2D1.1 or § 2D1.11.

