

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Cook

292 F. Supp. 3d 1 (D.D.C. 2017) · Decided November 9, 2017

SUMMARY

The court denied the defendant's motion under 18 U.S.C. § 3582(c)(2) to reduce his 162-month sentence imposed pursuant to a Rule 11(c)(1)(C) plea agreement. The court held that the sentence was based on the Sentencing Guidelines, making the defendant eligible for a reduction following Amendment 782, but concluded that the § 3553(a) factors and the nature of the offense and criminal history outweighed his positive post-sentencing conduct.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Thomas F. Hogan
JURISDICTION	Federal
DECIDED	November 9, 2017
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under 18 U.S.C. § 3582(c)(2), or alternatively for time served, to reduce his sentence based on a retroactive amendment to the Sentencing Guidelines. The district court denied the motion.
STANDARD OF REVIEW	The court determines eligibility for a reduction under the applicable amended Guidelines and then exercises discretion under 18 U.S.C. § 3582(c)(2) and the relevant § 3553(a) factors.
PRECEDENTIAL VALUE	Published district court opinion

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QUESTIONS PRESENTED

1. Whether a defendant sentenced pursuant to a Rule 11(c)(1)(C) plea agreement is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2) when the original sentence was based in part on a Guidelines

range later lowered by the Sentencing Commission.

2. Whether Cook should receive a discretionary sentence reduction after consideration of the applicable 18 U.S.C. § 3553(a) factors, the danger posed by release, and his post-sentencing conduct.

HOLDINGS

1. A sentence imposed pursuant to a Rule 11(c)(1)(C) plea agreement may be eligible for reduction under 18 U.S.C. § 3582(c)(2) when the Guidelines range was a relevant part of the analytical framework used to determine or approve the sentence. Because the court calculated the Guidelines range, evaluated the agreed sentence against that range, and departed below it because of the plea agreement, Cook's sentence was based on the Guidelines and he was eligible for a reduction.
2. Although Cook was eligible for a reduction, the court denied relief because the serious nature and circumstances of the drug conspiracy and Cook's criminal history outweighed his favorable post-sentencing conduct and the absence of an apparent danger to the community.

KEY QUOTATIONS

“'[A] sentence is 'based on' a Guideline range 'to whatever extent' that range 'was a relevant part of the analytical framework the judge used to determine the sentence or to approve the agreement.'” (at 2)

FACTUAL BACKGROUND

Cook participated in a two-year conspiracy involving the distribution of PCP and heroin across several jurisdictions. He admitted responsibility for distributing or possessing with intent to distribute more than 10 kilograms of PCP. At arrest, he possessed a loaded firearm, ammunition, body armor, PCP, cash, packaging materials, scales, and a mask and respirator. He had a prior drug-related conviction, but demonstrated substantial educational, vocational, and rehabilitative progress and an exemplary prison disciplinary record.

PROCEDURAL HISTORY

Cook pleaded guilty to a drug-distribution conspiracy under a Rule 11(c)(1)(C) plea agreement. The district court calculated a Guidelines range of 168 to 210 months, accepted the agreement, departed below that range, and imposed a 162-month sentence. After the Sentencing Commission lowered the applicable drug-offense levels, Cook sought a sentence reduction, which the government opposed and the court denied.

DISPOSITION

dismissed

CASES CITED

- *Dillon v. United States*, 560 U.S. 817, 821, 827 (2010)
- *United States v. Epps*, 707 F.3d 337, 351-52 (D.C. Cir. 2013)
- *In re Sealed Case*, 722 F.3d 361, 365 (D.C. Cir. 2013)
- *Freeman v. United States*, 564 U.S. 522, 530 (2011)

- United States v. Duvall, 209 F. Supp. 3d 125, 139 (D.D.C. 2016), aff'd, No. 16-3093 (D.C. Cir. Sept. 27, 2017)

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