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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
(Hartford)

FILED
2008 JUL 24 A 11:26

UNITED STATES OF AMERICA

V.

JEFFREY LORENZO, ET AL

Case No. 3:01 CR 213 (AVC)

July 23, 2008

DEFENDANT'S SECOND MOTION
FOR RECONSIDERATION OF HIS MOTION TO MODIFY A CRIMINAL
JUDGMENT

Comes now the defendant, by and through his counsel, entreating this Court to reconsider and set aside its May 12th, 2008 Order [446] denying the defendant's motion [445] and its June 26, 2008 Order [450] denying the relief requested in the defendant's May 29, 2008 motion to reconsider.

3:01CR0213 (AVC) July 31, 2008. The motion for reconsideration is GRANTED; however, the relief requested is DENIED.

The defendant argues that "it appears that this Court did not take into consideration the fact of the government's written support . . . of the defense's motion for a sentence reduction."

The court considered the government's memorandum (document no. 444) prior to issuing its ruling (document no. 446) denying the defendant's motions for a reduction of his sentence. Moreover, although the government's memorandum, recommending a reduction, is consistent with the arguments made by the defendant in his motions, those arguments are incompatible with the limitations on sentence reductions, under 18 U.S.C. § 3582(c)(2), that are imposed by the Sentencing Guidelines. Further, the arguments are inconsistent with the government's position that a reduction was not warranted, on similar circumstances, in United States v. Braithwaite, docket no. 3:93CR0157 (AVC) (document no. 1148).

As noted in the court's original ruling, a sentence reduction is not authorized in this case because the defendant's offense level is unaffected by the application of the crack cocaine quantity amendment at issue. Therefore, for the reasons stated herein, as well as in the court's original ruling (document no. 446), the relief requested is DENIED.
SO ORDERED.

/s/ Alfred V. Covello, USJ
Alfred V. Covello, U.S.D.J.