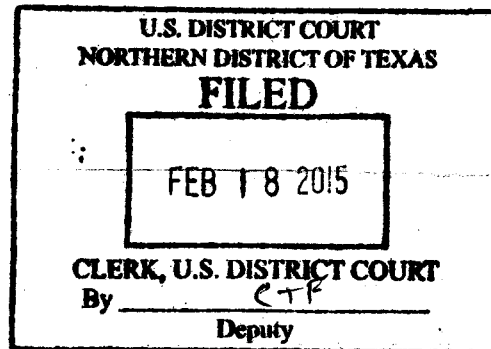


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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,
Plaintiff ~ Respondent,

v.

Cause No. 3:12-cr-00003-P(1)

SAMUEL GEORGE HURD, III,
Defendant ~ Petitioner.

DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE PURSUANT TO 18 U.S.C. SECTION 3582(c)(2)
IN CONJUNCTION WITH AMENDMENT 782

TO THE HONORABLE JUDGE SOLIS, NOW COMES PETITIONER, SAMUEL GEORGE HURD, III, Inmate No. 44162-424,

pro se, who respectfully submits this motion in support of a sentence reduction pursuant to 18 U.S.C. Section 3582 in conjunction with Amendment 782 rendering 18 U.S.C. Section 3582 retroactive as of November 1, 2014. In light of Petitioner's pro se status, Petitioner requests liberal construction of the application; see Haines v. Kerner, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972) holding "Pro-se litigants are to be held to a lesser standard of review than lawyers who are formally trained in the law, and are entitled to liberal construction on their pleadings." Petitioner attaches his Sentence Computation Sheet provided by his counselor at Bastrop, FCI for the Court's ease in reference to the facts.

STATEMENT OF THE FACTS

1. Petitioner is currently held at F.C.I. Bastrop, (low security), Bastrop, Texas.
2. Petitioner pled guilty to: 21 U.S.C. 846; conspiracy to possess with intent to distribute a controlled substance.
3. Petitioner is currently serving a 180 Month sentence.
4. Petitioner's base offense level is thirty-six (36) pursuant to U.S.S.G. Section 2D1(c)(7), category I.
5. Petitioner is a non-violent offender.
6. Petitioner has been incarcerated since 12-14-2011.
7. Petitioner release date is 08-30-2025.
8. Petitioner has 5 years supervised release.
9. Petitioner is eligible for under the current application for a base level of thirty-four (34), category 1 on the sentencing guideline chart and therefore a new sentence of one hundred-fifty-one (151) months for the same application of the guidelines as originally sentenced.

DISCUSSION

Under 18 U.S.C. Section 3582(c)(2) the District Court is to make two (2) determinations in deciding whether or not to modify a sentence. Under the first step, the sentencing court considers what sentence it would have imposed had the retroactive amendment been in effect at the time the Petitioner was sentenced. See [U.S.S.G. Section 1B1.10(b)]. The District Court determines what sentence it would have imposed had the new sentencing range at the time of the original sentencing, leaving untouched all other previous factual decisions concerning particularized sentencing factors. See United States v. Wyatt, 115 F. 3d 606, 609 (8th Cir. 1997). Such factors include, inter alia: role in the offense, obstruction of justice, victim adjustments and, more than minimal planning acceptance of responsibility.

In this particular case, the Petitioner's new base offense level should be thirty-four (34), criminal history category 1, as opposed to the current thirty-six (36), criminal history category 1. Accordingly under the two point reduction application, the District Court should determine the Guideline Range that would have been in effect "ab initio".

Having established the applicable amendment guideline range, the Court next considers the factors set out in 18 U.S.C. Section 3553 (a) and, in the exercise of its thus informed discretion, decide whether or not to modify the original sentence previously imposed. Wyatt 115 F. 3d at 609.; 18 U.S. C. Section (c)(2). The factors set forth in Section 3553 (a) are the following: 1). the nature and the circumstances of the offense and the history and characteristics of the defendant; 2). the need for the sentence imposed; 3). the kind of sentence available; 4). the applicable sentence range under the guidelines; 5). any pertinent U.S. Sentencing Commission policy statement; 6). the need to avoid unwarranted sentencing disparities among defendants; 7). the need to provide restitution to the victims; [18 U.S.C. Section 3553 (a)]. Put more succinctly, the statute requires the sentence imposed to be minimally sufficient to satisfy concerns of retribution, general deterrence, specific deterrence, and rehabilitation.

The particular case dictates Petitioner the factors set forth in Section 3553 (a) are supportive of his request; specifically, Section 3553 (a) factors one (1) through six (6) as stated herein. Petitioner submits the following information in reference to section 3553 (a) and its factors in relation to the instant case:

Section 35536 (a) (1): The nature and the circumstances of the offense, the history and the characteristics of the defendant are simple possession with intent to distribute cocaine.

Although the seriousness of the nature and the circumstances of the offense are unchanged, the history and the characteristics of the defendant has. The Petitioner's participation in programs designated by the Federal Bureau of Prison designed to reduce recidivism is telling in reference to the history and the characteristics of Petitioner. Petitioner has completed: 1). Ace Keyboarding I, 2). Ace keyboarding II, 3). Ace keyboarding III, 4). Ace keyboarding IV, 5). Small Business

Accounting I; 6). Small business I, 7). Basics of Sports Injuries, 8). Recreation Aide, 9). Basketball Officiating, 10.) and is scheduled to complete the residential drug program at Bastrop, FCI. Petitioner also notes that he has a daughter with his wife which she lives with and supports. Petitioner keeps in constant contact with his wife and daughter and receives visits despite living in Chicago thereby demonstrating his commitment to family and rehabilitation.

Section 3553 (a) (2): The need for the sentence imposed. The new amended guidelines range will continue to reflect the seriousness of the offense, promote respect for the law, and will also provide just punishment for the offense while upholding the integrity of the court. The new guidelines range will also continue to afford adequate deterrence to criminal conduct and to protect the public from further crimes by the Petitioner. Finally, the amended guidelines range will continue to provide the Petitioner with the needed educational and/or vocational training, medical care, and other correctional treatment in the most effective manner. The new guideline range will continue to support a sentence that will continue the public's confidence in the court and the court's duty to pronounce a sentence that is not greater than necessary .

Section 3553 (a) (3): The kinds of sentence available. The kind of sentence available to the petitioner is a term of imprisonment due to the statutes of his convictions.

Section 3553 (a) (4): The applicable sentencing range under the guidelines. The relevant guidelines range would be 151 to 188 months imprisonment, with a new sentence of 151 months based on a similar application to the new guideline range.

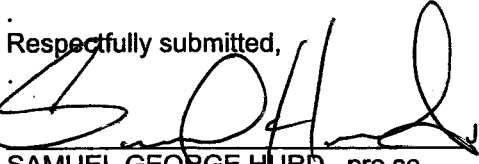
Section 3553 (a) (5): Any pertinent U.S. Sentencing Commission policy statements. There have been an exceptional amount of statements made during the decision of whether or not to lower the "Drug Quantity Table" by two points, (All Drugs Minus Two). Specifically, the U.S. Sentencing Commission was addressing the population and the overcrowding of the Federal Bureau of Prisons (FBOP), and the increasing cost of housing non-violent offenders. Petitioner submits that because Petitioner meets the criteria he is eligible to receive the reduction based on the statements issued by the U.S. Sentencing Commission.

Section 3553 (A) (6): The need to avoid unwarranted sentence disparity among defendants with similar records who have been found guilty of similar conduct. Petitioner is a non-violent offender therefore should be sentenced with the majority of other non-violent offenders who who will receive the two point reduction. Importantly, under this guideline, this Honorable Court stated at sentencing that ordinarily the sentence imposed would be under ten (10) years indicating Petitioner has a disparate sentence to other similarly convicted persons which is one of the exact reasons for a reduction in time as per Amendment 782.

Further, Petitioner accepted responsibility for his actions by pleading guilty. Petitioner was not awarded his acceptance of responsibility despite obviously accepting responsibility for his crime by pleading guilty. This non-award of the acceptance of responsibility to Petitioner when other similarly situated offenders were awarded this acceptance of

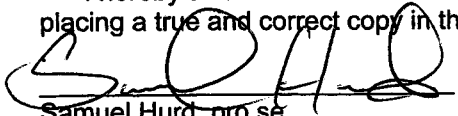
responsibility demonstrates a disparate sentence which is a consideration specifically addressed in Amendment 782. Additionally for the Court's consideration under the factors at bar, Petitioner has been assisting the government, and is continuing to assist the government. This assistance demonstrates a true change of person and character which is also an important consideration for this Court. Petitioner avers because Petitioner pled guilty and has been assisting the government, Petitioner has acquiesced to his wrong and is fulfilling his commitment to society to be a productive member and therefore is deserving of the acceptance of responsibility point reduction. Importantly, had this Court awarded Petitioner his deserved acceptance of responsibility points, Petitioner would be in a category thirty-one (31), be sentenced to one-hundred eight (108) months imprisonment which is an important factor in this Court's consideration. This one-hundred eight (108) month proposed sentence does not take into consideration Petitioner's on going substantial assistance to the government which again is a factor in the character and rehabilitation of Petitioner under this motion. This Court has authority to amend the current judgment to correct any errors it deems in the totality of the circumstances are appropriate, or grant a downward departure from the guidelines based on new evidence and rehabilitative conduct as stated herein.

In conclusion, pursuant to Amendment under Section 782 to the U.S. Sentencing guidelines which were made retroactive set forth on July 18, 2014, and went into effect on November 1, 2014, Petition respectfully requests that this Court grant this motion for a reduction of sentence pursuant to 18 U.S.C. Section 3582 (c) (2) by sentencing Petitioner to one hundred-fifty one(151)months imprisonment, or alternatively sentence Petitioner to one-hundred (108) months by granting Petitioner acceptance of responsibility and/or a downward departure as stated herein.

Respectfully submitted,

January 29, 2015
SAMUEL GEORGE HURD , pro se
Inmate No. 44162-424
F.C.I. Bastrop
P.O. Box 1010
Bastrop, TX 78602

Certificate of Service

I hereby swear and attest the foregoing was served on the United States Attorney in Dallas, Texas on January 29, 2014 by placing a true and correct copy in the inmate mailbox at FCI Bastrop, and mailing it first class postage pre-paid.


Samuel Hurd, pro se
Inmate No. 44162-424

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SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-29-2015

* 01-29-2015
* 12:36:51

REGNO...: 44162-424 NAME: HURD, SAMUEL GEORGE III

FBI NO.....: 753106EC0 DATE OF BIRTH: 04-24-1985 AGE: 29
ARS1.....: BAS/A-DES
UNIT.....: CROCKETT QUARTERS.....: C03-315U
DETAINERS.....: NO NOTIFICATIONS: NO

HOME DETENTION ELIGIBILITY DATE: 02-28-2025

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 08-30-2025 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: TEXAS, NORTHERN DISTRICT
DOCKET NUMBER.....: 3:12-CR-00003-P(1)
JUDGE.....: SOLIS
DATE SENTENCED/PROBATION IMPOSED: 11-13-2013
DATE COMMITTED.....: 02-06-2014
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 391
OFF/CHG: 21:846 CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE A
CONTROLLED SUBSTANCE

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE..: 180 MONTHS
TERM OF SUPERVISION.....: 5 YEARS
DATE OF OFFENSE.....: 06-06-2012

BASFI 540*23 *
PAGE 002 OF 002 *

SENTENCE MONITORING
COMPUTATION DATA
AS OF 01-29-2015

* 01-29-2015
* 12:36:51

REGNO..: 44162-424 NAME: HURD, SAMUEL GEORGE III

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 02-18-2014 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 03-27-2014 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 11-13-2013
TOTAL TERM IN EFFECT.....: 180 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 15 YEARS
EARLIEST DATE OF OFFENSE.....: 06-06-2012

JAIL CREDIT.....:	FROM DATE	THRU DATE
	12-14-2011	12-16-2011
	08-08-2012	11-12-2013

TOTAL PRIOR CREDIT TIME.....: 465
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 705
TOTAL GCT EARNED.....: 108
STATUTORY RELEASE DATE PROJECTED: 08-30-2025
EXPIRATION FULL TERM DATE.....: 08-05-2027
TIME SERVED.....: 2 YEARS 5 MONTHS 26 DAYS
PERCENTAGE OF FULL TERM SERVED...: 16.5

PROJECTED SATISFACTION DATE.....: 08-30-2025
PROJECTED SATISFACTION METHOD...: GCT REL

G0000 TRANSACTION SUCCESSFULLY COMPLETED

Samuel Hurd, 44162-424
F. C. I. Bastrop.
P.O. Box 1010
Bastrop, TX 78602



Legal Mail

Federal District Courthouse
ATTN: Judge Solis - clerk
1100 Commerce Street
Dallas, TX
75242