

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)
)
)
)
v.)
)
GERALD LEWIS,)
)
DEFENDANT)

CRIMINAL No. 06-67-P-H-03

ORDER ON SENTENCE MODIFICATION

This is a case in which the retroactive crack cocaine Guideline amendment could affect the defendant's sentence.

After review of a supplemental presentence report, the lawyers' responses and a conference of counsel, and understanding that the defendant is scheduled to be transferred to a halfway house later this month and is scheduled for release to supervision in May, I now determine **NOT** to reduce the sentence. The defendant is free to request early termination of supervised release at an appropriate time in accordance with 18 U.S.C. § 3583(e)(1) and to argue then that I should take into account any "extra" custodial time he has served. See USSG § 1B1.10 cmt. 4(B).

So ORDERED.

DATED THIS 6TH DAY OF MARCH, 2008

/s/D. BROCK HORNBY

D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET FOR CASE #: 2:06CR67-03 (DBH)**

United States of America

represented by Michael J. Conley
Office of the U.S. Attorney
District Of Maine
100 Middle Street Plaza
Portland, ME 04101
(207) 780-3257
email: michael.conley@usdoj.gov

v.

Gerald Lewis,

Defendant

Represented By Roger F. Brunelle, Jr.
Friedman Gaythwaite Wolf & Leavitt
P.O. Box 4726
Portland, ME 04112-4726
email: rbrunelle@fgwl-law.com