

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL No. 99-79-P-H-04
)	
PAUL W. MOUNTS,)	
)	
DEFENDANT)	

ORDER ON DEFENDANT’S MOTION FOR APPOINTMENT OF COUNSEL

The defendant has filed a motion for appointment of a lawyer to seek a reduction in his sentence because the Sentencing Commission has retroactively lowered the base offense level for cocaine base (crack cocaine) offenses. The defendant cannot benefit from the retroactive change, and the motion is therefore **DENIED**.

The defendant’s original Guidelines calculations were a total offense level of 38 and a Criminal History of V. The resulting Guidelines range was 360 months to life (1998 Guidelines Manual), but the statute capped the sentence at 20 years. 21 U.S.C. § 841(b)(1)(C). Accordingly, the December 28, 2000, Judgment and Commitment signed by Judge Carter imposed a sentence of 20 years. If I now lower the defendant’s total offense level to 36 because of the retroactive Guideline amendment, his Guidelines range becomes 292-365 months, still in excess of the statutory cap. Thus, his sentence would still be the statutory cap of 20 years.

The motion, treated also as a motion to reduce sentence, is **DENIED**.

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 #: 2:77-79-04 (DBH)**

United States of America

represented by Jonathan R. Chapman
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v.

Paul W. Mounts

Defendant

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