

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)	
)	
)	
v.)	CRIMINAL No. 2:10-CR-33-DBH
)	
JAMES E. CHARLES,)	
)	
DEFENDANT)	

**ORDER ON DEFENDANT’S MOTIONS FOR APPOINTMENT
OF COUNSEL AND FOR SENTENCE REDUCTION**

The defendant James Charles has submitted a letter to the court requesting the appointment of counsel to seek a reduced sentence on account of the retroactive and more lenient drug calculation Guideline, which took effect November 1, 2014. U.S. Sentencing Guidelines Manual app. C, Amendment 782 (2014); U.S. Sentencing Guidelines Manual § 1B1.10(d) (2014).

Charles pleaded guilty to Possession with Intent to Distribute 5 Grams or More of Cocaine Base under 21 U.S.C. §§ 841(a)(1), (b)(1)(B), which carries a 10-year minimum mandatory prison term because Charles had a prior conviction for a felony drug offense. Without the mandatory minimum, his Guideline range would have been 70 to 87 months. But “[w]here a statutorily required minimum sentence is greater than the maximum of the applicable guideline range, the statutorily required minimum sentence shall be the guideline sentence.” See U.S. Sentencing Guidelines Manual § 5G1.1(b). Accordingly, in November, 2010,

I sentenced Charles to the mandatory minimum of 10 years' (120 months) imprisonment.

That statutory mandatory minimum still remains the lowest available Guideline sentence under § 5G1.1(b), even though the revised drug quantity calculations would otherwise reduce the sentencing range. Therefore, Charles is not eligible for any further reduction. See U.S. Sentencing Guidelines Manual § 1B1.10(b)(2)(A) (“the court shall not reduce the defendant’s term of imprisonment . . . to a term that is less than the minimum of the amended guideline range”).

Accordingly the motions to appoint counsel and reduce sentence are **DENIED.**

SO ORDERED.

DATED THIS 6TH DAY OF FEBRUARY, 2015

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET No. 2:10-CR-33-DBH**

United States of America

Represented By Michael J. Conley
Assistant United States Attorney
Office of the United States Attorney
District of Maine
100 Middle Street Plaza
Portland, ME 04101
(207) 780-3257
email: michael.conley@usdoj.gov

v.

**James Charles,
Defendant**

Represented By James Charles, Pro Se
No. 18314-265
CI Moshannon Valley
555 Geo Drive
Philipsburg, PA 16866