

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

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|---------------------------|---|----------------------------------|
| UNITED STATES OF AMERICA, | : | |
| | : | |
| v. | : | CASE NO.: 7:21-CR-48 (WLS-TQL-6) |
| | : | |
| KEILAYSHA DIXON | : | |
| | : | |
| Defendant. | : | |
| _____ | : | |

ORDER

Before the Court is Defendant Keilaysha Dixon’s (“Defendant”) Motion for Leave to file a Motion (Doc. 671) to reduce her sentence, and Motion to Reduce Sentence (Doc. 685). In those filings, Defendant asks the Court to reduce her sentence based on the retroactive guidelines that took effect as of November 1st, 2023.

Under 18 U.S.C. § 3582(c), the Court may modify a Defendant’s sentence if it was “based on a sentencing range that has subsequently been lowered by the Sentencing Commission[.]” Defendant contends that her guideline sentencing range has been lowered because she qualifies as a “zero-point offender,” under the new guidelines (*See* Doc. 671). Because a motion to reduce sentence based on a reduction in guideline sentencing range is authorized under Section 3582(c), the Court **GRANTS** Defendant’s Motion to File a Motion (Doc. 671) to reduce her sentence and **ACCEPTS** Defendant’s Motion to Reduce Sentence (Doc. 685) for consideration. However, for the reasons explained below, Defendant’s Motion to Reduce Sentence is **DENIED**.¹

¹ The Court notes that Defendant also submitted a Motion for Compassionate Release (Doc. 671). However, that Motion was denied in a separate Order (Doc. 671).

On September 22, 2022, Defendant pleaded guilty to one count of Use of a Communication Facility in Furtherance of a Drug Trafficking Crime. (Docs. 403 & 406). Defendant was sentenced on December 29, 2022, to thirty (30) months of imprisonment to be followed by a period of supervised release of one (1) year. (Doc. 541). The Court determined Defendant's guideline range based on a Total Offense Level of 25 and a Criminal History Category of I, which yielded a guideline term of imprisonment of 48 months² and a term of supervised release of one year. (Doc. 542 at 1) The Court, however, granted a substantial 18-month downward variance from the guideline range based on "defendant's history and characteristics, her role in the overall conspiracy, and to avoid unwarranted sentencing disparities compared to other defendants facing similar charges." (Doc. 542 at 3).

Under the Sentencing Commission Guidelines which took effect on November 1, 2023, a defendant who did not receive any criminal history points under Chapter Four of the Guidelines, may qualify for a two-point reduction in offense level, as a "zero-point offender." U.S.S.G. § 4C1.1(a). This reduction will not apply to a defendant, however, if she possessed a firearm or other dangerous weapon in connection with the offense for which she is being sentenced. U.S.S.G. § 4C1.1(a)(7).

Defendant contends that she is entitled to such a "zero-point offender" reduction, (Doc. 685). However, the Presentence Investigation Report (Doc. 521), which the Court adopted without change for the purposes of sentencing, (Doc. 542 at 1), reveals that

² Based on a total offense level of 25, and a criminal history category of I, the guideline imprisonment range was 57–71 months. However, the statutorily authorized maximum sentence for Defendant's crime of conviction was four years. 21 U.S.C. § 843(d)(1). Under USSG § 5G1.1(a), if the statutorily authorized maximum sentence is less than the minimum applicable guideline range, the statutorily authorized maximum sentence will be the guideline sentence. As a result, Defendant's guideline term of imprisonment was 48 months. (Doc. 542 at 1).

Defendant possessed a firearm in connection with her offense. (Doc. 521 ¶ 12, 23). Defendant, therefore, does not qualify as a zero-point offender for purposes of USSG § 4C1.1(a). As a result, the Court finds that Defendant does not qualify for a reduced sentence under 18 U.S.C. § 3582, and Defendant's Motion to Reduce Sentence (Doc. 685) is, accordingly, **DENIED**.

SO ORDERED, this 1st day of February 2024

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT