

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**3:12cv152
[3:01cr31-2]**

UNITED STATES OF AMERICA,

)

)

)

Vs.

)

ORDER

)

RONALD ANTHONY MOORE,

)

)

Defendant.

)

)

THIS MATTER is before the court on defendant’s April 16, 2013, letter in which he requests that the court issue a letter of recommendation concerning receiving a reduction of sentence after successful completion of the RDAP program. According to defendant, he is not eligible to receive the credit if he has a §922(g) conviction (regardless of whether the conviction was vacated) or a §924(c) conviction that is less than 15 years old. He contends that this court vacated his earlier §922(g) conviction and that the BOP is willing to allow the credit if the court is willing to provide BOP with a letter of recommendation.

In deciding whether to exercise such discretion, the court has taken into consideration a number of factors. While a great deal of weight has been given to petitioner’s voluntary participation in RDAP, the court has placed on the other side of the scale the fact that despite having his §922(g) conviction vacated, petitioner was convicted in 2003 of a serious §924(c) offense. In the commission of such offense, petitioner was a

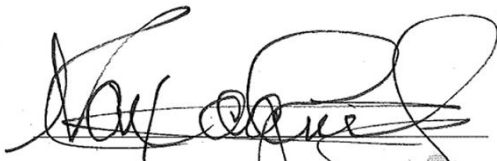
participant (and there is evidence that he was the shooter) in a drive-by-shooting wherein shots were fired at individuals both in and around an occupied home. Since the §924(c) remains on the books, petitioner is per se ineligible for early release. Further, such life threatening conduct followed on his release from his initial term of incarceration. As past is usually prologue, petitioner's violent criminal history as well as his propensity to reoffend weigh against the discretionary relief sought. Thus, the court will not issue the letter requested by petitioner.

ORDER

IT IS, THEREFORE, ORDERED that defendant's letter, deemed to be a motion for miscellaneous relief (#27), is **DENIED**.

The Clerk of Court shall send a copy of this Order to counsel of record as well as USPO Chris Barber.

Signed: May 21, 2013



Max O. Cogburn Jr.
United States District Judge