

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES	:	CRIMINAL ACTION
	:	NO. 02-828-01
v.	:	
	:	CIVIL ACTION
RONALD GOODE	:	NO. 04-2062

**MEMORANDUM**

**Baylson, J.**

**November 30, 2004**

Ronald Goode (“Goode”) has filed a Motion under 18 U.S.C. § 2255 to Vacate, Set Aside and Correct Sentence. The Court has reviewed it along with the government’s memorandum in opposition and the record of the case.

On December 20, 2002, Defendant Goode was charged by Information with one count of distributing in excess of 50 grams of cocaine base (“crack”), within 1,000 feet of a school, arising from his involvement in a conspiracy to distribute crack cocaine in the vicinity of Hancock and Cambria Streets in Philadelphia, Pennsylvania. On January 27, 2003, the Defendant pleaded guilty to Count I of the Information pursuant to a cooperation guilty plea agreement with the government.

Prior to the sentencing hearing, the government filed a motion for a downward departure from the sentencing guidelines under Section 5K1.1, and from the mandatory minimum under 18 U.S.C. § 3553(e), on the grounds that the Defendant had substantially assisted the government in the investigation and prosecution of other persons. At the sentencing hearing on June 9, 2003, the Defendant did not raise any objections to the Presentence Report, including the guideline

range of 235 to 293 months and the statutory mandatory minimum sentence of 120 months.

The Court granted the government's motion for departure and sentenced Goode to a term of imprisonment of 162 months, 5 years of supervised release, and \$100 special assessment.

Goode did not file an appeal.

On May 13, 2004, Goode filed a pro se Motion under 28 U.S.C. § 2255 to Vacate, Correct and Set Aside Sentence, asking the Court to reduce his sentence on the following grounds: (1) his post-conviction rehabilitation efforts; (2) that his criminal history category overstated the seriousness of his criminal history; (3) his history of drug and alcohol abuse; (4) poor pretrial conditions of confinement; (5) his lack of guidance as a youth; (6) his family ties and responsibilities; and (7) his mental and emotional condition.

The evidence taken with regard to Defendant's guilty plea showed that he was the leader of a significant drug organization operating for a lengthy period of time within the City of Philadelphia. Because of his cooperation, Defendant was granted a departure from the guidelines, and the sentence he received was approximately one-half of his guidelines sentence if he had not cooperated.

Defendant initially asserts that his counsel was ineffective in the plea process, but admitted at the guilty plea colloquy (Tr. 2/27/03, p. 8) that his counsel, Robert Madden, Esquire, had done everything for him that Defendant wanted him to, and that his counsel was an experienced lawyer who was privately retained. The colloquy also revealed that Goode recognized that he would be subject to sentencing under the guidelines, that he was facing a mandatory minimum sentence, that because of his cooperation, if the Court granted the government's motion for departure, he could receive a lesser sentence than required under the

guidelines. The underlying facts reveal that the drug organization of which the Defendant was a leader was a significant one and the Defendant admitted the facts underlying the guilty plea as related at the hearing. See p. 28.

The Defendant asserts that his attorney was ineffective because of certain enhancements that were used to calculate the sentence he would have received under the guidelines, and a purported agreement that the prosecutor would not use the enhancements in either the guilty plea or during the sentencing. The Court rejects this because the colloquy makes it clear that the Defendant understood that the probation officer would prepare a guidelines calculation, and as noted at page 26, the Court retained the right to make a decision about the appropriate guideline range, and that the drug amounts and the type of drugs involved would have a significant effect on the Defendant's guideline sentencing range and the Defendant understood that there were circumstances in which he could be held responsible for the quantity of drugs possessed by others he was working with. See p. 16.

The Defendant acknowledged that his guideline range for the quantity of drugs he was charged with selling was 180 to 235 months. See p. 17. Defendant also faced a ten-year mandatory minimum.

The Court also rejects the Defendant's other arguments. Although the Court accepts that while in prison Defendant has started rehabilitation, that is insufficient grounds for a reduction in sentence. The Court also rejects that the Defendant's criminal history category overstated the seriousness of his criminal history. Goode had a conviction for involuntary manslaughter which warranted his receiving a criminal category history of II. His history of drug and alcohol abuse is not recognized as grounds for a reduction of sentence; his poor pretrial conditions of confinement

are not relevant to a reduction of sentence; his lack of guidance when he was a youth is unfortunate, but is not an excuse for becoming a leader of a drug trafficking organization; and the same can be said for family ties and responsibilities, and mental and emotional condition.

For the reasons stated at the various hearings, Defendant was treated fairly and received a fair sentence given his significant drug dealing crimes.

An appropriate Order follows.

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**ORDER**

AND NOW, this 30<sup>th</sup> day of November, 2004, upon consideration of the Defendant's Motion under 18 U.S.C. § 2255 to Vacate, Set Aside and Correct Sentence, and the Government's Memorandum in Opposition to the Defendant's Motion, it is hereby ORDERED that the Defendant's Motion is DENIED for the reasons set forth in the government's memorandum.

IT IS FURTHER ORDERED that the Defendant has failed to make a substantial showing of the denial of a constitutional right, and a certificate of appealability shall not be issued.

BY THE COURT:

s/ Michael M. Baylson

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Michael M. Baylson, U.S.D.J.