

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiffs,

v.

ORDER

STEVEN LARSON,

02-CR-0046-C-04

Defendant.

Defendant Steven Larson has moved for an order correcting the sentence imposed on him on November 22, 2002. Defendant contends that the court erred in sentencing him under the 2002 Guidelines Manual rather than under the guidelines in effect in 2000.

I need not decide whether I have the authority to make a correction of the sort defendant is requesting (I doubt that I do, because the alleged error involves more than an arithmetical, technical or other clear error, see Fed. R. Crim. P. 35(c)). As I explained at defendant's sentencing, I used the 2002 manual because the conspiracy to which defendant pleaded guilty extended past May 1, 2001, the day on which the change in the marijuana equivalency calculations became effective, to December 10, 2001. That date controls the choice of manuals, not the fact that defendant committed other criminal acts before May 1, 2001.

Defendant complains that most of his co-defendants were sentenced under the more

favorable 2000 guidelines but that is because they pleaded guilty to conduct that occurred in 2000 or earlier. With respect to the guidelines manuals, he was treated no differently from his co-defendant Augusto Rodriguez, who pleaded guilty to conspiracy.

ORDER

IT IS ORDERED that defendant Steven Larson's motion for correction of his sentence is DENIED.

Entered this 3d day of December, 2002.

BY THE COURT:

BARBARA B. CRABB
District Judge