

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL E. SPRINGEN,

Defendant.

MEMORANDUM

03-CR-0135-C-01

This case is before the court for review of defendant Randall E. Springen's sentence. The Court of Appeals for the Seventh Circuit issued a limited order of remand directing review to determine whether this court would impose the same sentence on defendant under the advisory guideline system that it imposed on him when it believed the Sentencing Guidelines were mandatory.

After reviewing correspondence from defendant's counsel and from the Assistant United States Attorney, the sentencing transcript and the presentence report, I am able to say with confidence that I would impose the same sentence on defendant under an advisory system. Defendant was a long-time, large scale drug dealer. The amount of drugs for which I found him responsible was a very conservative estimate of his dealing over the years. He

continued to deal drugs even after one of his regular customers died of an overdose in June 2001 (possibly but not probably as a result of drugs defendant had supplied him); while he was on pretrial release he approached an undercover police officer and offered to see her Oxycontin; and he threatened the wife of the deceased drug customer. None of this activity suggests that defendant is motivated to refrain from criminal activity. A lengthy sentence of 160 months is needed to reflect the seriousness of the offense, to protect the public from further criminality on defendant's part and provide defendant an opportunity for drug treatment.

Entered this 9th day of May, 2005.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge