

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD WURZINGER,

Defendant.

ORDER

05-cr-52-bbc

Defendant Richard Wurzinger is eligible for a reduction in his sentence under 18 U.S.C. § 3582(c)(2). He has asked for a reduction to the bottom of the reduced guideline range, which would be 168 months. The government agrees to a reduction, but argues for a sentence at the top of the new range because he was sentenced originally to a term of 262 months, which was the top of his range.

After reviewing defendant's counsel's arguments and documents from the Bureau of Prisons, released with defendant's consent, I am persuaded that a reduction to the bottom of the new guidelines would be appropriate. Defendant has been in custody for only a few days short of ten years; he is 67, which means that statistically he is at a lower risk for committing crimes. More important, he has an excellent prison record, involving only one incident of fighting and no other conduct reports, and he has a solid work record within the prison. A final, and important, consideration is his health. He has had a number of serious

medical conditions, including cancer surgery, a mild stroke and open heart surgery. It is unlikely that at this stage of his life defendant presents a serious risk of harm to the community.

ORDER

IT IS ORDERED that defendant Richard Wurzinger's sentence is reduced to 168 months under 18 U.S.C. § 3582(c)(2).

Entered this 10th day of April, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge