

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

03-cr-006-wmc

v.

JOVAN ALEXANDER,

Defendant.

A jury found Defendant Jovan Alexander, also known as Cedric Walls, guilty of distributing more than five grams of a mixture or substance containing cocaine base (*i.e.*, “crack”). Alexander faced a potential range of 265 to 327 months in prison under the applicable United States Sentencing Guidelines. On July 23, 2003, the district court sentenced Alexander to imprisonment for a term of 300 months. Alexander now has filed a motion to modify his term of imprisonment under 18 U.S.C. § 3582(c)(2) and a retroactive change to the United States Sentencing Guidelines (Amendment 750), which altered the drug-quantity table found in § 2D1.1 of the Guidelines and lowered the base offense level for crack-cocaine offenses as of November 1, 2011. (*See* Dkt. # 94.)

The government acknowledges that Alexander is entitled to a reduced sentence under Amendment 750. (*See* Dkt. # 95.) Under the amended guidelines, Alexander faces a range of imprisonment of 168 to 210 months. Alexander asks for a sentence of 168 months, which is at the lowest end of the amended guideline range. The government argues that a mid-range sentence would be more consistent with the intent of the

sentencing court, which noted that, in addition to Alexander's criminal history, he provided a false identity to investigators following his arrest in this case and obstructed justice to try and gain his pretrial release. The government argues, therefore, that a term of 192 months is appropriate.

After considering all of the relevant factors, the court is persuaded that a sentence of 168 months is reasonable and sufficient to protect the community, to provide the defendant the opportunity for substance abuse counseling and other rehabilitative programs, including vocational training, and to achieve parity with the sentences of similarly situated offenders. This reduced sentence is within the amended guideline range.

ORDER

IT IS ORDERED that defendant Jovan Alexander's motion for a sentence reduction under 18 U.S.C. § 3582(c)(2) (dkt. # 94) is GRANTED. The judgment and commitment order dated July 23, 2003 is AMENDED to provide that the sentence of imprisonment imposed on defendant Jovan Alexander is reduced to 168 months. In all other respects, the judgment and commitment order dated July 23, 2003 will remain in effect.

Entered this 18th day of October, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge