

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNELL JAMES,

Defendant.

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ORDER

06-cr-133-jcs-01

Defendant Lonnell James has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on December 20, 2006. During Judge Shabaz's medical leave, I am handling the cases assigned to him, including this one.

Defendant's original total adjusted offense level was 29; he was sentenced to 119 months, which was just below the midpoint of the sentencing guideline range of 108 to 135 months. Under the amended guidelines, his base offense level is 30, reduced by three levels for acceptance of responsibility. With a total adjusted offense level of 27 and a criminal history category of III, defendant has an advisory guideline range of 87 to 108 months.

Defendant asks for a sentence of 87 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the midpoint of the

amended guideline range, or 95 months.

I am persuaded that in this case a reduction to the bottom of the range is justified. It will ameliorate the effects of the sentencing discrepancy between crack and powder cocaine offenses. Defendant has not asked for a sentence below the guideline range and I am not inclined to give him one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007). The reduced sentence is sufficient to carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's crime, protecting the community and achieving parity with the sentences of similarly situated defendants.

#### ORDER

IT IS ORDERED that the judgment and commitment order entered on December 20, 2006 is AMENDED to provide that the sentence imposed on defendant Lonnell James is reduced to 87 months. In all other respects, the judgment and commitment order remains as entered on December 20, 2006.

Entered this 24th day of April, 2008.

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