

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARL MORRIS,

Defendant.

ORDER

06-cr-134-jcs

Defendant Carl Morris has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on November 9, 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 slightly 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 an offense level of 27 and a criminal history category of III, defendant has an advisory guideline range of 87-108 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 slightly below the

midpoint of the amended range, or 95 months.

I am persuaded that in this case a reduction to the bottom of the range is justified as a response to the sentencing discrepancy between crack and powder cocaine offenses. Defendant's youth, mental problems and learning disabilities would not be reasons to depart from the range but they do argue in favor of a lower sentence within the range.

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 will still 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 amended judgment and commitment order entered on November 9, 2006 is AMENDED to provide that the sentence imposed on defendant Carl Morris is reduced to 87 months. In all other respects, the judgment and commitment order

remains as entered on November 9, 2006.

Entered this 30th day of April, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge