

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY M. HOWARD,

Defendant.

ORDER

06-cr-218-bbc

Defendant Jeremy M. Howard has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on May 15, 2007 by the Honorable John C. Shabaz. Now that Judge Shabaz has taken senior status, I am handling his cases, including this one.

At sentencing, defendant's total adjusted offense level was 27 and his criminal history category was VI. He was sentenced to a term of 162 months, which was at the top of the sentencing guideline range of 130 to 162 months. Under the amended guidelines, his base offense level is 28, less three levels for acceptance of responsibility. With an adjusted offense level of 25 and a criminal history category of VI, defendant has an advisory guideline range of 110 to 137 months.

Defendant asks for a sentence of 110 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the top of the amended range, or 137 months.

Defendant qualifies for the two-level reduction in his range. However, I remain persuaded that his extensive criminal history requires a sentence at the top of the adjusted advisory guideline range. The length of his criminal history (beginning at age eleven), the violence of much of that history, his disregard for authority, his inability to comply with supervision conditions and the amount of drugs for which he was responsible suggest a high likelihood that he will continue to commit crimes when he is released. A sentence of 137 months is sufficient to protect the community, provide defendant the opportunity for participation in rehabilitative programs and achieve parity with the sentences of similarly situated defendants.

ORDER

IT IS ORDERED that the judgment and commitment order signed on May 15, 2007 is AMENDED to provide that the sentence imposed on defendant Jeremy M. Howard is reduced to 137 months. In all other respects, the judgment and commitment order

remains as signed on May 15, 2007.

Entered this 17th day of February, 2009.

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