

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL D. COLEMAN,

Defendant.

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ORDER

07-cr-69-jcs

Defendant Michael D. Coleman has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on October 17, 2007. 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 27; he was sentenced to 87 months, which was at the top of the sentencing guideline range of 70 to 87 months. Under the amended guidelines, his base offense level is 28, less three levels for acceptance of responsibility. With an offense level of 25 and a criminal history category of I, defendant has an advisory guideline range of 57 to 71 months.

Defendant asks for a sentence of 57 months, at the bottom of the amended

2sentencing range. The government argues for a proportional decrease to the top of the amended range, or 71 months.

Defendant qualifies for the two-level reduction in his range. I would be inclined to reduce his sentence to the bottom of the new range were it not for the credible evidence in his presentence report that he and others engaged in a home invasion, in which they broke into an apartment, bound two men, threatened them with a gun and stole money. In light of this troubling conduct, I believe that a proportional reduction is appropriate, as urged by the government. A sentence at the top of the advisory range is sufficient to carry out the statutory purposes of sentencing, which include protecting the community and achieving parity with the sentences of similarly situated defendants.

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).

#### ORDER

IT IS ORDERED that the amended judgment and commitment order signed on October 17, 2007 is AMENDED to provide that the sentence imposed on defendant Michael D. Coleman is reduced to 71 months. In all other respects, the judgment and

commitment order remains as signed on October 17, 2007.

Entered this 16th day of May, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge