

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN MOORE,

Defendant.

ORDER

12-cr-66-bbc

Kevin Moore is eligible for a reduction in his sentence under the changes in the Sentencing Guidelines adopted by the United States Sentencing Commission in November 2014. He was sentenced originally in 2012 to the top of his guideline range of 30 to 37 months. If he were to be resentenced to the top of his new guideline range, his sentence would be 30 months. He has moved for a sentence at the low end of the new range or 24 months, dkt. #23, but has not explained why he thinks such a sentence would be appropriate. The government opposes a sentence at the bottom of the new range, but does not oppose the reduction in the range itself.

Defendant has not shown any good reason for a lower sentence. His record does not support any further reduction. Before he was convicted in this case, he had already served one sentence on federal charges brought against him in 2010 for being a felon in possession of a firearm. While on supervised release for that offense, he escaped from the reentry center

in which he had been designated to serve a portion of his supervised release. After his arrest for escape, he was sentenced to a term of 18 months, to be served consecutively to his sentence in the earlier case. He was transferred back to the reentry center after he completed the escape sentence and while there engaged in the heroin transactions charged in the indictment. Defendant's unwillingness to observe the conditions of his release and his prompt resumption of criminal activity suggest strongly that he is not readily deterred from criminal activity, which makes him a high risk to society. In addition, in 2012, his relevant conduct involved distributing 9.793 grams of heroin, which was near the top of the drug quantity range of 5 to 10 grams for his base offense level of 14.

I conclude that a reduction in defendant's sentence to one at the top of his reduced guideline range is appropriate in this case and I will deny defendant's motion for a lower sentence.

ORDER

IT IS ORDERED that defendant Kevin Moore's motion to be sentenced at a lower point in his newly applicable guideline range, dkt. #23, is DENIED.

Entered this 6th day of January, 2015.

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