

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

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

15-cr-21-wmc

v.

IFEANYICHUKWU “JACK” IKEGWUONU and  
CHUKWUEMEKA “WILLIAM” KIEGWUONU,  
Defendants.

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The court is in receipt of defendant Jack Ikegwuonu’s Motion for Continuance of Sentencing in View of Pending Legislation (dkt. #67), in which defendant William Ikegwuonu joins. The motion will be denied.

As an initial matter, the court agrees with the government that there is no law or practice supporting this court’s delay in imposing sentence based on the possibility (and it is only that) that Congress might take up legislation affecting the considerations appropriate for sentencing. For all practical purposes, the enforcement of many important laws in this country would come to a screeching halt if justified by the mere “possibility” of Congress changing that law, even if limited to those situations in which legislation has been introduced. Worse, given the challenges of moving legislation through Congress, that halt would be essentially indefinite in duration.

Aside from the legal and practical problems with the proposal, Congress is certainly not without means to make any change in the law retroactive, if that is its intent, as could the Sentencing Commission if the legislation does not preclude it from doing so.

Similarly, defense counsel is not precluded from arguing the impacts of mandatory minimum sentences in this case, including pointing out what can be, in the individual case, fairly draconian consequences, just as the court has in the past pointed out those consequences in imposing sentences under 18 U.S.C. § 924(c). Of course, the government is also free to explain why the imposition of those sentences against these defendants may not only be required by law, but reasonable.

ORDER

IT IS ORDERED that defendants' joint Motion for Continuance of Sentencing in View of Pending Legislation (dkt. #67) is DENIED.

Entered this 17th day of June, 2015.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge