

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARLAND LIGHTFOOT,

Defendant.

ORDER

98-cr-113-bbc

Defendant Garland Lightfoot has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on April 14, 1999.

Defendant's original total adjusted offense level was 38. He was sentenced to 315 months, which was below the middle of the sentencing guideline range of 292 to 365 months. Under the amended guidelines, his base offense level is 32, plus two levels for possession of a gun, plus another two for obstruction of justice, for a total offense level of 36. With a total offense level of 36 and a criminal history category of III, defendant has an advisory guideline range of 235 to 293 months.

Defendant asks for a sentence of 235 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to 253 months,

slightly below the middle of the amended range.

In reviewing defendant's record and taking into account the discrepancy between the guidelines for crack and powder cocaine, which are ameliorated by the guideline amendment but not eliminated, I am persuaded that a sentence at the bottom of the guidelines will still carry out the statutory purposes of sentencing, which include holding defendant accountable for his serious criminal conduct, reflecting the severity of his crime, 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 judgment and commitment order signed on April 16, 1999, is AMENDED to provide that the sentence imposed on defendant Garland Lightfoot is reduced to 235 months. In all other respects, the judgment and commitment order remains

as signed on April 16, 1999.

Entered this 28th day of January, 2009.

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