

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY L. JACKSON,

Defendant.

ORDER

01-cr-81-bbc

Defendant Henry L. Jackson has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on August 8, 2002. The motion will be granted.

When defendant was first sentenced, his total adjusted offense level was 33 and his criminal history category was III. He was sentenced to a term of 188 months on the charge of possessing with intent to distribute cocaine base and to a concurrent term of 120 months for possession of firearms by a felon. His 188-month sentence was in the middle of the guideline range of 168 to 210 months. Under the amended guidelines, his base offense level is 32, plus two levels for possession of firearms in connection with the offense, less three levels for acceptance of responsibility. With an adjusted offense level of 31 and a criminal

history category of III, defendant has an advisory guideline range of 135 to 168 months.

Defendant asks for a sentence of 135 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the middle of the amended range, or 150 months.

Defendant qualifies for the two-level reduction in his range. The amount of drugs for which he was responsible falls near the middle of the applicable drug quantity range, which is a reason to give him a sentence at the same point of the guideline sentencing range. I do not believe a lower sentence would be appropriate, in light of defendant's commitment to his illegal lifestyle and the lack of responsibility he has shown for the community and for his own children. I believe that a sentence of 150 months would be sufficient to protect the community, provide defendant the opportunity for participation in rehabilitative programs and achieve 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 August 12, 2002 is AMENDED to provide that the sentence imposed on defendant Henry L. Jackson

is reduced to 150 months. In all other respects, the judgment and commitment order remains as signed on August 12, 2002.

Entered this 5th day of January, 2009.

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