

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST BROOKS, III,

Defendant.

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ORDER

02-cr-27-bbc

Defendant Ernest E. Brooks III has filed a pro se motion seeking resentencing under 18 U.S.C. § 3582(c)(2), based on the retroactive application of the 2014 amendment to the drug guidelines, USSG §§ 1B1.10 and 2D1.1, and previous similar retroactive amendments to the crack-cocaine guidelines, as well as on the sentencing factors in 18 U.S.C. § 3553(a). Dkt. #275. Defendant seeks a reduction in his sentence from 360 months to 262 months. Unfortunately for defendant he is ineligible for § 3582(c)(2) relief or any other relief from his sentence.

When defendant was sentenced, he was held responsible for 237,000 kilograms of marijuana equivalent for cocaine base, 10.88 kilograms for marijuana and 2.8 kilograms for heroin. He received a sentence of 360 months. Since then, the marijuana equivalency ratio

for cocaine base has been reduced to 1 gram for every 3,571 grams of marijuana equivalent. Defendant is now accountable for 42,330.03 kilograms of marijuana equivalent, giving him a base offense level of 36. With a two-level enhancement for firearms and another two-level enhancement for using a minor to commit the offense, as well as a two-level reduction for acceptance of responsibility, his total offense level is 38. His criminal history category is VI, which means that his offense level remains 360 months to life. In other words, the reduction in the marijuana-equivalency table to cocaine base does not provide a basis for reducing his sentence.

Because defendant's guideline range of 360 months to life has not changed, defendant is ineligible for a sentence reduction based on the most recent retroactive amendment to the drug guidelines.

ORDER

The motion filed by defendant Ernest E. Brooks III under 18 U.S.C. § 3582 is DENIED.

Entered this 24th day of June, 2015.

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