

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN SANDERS,

Defendant.  
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MEMORANDUM

03-CR-0097-C

This case is before the court on a limited remand from the Court of Appeals for the Seventh Circuit to allow the court to review the sentence imposed on defendant John Sanders and advise the court of appeals whether it would impose the same sentence now that the Sentencing Guidelines have been held to be advisory and not mandatory. Having made that review, I can state that I would not change defendant's sentence.

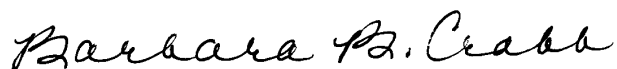
Defendant was charged with possession of pseudoephedrine with intent to manufacture methamphetamine and possession of chemicals, equipment and material knowing that they could be used to manufacture methamphetamine. He contested his guilt, went to trial and was found guilty of both counts. At sentencing, his base offense level was 34; two levels were added because he was an organizer, leader, manager or supervisor of his

two co-defendants. With his criminal history category of IV, defendant's sentencing guideline range was 262-327 months. I sentenced him at the bottom of the range.

Although the sentence is a harsh one, I am not persuaded that any shorter one will accomplish the purposes of protecting the community and reflecting the seriousness of defendant's long term involvement in drug trafficking, the large quantities of pseudoephedrine and other precursor chemicals and equipment in his possession and his supervision of two other individuals. Defendant has been undeterred by his previous run-ins with the criminal justice system for possessing and manufacturing methamphetamine and possession with intent to distribute cocaine. His entire criminal history suggests a disregard for community mores and social constraints. He says now that he has learned his lesson but his statements ring hollow in light of his criminal history and his continued willingness to traffic in drugs after his previous arrests and convictions.

Entered this 30th day of June, 2005.

BY THE COURT:

A handwritten signature in black ink, reading "Barbara B. Crabb". The signature is written in a cursive, flowing style.

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BARBARA B. CRABB  
District Judge

