

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD SADDLER,

Defendant.

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ORDER

04-cr-109-jcs

Defendant Richard Saddler has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on January 7, 2005. During Judge Shabaz's medical leave, I am handling the cases assigned to him, including this one.

Defendant's original total adjusted offense level was 33; he was sentenced to 170 months, which was above the middle of the sentencing guideline range of 151 to 188 months. Under the amended guidelines, his base offense level is 32, plus two for possession of a gun, and reduced by three levels for acceptance of responsibility. With an offense level of 31 and a criminal history category of II, defendant has an advisory guideline range of 121 to 151 months.

Defendant asks for a sentence of 121 months, at the bottom of the amended

sentencing range. The government argues for a proportional decrease to the middle of the amended range, or 136 months.

The presentence report in this case depicts a young man with no real employment history and a tendency to use violence to resolve conflicts. His involvement in the extensive cocaine trafficking activities in and around the Lac Courte Oreilles reservation and his violence toward the mother of his child are strong indications that he will continue to present a danger to the community unless he can learn to control his anger. However, he was only 24 when he was sentenced. A sentence in excess of ten years will still be adequate to carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's 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 amended judgment and commitment order imposed on defendant Richard Saddler on January 7, 2005, is AMENDED to provide that the sentence imposed on defendant is reduced to 121 months. In all other respects, the judgment and

commitment order remains as entered on January 7, 2005.

Entered this 5th day of June, 2008.

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