

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DRAE BROADNAX,

Defendant.

ORDER

04-cr-139-bbc

Defendant Drae Broadnax has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on January 13, 2005.

My review of defendant's file shows that he pleaded guilty to one count of possession of more than five grams of cocaine base (crack cocaine) with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1) and one count of felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). At sentencing, defendant was determined to be a career offender as defined in U.S.S.G. § 4B1.1(a), with a base offense level of 34 because the maximum statutory penalty for his crime was 40 years. § 4B1.1(b)(B). With a three-level adjustment for acceptance of responsibility, his total offense level was 31.

Defendant now asks for a reduction in his sentence under Amendment 706 to the

Sentencing Guidelines, which recalculates the sentencing ranges for crack cocaine offenses as they relate to the drug equivalency tables in U.S.S.G. § 2D1.1(c). Unfortunately for defendant, the amendment does not apply to him because his sentence was determined by his status as a career offender and not by drug quantity. Therefore, I must deny his motion for a sentence reduction.

ORDER

IT IS ORDERED that defendant Drae Broadnax's motion for a sentence reduction under 18 U.S.C. § 3582 is DENIED.

Entered this 18th day of July, 2008.

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