

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIBORIO PRADO-MORALES,

Defendant.

ORDER

04-cr-180-bbc-01

Defendant Liborio Prado-Morales has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on April 29, 2005. Defendant's original total adjusted offense level was 29. He was sentenced to 114 months, a sentence approximately 70 percent above the bottom of the sentencing guideline range of 97-121 months. Under the amended guidelines, his base offense level is 30, reduced by three levels for acceptance of responsibility. With an offense level of 28 and a criminal history category of II, defendant has an advisory guideline range of 78 to 97 months.

Defendant asks for a sentence of 78 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to above the midpoint of the amended range, or 91 months.

I am persuaded that in this case a reduction to the midpoint of the range is justified as a response to the sentencing discrepancy between crack and powder cocaine offenses. No further reduction is appropriate, given defendant's involvement in large quantities of drugs and his repeated illegal entries into the United States. This lowered sentence will still carry out the statutory purposes of sentencing. It will continue to reflect the severity of defendant's crime, protect the community and achieve parity with the sentences of similarly situated defendants.

ORDER

IT IS ORDERED that the judgment and commitment order entered on April 29, 2005 is AMENDED to provide that the sentence imposed on defendant Liborio Prado Morales is reduced to 91 months. In all other respects, the judgment and commitment order remains as entered on April 29, 2005.

Entered this 22d day of April, 2008.

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