

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHELTON YOUNG,

Defendant.

ORDER

04-cr-194-jcs

Defendant Shelton Young has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on May 17, 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 23; he was sentenced to 102 months, which was near the top of the sentencing guideline range of 84 to 105 months. Under the amended guidelines, his base offense level is 24, reduced by three levels for acceptance of responsibility. With an offense level of 21 and a criminal history category of V, defendant has an advisory guideline range of 70 to 87 months.

Defendant asks for a sentence of 70 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the top or near the

top of the amended range, or 84 months.

I am persuaded that in this case a reduction to the middle of the range is justified as a response to the sentencing discrepancy between crack and powder cocaine offenses. The reduced sentence will still carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's crime (as well as the length of time that defendant was involved in drug distribution), 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 entered on May 17, 2005, is AMENDED to provide that the sentence imposed on defendant Shelton Young is reduced to 78 months. In all other respects, the judgment and commitment order remains

as entered on May 17, 2005.

Entered this 8th day of May, 2008.

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