

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA HENDERSON,

Defendant.

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ORDER

04-cr-210-jcs

Defendant Jessica Henderson has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon her on July 1, 2005. While Judge Shabaz is on medical leave, I am handling the motions that would otherwise be assigned to him, including this one.

To obtain a reduction in her sentence under § 3582 and Amendment 706, defendant must show that she was sentenced for possession or distribution of cocaine base (crack cocaine). My review of defendant's file show that she was charged and convicted of conspiracy to manufacture methamphetamine. In determining defendant's sentence, Judge Shabaz took into account quantities of pseudoephedrine and marijuana that defendant had in her possession along with methamphetamine, but did not make any reference to any

cocaine base. Nothing in the presentence report indicated that defendant had been in possession of any cocaine base. Accordingly, she is not eligible for a sentencing reduction under Amendment 706, relating to crack cocaine offenses.

Defendant has asked the court to consider whether she might be eligible for a reduction in her sentence under any other amendment, such as the “Bad Math Amendment” or under the Second Chance law. I believe that the amendment to which defendant refers is an amendment to the commentary of § 2D1.1 to revise the manner in which combined offense levels are determined in cases involving cocaine base. This amendment would not apply to defendant for the same reason that Amendment 706 does not apply: she was not convicted of an offense involving cocaine base.

As to whether the Second Chance law might apply to defendant, I cannot say. This is a matter she might take up with her caseworker at the prison camp.

#### ORDER

IT IS ORDERED that defendant Jessica Henderson’s motion for a sentence reduction

under 18 U.S.C. § 3582 is DENIED.

Entered this 25th day of August, 2008.

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