

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TONY LISTER,

Defendant.

ORDER

04-cr-74-bbc

Defendant Tony Lister is eligible for a reduction in his sentence under 18 U.S.C. § 3582(c)(2). He has asked for a reduction to the bottom of the reduced guideline range. The government agrees to a reduction, but argues for a sentence at the same point within the range at which defendant was resentenced at his two previous resentencings. Twenty-one months separate the sentence sought by the government (189 months) and the sentence advocated by defendant (168 months).

Defendant was sentenced originally to a term of 405 months. After two changes in the guidelines, his most recent sentence was 235 months. After reviewing his counsel's arguments, I am persuaded that a reduction to the bottom of the new guidelines would be appropriate. Defendant has a lengthy criminal history, but much of it involves drugs or alcohol or traffic offenses. With the exception of arrests and convictions in 1994 and 1995 for resisting arrest and disorderly conduct, none involve the use of force, and the 1994 and 1995 cases were prosecuted as misdemeanors.

ORDER

IT IS ORDERED that defendant Tony Lister's sentence is reduced to 168 months under 18 U.S.C. § 3582(c)(2).

Entered this 8th day of April, 2015.

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