

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERNARDO GARCIA,

Defendant.

ORDER

05-cr-155-bbc

Defendant Bernardo Garcia 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 within that range but objects to a reduction to the bottom of the range. The difference is significant: 137 months if he is sentenced at the top of the range or 110 months if he sentenced at the bottom of the range.

Defendant's criminal record is abysmal. He had accumulated 25 criminal history points before he was sentenced in this court; he had been committing crimes consistently since he was 17; he was manufacturing methamphetamine before his arrest and he had a 12-gauge shotgun on the premises. However, he says that he has been participating in narcotic and alcohol abuse programming and taking other courses to improve his chances of leading a crime-free life once he is released.

I am not persuaded that defendant's sentence should be reduced to the bottom of the

guidelines but I will approve a reduction to the midpoint of the guidelines, which would be 124 months.

ORDER

IT IS ORDERED that defendant Bernardo Garcia's sentence, imposed on June 15, 2006, is reduced to 124 months under 18 U.S.C. § 3582(c)(2).

Entered this 2d day of March, 2015.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge