

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILFRED TRICE,

Defendant.

ORDER

05-cr-22-bbc

Defendant Wilfred Trice has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on August 10, 2005, by the Honorable John C. Shabaz. Defendant's sentence was 264 months, which was 50% above the bottom of the applicable guideline range of 235 to 293 months; he seeks a reduction to the bottom of the new range, which is 188 to 235 months. The government does not oppose the motion for a sentence reduction, but argues that the reduction should be commensurate with the original sentence or at the midpoint of the new range.

Defendant's original base offense level was 38 because the offense and relevant conduct involved at least 1.5 kilograms of cocaine base. Two levels were added because defendant possessed a gun in connection with the offense. Under the amended guidelines,

his base offense level is 36. With an increase of two levels for the firearm and a reduction of three levels for acceptance of responsibility, the new offense level is 33. With a criminal history category of II, defendant has an advisory guideline range of 188-235 months.

As serious as defendant's crime was, defendant has a modest criminal history, consisting exclusively of driving violations, although two of them are for driving while intoxicated. I am persuaded that a sentence at the bottom of the amended range will still be sufficient to protect the community and provide defendant an opportunity for rehabilitative programs.

ORDER

IT IS ORDERED that the judgment and commitment order entered on August 10, 2005, is AMENDED to provide that the sentence imposed on defendant Wilfred Trice is reduced to 188 months. In all other respects, the judgment and commitment order remains as entered on August 10, 2005.

Entered this 6th day of July, 2010.

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