

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SIRRON BUCKNER,

Defendant.

ORDER

05-cr-93-bbc

Defendant Sirron Buckner has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on October 26, 2005 by the Honorable John C. Shabaz. In Judge Shabaz's absence for medical leave, I am handling his cases, including this one.

At sentencing, defendant's total adjusted offense level was 31 and his criminal history category was V. He was sentenced to a term of 192 months, which was in the high middle of the sentencing guideline range of 168 to 210 months. Under the amended guidelines, his base offense level is 30, plus two levels for possession of a firearm in relation to his crime, less three levels for acceptance of responsibility. With an adjusted offense level of 29 and a criminal history category of V, defendant has an advisory guideline range of 140 to 175

months.

Defendant asks for a sentence of 140 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the high middle of the amended range, or 160 months.

Defendant qualifies for the two-level reduction in his range. The amount of drugs for which he was responsible falls near the middle of the applicable drug quantity range, which is a reason to give him a sentence at the same point of the guideline sentencing range. Defendant was a significant distributor of crack and powder cocaine for what appears to have been a number of years. I believe that a sentence of 157 months would be sufficient to protect the community, provide defendant the opportunity for participation in rehabilitative programs and achieve 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 judgment and commitment order signed on October 26, 2005 is AMENDED to provide that the sentence imposed on defendant Sirron Buckner is

reduced to 157 months. In all other respects, the judgment and commitment order remains as signed on October 26, 2005.

Entered this 5th day of January, 2009.

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