

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTOINE T. DEAL,

Defendant.  
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ORDER

06-cr-214-bbc

Defendant Antoine T. Deal has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on April 18, 2007.

At his re-sentencing, defendant's total adjusted offense level was 30; he was sentenced to 152 months, which was at the mid-point of the sentencing guideline range of 135-160 months. Under the amended guidelines, his base offense level is 30, plus two levels for possession of a firearm, reduced by three levels for acceptance of responsibility and a fourth level for substantial assistance. With a total offense level of 28 and a criminal history category of IV, defendant has an advisory guideline range of 110-137 months.

Defendant asks for a sentence of 110 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the mid-point of

the amended range, or 124 months.

At the time defendant was sentenced, Judge Shabaz noted the factors that led to his imposing a sentence at the mid-point of the guidelines: defendant's "startling" arrest record; defendant's cooperation with law enforcement; and the fact that his offense level was enhanced significantly by his own incriminating statements. Approximately six months following defendant's sentencing, Judge Shabaz reduced defendant's sentence under Rule 35(b).

Defendant's past criminal activity and his lack of any legitimate employment suggest that his likelihood of recidivism is high. However, his cooperation with law enforcement may indicate that he is willing to take a different tack in life. I believe that a sentence of 115 months will be sufficient to carry out the statutory purposes of sentencing, which include reflecting the severity of defendant's crime, protecting the community and achieving 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 entered on April 19,

2007 and amended by order entered on November 28, 2007, is AMENDED to provide that the sentence imposed on defendant Antoine T. Deal is reduced to 115 months. In all other respects, the judgment and commitment order remains as entered on April 19, 2007 and amended on November 28, 2007.

Entered this 25th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge