

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL LOGAN,

Defendant.

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ORDER

06-cr-64-jcs

Defendant Darrell Logan has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon him on August 23, 2006. During Judge Shabaz's medical leave, I am handling the cases assigned to him, including this one.

Defendant's original total adjusted offense level was 27; he was sentenced to 96 months, which was at about the middle of the sentencing guideline range of 87 to 108 months. Under the amended guidelines, his base offense level is 28, reduced by three levels for acceptance of responsibility. With an offense level of 25 and a criminal history category of III, defendant has an advisory guideline range of 70 to 87 months.

Defendant asks for a sentence of 70 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the middle of the

amended range, or 77 months.

Defendant has a troubled history; his upbringing was chaotic and he was engaged in serious crime as a juvenile. However, he was only 19 when he was sentenced and he seems to have found a more stable life with his aunt and uncle before he was arrested in this case. If he can maintain his ties with them and take more responsibility for his own life, he may be able to turn it around. I am persuaded that in this case a reduction to the bottom of the range is justified as a response to the sentencing discrepancy between crack and powder cocaine offenses. Had defendant been involved in the same conduct but dealing powder cocaine instead of crack, his sentence would have been considerably lower. The reduced sentence will still 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 amended judgment and commitment order entered on August 23, 2006, is AMENDED to provide that the sentence imposed on defendant Darrell

Logan is reduced to 70 months. In all other respects, the judgment and commitment order remains as entered on August 23, 2006.

Entered this 5th day of June, 2008.

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