

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

06-cr-89-01

v.

CONNES B. CAMPBELL,

Defendant.

Defendant Connes B. Campbell has filed what he calls a “brief to supplement and correct motion to reduce sentence,” in which he takes issue with the court’s determination that he was sentenced as a career offender and, for that reason, is not eligible for a reduction in his sentence under 18 U.S.C. § 3582(c)(2). Defendant contends that the court is wrong and that he was not sentenced as a career offender. I will construe the “brief” as a timely filed appeal because it was filed within the time allowed under Fed. R. App. 4(b) for filing an appeal for denial of a motion in a criminal case, that is, within 14 days. United States v. Redd, 630 F.3d 649, 650 (7th Cir. 2011) (time for adjusting sentence is limited; prisoner is not entitled to more than one opportunity to request lower sentence for any given change in guidelines range).

Defendant bases his appeal on the fact that, although he was found to be a career offender at the time of his sentencing, which made his base offense level 34, he received a

three-level reduction for his acceptance of responsibility, which brought his guideline range down to 31. In addition, he was sentenced at the bottom of the guideline range to a term of 188 months. Neither of these supports his appeal.

It is apparent from his argument that defendant believes that the reduction in his guideline range meant that it is an error to consider him a career offender, but his belief is erroneous. The way the guidelines work is that the court first determines whether a defendant is a career offender. This requires a finding that the defendant was at least 18 when he committed the crime for which he is being sentenced; the crime was a felony that was either a crime of violence or a controlled substance offense; and the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense. If the court determines that the defendant meets the criteria for a career offender, as was the case with defendant, it consults the table in the sentencing guidelines manual at § 4B1.1, which sets the offense level according to the maximum sentence for the crime of conviction. In defendant's case, the statutory maximum was 25 years or more, so his offense level was 34.

Once the offense level of 34 was established, the court deducted three levels because defendant had accepted his responsibility for the crime he committed. This deduction did not affect his classification as a career offender. Neither did the fact that he was sentenced at the bottom of the guideline range. In short, defendant was properly classified as a career offender and properly denied a reduction in his sentence under § 3582(c)(2).

It may be that in the future, accommodation will be made for persons who have been

found to be career offenders and they too will qualify for sentence reductions. If that happens, defendant will have an opportunity to move for such a reduction.

ORDER

IT IS ORDERED that defendant Connes B. Campbell's supplement to his motion to reduce his sentence is construed as a timely filed appeal of the denial of his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) and is DENIED.

Entered this 3d day of June, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge