

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CONCEPCION RELERFORD,

Defendant.

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ORDER

06-cr-98-bbc

Defendant Concepcion Relerford has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the sentence imposed upon him on September 13, 2006 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 33 and his criminal history category was VI. He was sentenced to a term of 264 months, which was in the low middle of the sentencing guideline range of 235 to 293 months. Under the amended guidelines, his base offense level is 34, less three levels for acceptance of responsibility. With an adjusted offense level of 31 and a criminal history category of VI, defendant has an advisory guideline range of 188 to 235 months.

Defendant asks for a sentence of 188 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the low middle of the amended range, or 211 months.

Defendant qualifies for the two-level reduction in his range. Defendant was a significant distributor of crack cocaine and he became involved in the conduct at issue in this case when he was still on state supervision for previous crimes. However, I believe that a sentence of 188 months is 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 September 13, 2006 is AMENDED to provide that the sentence imposed on defendant Concepcion

Relerford is reduced to 188 months. In all other respects, the judgment and commitment order remains as signed on September 13, 2006.

Entered this 5th day of January, 2009.

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