

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ALBERT COLE,

Defendant.

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ORDER

07-cr-139-bbc

After the United States Sentencing Commission issued certain amendments to the sentencing guidelines in 2014 that were intended to reduce sentences, defendant Albert Cole filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(2). He received a reduction to a term of 168 months; now he wants a further reduction, this time for acceptance of responsibility, which was denied him at sentencing because he challenged the evidence against him.

Defendant contends that under Amendment 775 to the United States Sentencing Guidelines, he is entitled to bring a challenge to his sentence and specifically to this court's denial to him of acceptance of responsibility. He is mistaken. Although Amendment 775 refers to acceptance of responsibility, it appears to be directed primarily to two situations: one in which the government withholds approval of a third point for acceptance of responsibility and one in which the court declines to apply a third point even after the

government has asked for it. Nothing in the amendment suggests that it was intended to apply to a post-sentence reduction of a sentence and nothing in it refers to the lowering of sentencing ranges. Section 3582(c)(2) makes it explicit that a sentence is to be reduced only if the sentence was based on a sentencing range that has subsequently been lowered by the Sentencing Commission and only if the reduction “is consistent with applicable policy statements issued by the Sentencing Commission.” Defendant’s challenge must be denied because it meets neither of those criteria.

#### ORDER

IT IS ORDERED that defendant Albert Cole’s motion for an additional reduction in his sentence under 18 U.S.C. § 3582(c)(2) is DENIED because he has failed to show any entitlement to such a reduction.

Entered this 14th day of September, 2015.

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