

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH GREEN,

Defendant.

ORDER

07-cr-24-bbc

Defendant Kenneth Green is eligible for a reduction in his sentence under 18 U.S.C. § 3582(c)(2). He has asked for a reduction to the bottom of the reduced guideline range. The government agrees to a reduction, but argues for a sentence at the midpoint of the new range, which is where defendant was sentenced in 2008. Twelve months separate the sentence sought by the government (120 months, or the midpoint of the newly reduced guideline range) and the sentence advocated by defendant (108 months, at the bottom of the new guidelines).

Defendant was sentenced originally to a term of 168 months. On appeal, the Court of Appeals for the United States remanded his case for resentencing in light of Kimbrough v. United States, 522 U.S. 85 (2007). He was then given a sentence of 150 months, a sentence near the middle of his previous guideline range. After reviewing his counsel's arguments, I am not persuaded that his sentence should be reduced to the bottom of the new

guidelines. Rather, it should stay at the midpoint, which would be 120 months. Defendant's conduct at the time of his arrest was particularly aggravated. Not only did he flee in a vehicle and cause a collision, he inflicted serious injuries on one of the arresting officers. Moreover, his history shows a propensity to batter women. These considerations continue to support a sentence at the midpoint of the reduced guidelines range.

ORDER

IT IS ORDERED that defendant Kenneth Green's sentence, imposed on August 1, 2008, is reduced to 120 months under 18 U.S.C. § 3582(c)(2).

Entered this 8th day of April, 2015.

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