

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JENNIFER HANTHORN,

Defendant.

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ORDER

07-cr-33-jcs

Defendant Jennifer Hanthorn has filed a motion pursuant to 18 U.S.C. § 3582, seeking a reduction of the amended sentence imposed upon her on October 11, 2007. 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 25; she was sentenced to 64 months, which was the midpoint of the sentencing guideline range of 57 to 71 months. Under the amended guidelines, her base offense level is 30, reduced by three levels for acceptance of responsibility, by two levels for the safety valve and another two levels for substantial assistance, for a total adjusted offense level of 23. With a criminal history category of I, defendant has an advisory guideline range of 46-57 months.

Defendant asks for a sentence of 46 months, at the bottom of the amended sentencing range. The government argues for a proportional decrease to the midpoint of the amended range, or 51 months.

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 and supported by the fact that defendant provided substantial assistance to the government. Defendant has not asked for a sentence below the guideline range and I am not inclined to give her one under whatever authority I have under Kimbrough v. United States, 128 S. Ct. 558 (2007). 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.

#### ORDER

IT IS ORDERED that the amended judgment and commitment order entered on October 11, 2007 is AMENDED to provide that the sentence imposed on defendant Jennifer Hanthorn is reduced to 46 months. In all other respects, the judgment and commitment

order remains as entered on October 11, 2007.

Entered this 23d day of April, 2008.

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