

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MAXIMO PINEDA-BUENAVENTURA,

Defendant.  
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ORDER

08-cr-100-bbc

Defendant Maximo Pineda-Buenaventura moved for a modification of his sentence under 18 U.S.C. § 3582(c)(2). The government agrees that his sentence should be reduced by two levels under Amendment 782 to the United States Sentencing Guidelines but it disagrees with defendant that his new sentence should be at the bottom of the new guidelines range rather than at the top, which is where his original sentence was.

Defendant argues that a sentence at the top of the new guideline range is no longer necessary to protect the community because he has participated in drug education and anger management and is working to earn his GED. In addition, he argues that the prisons are overcrowded, that recidivism rates for offenders convicted of crack cocaine offenses show that persons released early fare no worse than offenders who served their full terms and that the same result would be true for defendant, who was convicted of crimes involving powder cocaine and that defendant will be facing deportation whenever he finishes his term of

imprisonment.

I am not persuaded by defendant's arguments, primarily because his crime did not involve the simple distribution of cocaine. Rather, he was the leader of an extensive conspiracy to distribute cocaine, lasting at least 18 months and involving numerous persons as runners, all reporting to him. He possessed many firearms and kept a storage unit where he kept large amounts of currency, as well as a stash of controlled substances. These factors convinced me to sentence defendant at the top of the applicable guideline range and they continue to convince me that his sentence should remain at the top of the new range.

#### ORDER

IT IS ORDERED that defendant Maximo Pinedo-Beneventura's request for a reduction in his guideline range is GRANTED; his new guideline range is 135-168 months. His motion for a sentence at the bottom of the new range is DENIED; he is to be sentenced at the top of the new guideline range to a term of 168 months.

Entered this 27th day of March, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge