

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

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

09-cr-147-bbc

SCORPIO ROBINSON,

Defendant.  
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Defendant Scorpio Robinson has moved for a sentencing reduction under 18 U.S.C. § 3582. He contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence. He is mistaken.

Defendant was sentenced on April 28, 2010, to a term of imprisonment of 84 months. His sentence was based on a total offense level of 29. His guideline imprisonment range was 108 to 135 months. Defendant was held accountable for a drug quantity of at least 35 grams but less than 50 grams of cocaine base (crack cocaine). At sentencing the

court considered the disparity between crack and powder cocaine, and imposed a below-guideline sentence.

Under the most recent retroactive amendment, defendant's total offense level is 27 with a guideline range of 87-108 months. Although the amendment has the effect of lowering defendant's guideline range, relief under § 3582 is not authorized because defendant's sentence is lower than the bottom of the new guideline range.

ORDER

Defendant Scorpio Robinson's motion for a reduction of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 27th day of March, 2012.

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