

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

UNITED STATES OF AMERICA,

ORDER

Plaintiff,

v.

09-cr-61-bbc

DERRICK D. SYKES,

Defendant.

Defendant Derrick Sykes 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 October 22, 2009, to a term of imprisonment of 78 months. His sentence was based on a total offense level of 25. His guideline imprisonment range was 110 to 137 months. Defendant was held accountable for a drug quantity comprising powder and crack cocaine that converted to 460 kilograms of marijuana

equivalent. This amount included 17.6 grams of cocaine base and 368.7 grams of powder cocaine. At sentencing the court varied downward in reliance on the factors in 18 U.S.C. § 3553(a) and imposed a 78-month sentence.

Under the most recent retroactive amendment, defendant's total offense level remains 25, with the same guideline range of 110-137 months. Because the amendment does not have the effect of lowering defendant's guideline range, relief under § 3582 is not authorized.

ORDER

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

Entered this 28th day of March, 2012.

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge