

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

VALONBEA RANDOLPH,

Defendant.

ORDER

10-cr-37-bbc

Defendant Valonbea Randolph has filed a motion under 18 U.S.C. § 3582, contending that he is entitled to a two-level reduction in his base offense level under the amendments relating to crack cocaine offenses. Technically, he is entitled to such a reduction; practically, it makes no difference to his sentence.

On August 5, 2010, defendant was sentenced to 72 months in prison. His guideline range of imprisonment was 140-175 months. (His base offense level was 30; he was given a two-level increase for use of a firearm and a three-level reduction for acceptance of responsibility, his total offense level was 29.)

Under the most recent retroactive amendment, if I were to give defendant a two-level reduction in his guidelines, his total offense level would be reduced to 27, which with his

criminal history category of V would produce a range of 120-150 months, but that is still higher than the 72-month sentence he is serving.

ORDER

IT IS ORDERED that the motion for resentencing under 18 U.S.C. § 3582 filed by defendant Valonbea Randolph is DENIED because his sentence, as imposed, was lower than his sentence would be if it were reduced under § 3582.

Entered this 30th day of December, 2011.

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