

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMETRIUS PETTY,

Defendant.

ORDER

10-cr-188-bbc

Defendant Demetrius Petty has filed a motion pursuant to 18 U.S.C. § 3582, seeking a modification of the sentence imposed upon him on July 21, 2011. Unfortunately for defendant, he is not eligible for a reduction under a change in the guidelines.

When defendant was sentenced in 2011, he received a statutory mandatory term of 10 years in prison. That mandatory minimum is not affected by the amendment to the sentencing guidelines, which lowered and made retroactive the sentencing guideline ranges for certain offenses involving crack cocaine. Only Congress can reduce a statutory penalty; the Sentencing Commission's authority is limited to changes in guideline calculations.

ORDER

IT IS ORDERED that defendant Demetrius Petty's motion for modification of sentence under 18 U.S.C. § 3582 is DENIED.

Entered this 19th day of April, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge