

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ESPINOZA,

Defendant.

ORDER

12-cr-104-bbc

Defendant Jose Espinoza has requested resentencing under 18 U.S.C. § 3582(c)(2) to reflect the lowered guidelines applicable to his sentence. The government does not object to the motion, but argues that defendant should receive a new sentence that is proportionate with his original sentence; that is, at the midpoint of his new range. Defendant argues that he should be sentenced at the bottom of the newly applicable guideline range.

Defendant's new range is 57 to 71 months. Giving him the a sentence in the midpoint of the guidelines range would mean a sentence of 64 months; giving him the sentence he requests would mean a sentence of 57 months. I believe that a mid-point sentence remains appropriate for defendant. He was held responsible for 5.35 kilograms of cocaine, but he was trying to broker a deal for five more kilograms of cocaine when he was arrested and he had access to large amounts of cash. Defendant has shown no new circumstances that would support giving him a sentence at the bottom of his new range.

Accordingly, IT IS ORDERED that defendant Jose Espinoza's sentence will be reduced to a term of 64 months, which is the midpoint of his new guideline range of 57-71 months.

Entered this 13th day of February, 2015.

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