

**United States District Court  
For the Eastern District of Wisconsin**

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United States of America,

Plaintiff,

v.

Case No. 00-CR-202

Rickey Willis,

Defendant.

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**Motion to Reduce Sentence (crack amendment)**

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Now comes the above-named defendant, Rickey Willis ("Willis") by his attorney, Jeffrey W. Jensen, and pursuant to 18 U.S.C. §358(c) hereby moves the court for an order reducing the term of imprisonment from 210 months to a sentence of \*\*\* months of imprisonment on the grounds that the retroactive amendment to the crack cocaine guideline changes the base offense level in his presentence investigation report.

As grounds, the undersigned shows to the court as follows:

1. On May 4, 2001 the District Court, the Honorable Rudolph Randa, presiding, sentenced Willis to 210 months prison on count four of the indictment. Count four alleged that Willis distributed more than fifty grams of cocaine base ("crack") in the Eastern District. The plea was entered pursuant to a plea agreement under which the government recommended that the weight of the crack cocaine attributable to Willis was at least 150 grams but less than 500 grams of cocaine base. This resulted in a base offense level of 34 under the U.S.S.G.

2. Based on a review of counsel's notes and the PACER docket entries<sup>1</sup> the court did not adjust Willis' offense either upward or downward. That is, despite his guilty plea the court did not award Willis three points for acceptance of responsibility (as was

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<sup>1</sup> Counsel had possession of the transcripts of the sentencing hearing; however, following the unsuccessful appeal to the United States Court of Appeals the transcripts were turned over to Gloria Willis, the defendant's wife. Those transcripts are apparently no longer available.

recommended by the presentence investigator). Likewise, the court did not assess Willis an additional two points for possession of a firearm under §2D1.1 U.S.S.G. as was recommended by the PSI. Willis was determined to be a criminal history category IV yielding a sentencing range of 210 to 262 months. Willis was sentenced at the bottom of the guideline range.

3. The guideline range that the court applied to Willis was subsequently lowered by the United States Sentencing Commission on November 1, 2007. Retroactive amendment 706 to the U.S.S.G. drug quantity table in §2D1.1 reduces the base offense level by two levels. Under the new crack guideline Willis' base offense level is 32 with a criminal history category IV. His new guideline range is 168 to 210 months.

4. Exhibit A to this motion contains numerous documents establishing Willis' laudable performance while in prison. Thus, pursuant to 18 U.S.C. §3582(c)(2) the court should lower Willis' sentence because the factors set forth in §3553(a) would be well-served by a lower sentence. *See also, Kimbrough v. United States*, 128 S.Ct. 558 (2007).

Wherefore, the undersigned hereby requests that the court revise Willis' sentence downward in light of his lowered guideline range and the good behavior that Willis has demonstrated since the time of his sentencing.

Dated at Milwaukee, Wisconsin, this 15th day of June, 2008.

Law Offices of Jeffrey W. Jensen  
Attorneys for Rickey Willis  
/s/ Jeffrey W. Jensen  
State Bar No. 01012529

633 W. Wisconsin Ave,  
Suite 1515  
Milwaukee, WI 53203

414.224.9484  
jeffreywjensen@jensendefense.com