

**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>3:05-cr-00119 JWS</b>
	)	
<b>vs.</b>	)	<b>ORDER AND OPINION</b>
	)	
<b>DANA ROCHELLE SWEATT,</b>	)	<b>[Re: Motion at Docket 56]</b>
	)	
<b>Defendant.</b>	)	
	)	

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**I. MOTION PRESENTED**

At docket 56, defendant Dana Rocehelle Sweatt (“Sweatt”) moves for a reduction in her sentence based upon the two-level reduction in the guideline offense level for sentences imposed in relation to cocaine base (“crack”) drug trafficking offenses which has been made retroactive pursuant to 18 U.S.C. § 3582(c). Sweatt asks that her sentence be reduced from 84 months to 57 months. At docket 65, the United States opposes the motion.

**II. DISCUSSION**

Sweatt was indicted on one count of attempting to distribute 50 grams or more of cocaine base. She pled guilty to that charge which is subject to a ten-year mandatory minimum sentence pursuant to 21 U.S.C. § 841(b)(1)(B). Based on her extensive criminal history, which placed her in Criminal History Category IV and on her Guideline Offense Level of 29, the Guideline range for Sweatt was 121 to 151 months of incarceration. The two-level reduction in the now advisory Guidelines would place

Sweatt at a Level 27 with a Criminal History of Category of IV. Her revised Guideline range is 100 to 125 months.

Prior to her sentencing the United States made a motion for a downward departure pursuant to 18 U.S.C. § 3553(e) and U.S.S.G. § 5K1.1 The motion was granted. As a result, Sweatt received a sentence of 84 months which was below the otherwise applicable statutory mandatory minimum sentence of 120 months, the guideline range of 121 to 151 months, and the 97-month sentence recommended by the United States in its downward departure motion. It is also lower than the new advisory Guideline range of 100 to 125 months. Under these circumstances, Sweatt is not entitled to any further reduction in her sentence. The sentence imposed is consistent with 18 U.S.C. § 3553(a), whether assessed in light of the original Guideline range or the retroactive Guideline range.

### **III. CONCLUSION**

For the reasons above, the motion at docket 56 is **DENIED**.

DATED at Anchorage, Alaska, this 11th day of August 2008.

/s/ JOHN W. SEDWICK  
UNITED STATES DISTRICT JUDGE