

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No.: 1:20-cr-00922
Honorable Manish S. Shah

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, June 14, 2024:

MINUTE entry before the Honorable Manish S. Shah: The motion for relief under Amendment 821 [66] is denied. Although the amended guideline range is lower than the original range, the above-guidelines sentence of 48 months remains the sufficient but not greater than necessary sentence after consideration of the Section 3553(a) factors. Neither the original nor amended range adequately accounts for the seriousness of the offense (e.g., the government program victim) or defendant's history and characteristics (a prior, slightly below guidelines, federal sentence of 60 months that did not deter defendant). Although a properly calculated guidelines range is a starting point, and variances need to be justified, the guidelines range is not a mathematical anchor. The original sentence was not arrived at by measuring its distance from the guidelines range. It was a holistic determination, and the sentence is not harsher today because the guidelines are lower. The sentence remains what it was: 48 months as a sufficient, but not greater than necessary, measure of just punishment. Defendant's post-sentencing conduct is commendable but does not persuade the court that a sentence below 48 months would be sufficient. Finally, that the sentence is at a greater variance from the amended guidelines range than the original range does not create an unwarranted disparity. Guideline sentences avoid disparities, but there are times when the seriousness of the offense is a weightier consideration when fashioning just punishment and rote adherence to avoiding disparity through guideline sentencing would deprecate the seriousness of the offense. This is such a case. Any disparity from other defendants with similar records who commit similar crimes is entirely warranted here. Notices Mailed. (psm,)

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