

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 06-10251-05-WEB
)	
CASSANDRA CHAPMAN,)	
)	
Defendant.)	
_____)	

Memorandum and Order

Defendant Cassandra Chapman pled guilty on January 15, 2009 to one count of unlawful distribution of cocaine base (crack cocaine). On April 8, 2009, the court sentenced her to a term of 46 months' imprisonment. Doc. 100. Judgment was entered on April 9, 2009. A direct appeal was filed but was subsequently dismissed by stipulation of the parties. Doc. 112.

On November 5, 2009, Ms. Chapman filed a motion seeking retroactive application of sentencing guideline amendments relating to crack cocaine offenses. The court denied the motion after noting that the defendant in fact received the benefit of the amended guideline at the time of her sentencing. Doc. 124.

Defendant has now filed a "Motion for Downward Departure," which asks the court to lower her sentence based upon significant efforts toward rehabilitation, including her successful completion of various courses of study. While the defendant's progress is commendable, her request to lower her sentence will be denied. The court's imposition of sentence in April of 2009 constitutes a final judgment. "A district court does not have inherent authority to modify a previously imposed sentence; it may only do so pursuant to statutory authorization." *United*

States v. Smartt, 129 F.3d 539, 540 (10th Cir. 1997). Defendant does not allege that her conviction or sentence were unlawful, and a district court's authority to modify a lawful sentence is generally limited to the circumstances set forth in 18 U.S.C. § 3582(c) and Rule 35. None of those circumstances apply here.

Accordingly, defendant Cassandra Chapman's Motion for Downward Departure (Doc. 125) is DENIED. IT IS SO ORDERED this 5th Day of November, 2010, at Wichita, Ks.

s/Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge