

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Case No. 10-00162-21-CR-W-FJG
)	
DOROTHEA CAIN,)	
Defendant.)	

DEFENDANT’S MOTION FOR DOWNWARD DEPARTURE

COMES NOW, David H. Johnson, attorney for Defendant Dorothea Cain, and hereby Moves the Court for Downward Departure, Departing Downward from Career Offender Criminal History Category VI to Category V, due to the over-representation of the criminality of the Defendant, USSG §4A1.3(b), and Downward Departure from Offense Level 32 to Level 24, based upon Diminished Capacity, USSG 5K2.13. Defendant moves the Court to reduce the Criminal History Category from VI to V, to depart from the offense level of 32 to the offense level commiserate with the quantity of controlled substances attributable to the Defendant, level 24, apply 2 level reduction for acceptance and 1 level reduction for timeliness of acceptance, and sentence the Defendant within the sentencing range of 70-87 months.

Defendant refers the Court to her Sentencing Memorandum, filed concurrently herewith, for her Suggestions in Support of this Motion for Downward Departure.

LAW OFFICES OF DAVID H. JOHNSON

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CERTIFICATE OF SERVICE

I hereby certify that, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification to the attorneys for the Government and co-defendants.

/s/ David H. Johnson
David H. Johnson