

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-cr-00162-FJG
)	
DELBERT ROBERSON,)	
)	
Defendant.)	

OBJECTIONS TO PRELIMINARY PRESENTENCE INVESTIGATION REPORT (PSR)

COMES NOW Defendant, and makes the following objections to the PSR:

1. Page 13, Paragraph 61: Defendant objects to this paragraph and contests his status as a “career offender” pursuant to USSG 4B1.1. The writer uses a Second Degree Burglary conviction from Jackson County, Missouri, (Case No. 16CR02001079-01) as a qualifying conviction. However, that offense was not a burglary “of a dwelling” as is required in the definition of “burglary” in USSB 4B1.2. The victim of this offense was the King Super Store, a commercial enterprise rather than “a dwelling.” The specific offense conduct was actually not a burglary under Missouri law because there was no “breaking and entering” as required by the Missouri statute. This objection also applies to Paragraphs 68, 69, and 94 and the calculations present therein.

2. Page 21, Paragraph 84: Defendant objects to this paragraph and the suggestion that he was not employed as described in the paragraph. Defendant asks that further research and investigation be conducted to verify his employment. In further support of his

claim to verifiable (legitimate) employment, Defendant would call the Court's attention to his earnings reported to the IRS as set forth in paragraph 86 of the PSR.

//s//Phillip R. Gibson

Phillip R. Gibson, Bar No. 28610

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of September, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record and also emailed a copy of the foregoing to Senior U.S. Probation Officer Malissa Heilman.

/s/ Phillip R. Gibson

Counsel for Defendant