

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-00162-14-CR-W-FJG
)	
RONNELL BROWN,)	
)	
Defendant.)	

RONNELL BROWN’S SENTENCING MEMORANDUM

COMES NOW RONNELL BROWN, by counsel, and hereby respectfully submits his Sentencing Memorandum.

PERTINENT CASE HISTORY

On April 20, 2011, Mr. Brown pled guilty to an Information charging him in one count with the illegal use of a communication facility in violation of 21 U.S.C. § 843(b). His guilty plea was entered pursuant to a plea agreement (PA) entered into by the parties on April 20, 2011, and filed on May 16, 2011. (doc 325).

The statutory range of punishment is not more than four years imprisonment and not more than one year of supervised release. (September 30, 2011, Final Pre-Sentence Investigation Report (FPSIR) at 27 (doc 472 at 28)). The Sentencing Guideline Range is thirty to thirty-seven months imprisonment and the guideline provision for supervised release is one year. *Id.*

The parties have agreed not to seek a sentence outside the indicated guideline range. (PA at 7).

RELATED SUPERVISED RELEASE VIOLATION

At the time that Mr. Brown illegally used a communication facility, he was on supervised release in this Court's case number 01-00127-CR-W-ODS. That case has been transferred to this Division of the Court for consolidation and sentencing.

In the plea agreement, Mr. Brown has agreed that his admissions in the plea agreement constitute an admission that he violated the terms and conditions of his supervised release. Counsel for Mr. Brown is in the process of determining the guideline calculations for this violation.

SENTENCING FACTORS

In determining an appropriate sentence in accordance with the provisions of 18 U.S.C. § 3553, Mr. Brown is not asking the Court for a variance from the advisory guideline range, but is instead seeking the Court's consideration in its discretion of running his sentence for his supervised release violation concurrent with his illegal use of a communication facility sentence. Mr. Brown submits that for the following reasons set out herein, such a sentence would be sufficient, but not greater than necessary, to comply with the enumerated purposes of sentencing.

REASONS FOR THE REQUEST OF A CONCURRENT SENTENCE

There were no weapons involved in either offense.

While on supervised release, other than the admitted violation, Mr. Brown's supervision appears to have been otherwise unremarkable.

While being detained, Mr. Brown's conduct has again been unremarkable.

While being detained, Mr. Brown did not have any useful information for the government about the conspiracy alleged in his original indictment in this case. However, he did have other substantial information about on-going drug trafficking

activities in his community which he shared with law enforcement, but apparently, that information was not overtly useful to the investigators. Nonetheless, Mr. Brown requests that the Court consider his efforts in his favor.

Mr. Brown's awakening

Mr. Brown and I have had a substantial number of productive conversations, not only about the evidence against him in this case, but also about what he should plan to do with the rest of his life; specifically his deciding that he absolutely wants to return to being a lawful and productive citizen for our society and stay that way. I have related to him my anecdotal experiences of others who have strayed as he has and upon arriving at his age -- forty years old -- have had an awakening that they are too old and tired of ignoring the reasonable rules of our society and to their own long-term benefit, have changed their ways to the good.

In our talks, I sincerely believe that Mr. Brown is finally ready and willing to do likewise. Some of my thinking is based on the following.

Mr. Brown growing up, had good family support with his mother and stepfather living in the home along with siblings. In spite of this, while in the tenth grade, he dropped out of school. He was seventeen years old with no education and no skills. As the story often goes in such a situation, he started running with a bad crowd and started using marijuana and later cocaine. He had no desire to sell quantities of illegal drugs yet eventually he found himself doing so.

When he was arrested and prosecuted in 2001, he presented to the Bureau of Prisons with again, no education and no skills. Somewhere along this timeline, he began to formulate an idea of what he might do going forward to improve his lot in life. His idea was to educate himself such that he could develop the skills to buy and renovate houses for rent and/or resale.

So, while in prison, he studied and obtained his GED. He also took courses in money management, how to start a corporation, tax preparation, how to buy and sell real estate, how to fix up housing, business structures, and getting out of debt. (FPSIR at 25, ¶ 109 (doc 472 at 26)). When he completed his incarceration, he wanted to set up his own business and he still aspires to that and will now hopefully have the energy and desire to do so.

Toward that end, while on supervised release, he completed 190 hours of classroom training in the Western Missouri and Kansas Construction Craft Laborers Apprenticeship Program. (FPSIR, ¶ 109). The list of the courses he completed all fit within the job skills he would need in buying and fixing up houses. His employment in construction also demonstrates the gaining of experience he would need. (*see* FPSIR, ¶¶ 111-115).

Once he completes his term of imprisonment in this instance, he plans to take additional courses in such areas as electrical engineering, carpentry, plumbing, etc.; all skills he will need.

As for the credit course he took on how to get out of debt and establish credit, he applied this training to successfully obtain a car loan and he was current on his payments up and until he was arrested in this case. His biological father has continued to keep the payments current. Mr. Brown wants to show these facts to the Court to show that he wants to be a responsible citizen by being financially responsible. Also in this area, he began assisting Desmond Logan of R&R Auto Sales at car auctions. He applied for and obtained the necessary credentials so he could attend these auctions. When available, Mr. Logan wants Mr. Brown to continue in those efforts.

Going forward from here

In the late 1990s, Mr. Brown had no options; he had no skills. He allowed himself to too easily slip into selling illegal drugs. Now, he has made opportunities for himself and he wants to continue doing so; he wants to start being a law abiding citizen and continue being so.

He recently was able to contact his former crew-chief that he worked for at J.E. Dunn, who told him that they had plenty of work for him in Joplin, Missouri, due to the devastating tornado there and he should contact the company again when he becomes available. Also, his former employer, DH Pace Company in Kansas City, Missouri, says that he will be eligible for rehire when he becomes available.

Finally, and perhaps most importantly of all the positive incentives that Mr. Brown now has, he has a ten year old son for which he wants to positively and dynamically assist in his progress toward adulthood. His son's mother has remarried, and Mr. Brown in an extended family setting, wants to do his part to support his son financially and morally.

CONCLUSION

If Mr. Brown were to receive a sentence for his supervised release violation concurrent with his illegal use of a communication facility sentence, such a sentence in the totality of the circumstances would adequately punish him for his

transgressions and at the same time allow him an earlier opportunity to began implementing his positive goals.

Respectfully submitted,

/s/

E. Eugene Harrison
Missouri Bar # 26923
Kansas Bar # 6980
5427 Johnson Drive, Suite 153
Mission, Kansas 66205-2912
816 550 4289
eharrison@kc.rr.com

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which electronically served all parties.

/s/

E. Eugene Harrison