

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-13-CR-W-FJG
)	
GREGORY YOUNG,)	
)	
Defendant.)	

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, through Assistant United States Attorney Brent Venneman, in anticipation of sentencing scheduled for November 22, 2011, respectfully provides the Court with the following overview of the Government’s sentencing recommendation which includes the following:

- (a) Procedural History
- (b) Impact of the plea agreement.
- (c) Sentencing Guidelines calculations.
- (d) Sentencing factors under 18 U.S.C. § 3553(a).
- (e) The government’s specific sentencing recommendation.

A. Procedural History

On May 26, 2010, a federal grand jury for the Western District of Missouri returned an indictment charging Young in Count One of a seventeen count indictment with conspiracy to distribute 5 kilograms or more of cocaine and 50 grams or more of cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846.

Defendant Young pleaded guilty on November 10, 2010, to the crime of conspiracy to distribute 500 grams or more of cocaine and 5 grams or more of cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846, that being the lesser included offense of Count One of the Indictment. Because a notice of sentence enhancement based upon Young's prior conviction for possession of a controlled substance was filed by the government on November 9, 2010, Young's mandatory minimum sentence is not less than 10 years' imprisonment.

B. Impact of the plea agreement.

The plea agreement (P.A.) allowed Young to plead guilty to an offense resulting in a mandatory minimum sentence of 10 years rather than a mandatory minimum sentence of 20 years that would have resulted under Count One of the Indictment charging a violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, upon the filing of the sentence enhancement for Young's prior conviction for possession of a controlled substance. Additionally, the plea agreement anticipated that Young's offense level would be calculated based upon drug quantity thresholds for crack cocaine cases pursuant to the Fair Sentencing Act of 2010. Accordingly, the parties agreed to 363 grams of crack cocaine as the drug quantity specifically attributable to Young. (P.A. par. 10(c)).

The government agreed that the defendant would qualify for a three-point reduction for acceptance of responsibility under § 3E1.1(a). The presentence report agreed with this analysis.

Finally, under the plea agreement, the government is bound to request a sentence within the calculated guidelines range of 135-168 months but the defendant may request a sentence below the guidelines range but not less than the statutory mandatory minimum of 120 months.

D. Sentencing Guidelines calculations.

The final Presentence Investigation Report (PSR) calculated the defendant's offense level under revised U.S.S.G. § 2D1.1 and the resulting base offense level is 34 as a result of the agreed-upon drug quantity and a two-level enhancement for possession of firearms. Neither party has objected to the base offense level or the guidelines range of 135 - 168 months as calculated in the Presentence Investigation Report. (PSR par. 116).

E. Sentencing factors under 18 U.S.C. § 3553(a).

To properly sentence the defendant, the Court must deduce a "reasonable" sentence which is presumed but not required to be within the advisory sentencing guidelines, and takes into account the sentencing factors described in 18 U.S.C. § 3553(a). *United States v. Farmer*, 647 F.3d 1175, 1178-9 (8th Cir. 2011). In this case, the factors listed in §3553 as to this defendant can be summarized as follows:

1. Nature and Circumstances of the Offense.

During this wiretap investigation, investigators learned that Shawn Hampton purchased kilogram quantities of cocaine from Ricardo Nevarez, who was supplied by Alfonso Velo. This cocaine was then distributed to Hampton's associates, including Defendant Young, as cocaine or cocaine base. Investigators estimate that during the course of the wiretap investigation, between February 3, 2010, and June 9, 2010, Hampton's organization was responsible for acquiring and distributing over 30 kilograms of cocaine.

The parties have agreed that a total of 363 grams of crack cocaine is the amount that is directly attributable to Defendant Young for his role in this drug conspiracy as a distributor of crack cocaine.

2. History and Characteristics of the Defendant.

The defendant has numerous arrests and convictions for drug-related crimes including four prior convictions for possession of controlled substances. As reflected in the PSR, the defendant has a significant history of substance abuse and addiction. (PSR par. 99 - 103).

3. Seriousness of the Offense / Promote Respect for the Law / Just Punishment.

The guidelines range of 135 - 168 months imprisonment adequately reflects the level of culpability attributable to this defendant's participation in the conspiracy and would nevertheless provide for a lengthy and just punishment.

4. Deterrence and Protection of the Public.

This defendant has shown a propensity to commit crimes associated with drugs. A sentence within the proposed guidelines range will serve to deter similar prospective criminal activity and protect the public.

5. Effectively Provide Defendant With an Opportunity to Rehabilitate.

This defendant would be afforded the same opportunity to participate in classes and programs offered by the Bureau of Prisons as other similarly situated defendants. The government does not oppose the defendant's request to participate in the 500-hour residential drug treatment program.

F. The government's specific sentencing recommendation.

The government recommends a sentence of 135 months which is the low-end of the sentencing guidelines range, and is consistent with the sentencing factors of 18 U.S.C. § 3553(a).

Respectfully submitted,

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By */s/Brent Venneman*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 17, 2011, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record:

F.A. White, Jr.
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/s/ Brent B. Venneman

Brent Venneman
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