

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 10-00162-25-CR-W-FJG
)	
TAISHA RUSSELL,)	
)	
Defendant.)	

GOVERNMENT’S SENTENCING MEMORANDUM

The United States of America, through Assistant United States Attorney Brent Venneman, in anticipation of sentencing scheduled for May 17, 2012, 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 June 7, 2011, a federal grand jury for the Western District of Missouri returned an indictment charging Russell in Count One 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 Russell pleaded guilty on November 22, 2011, to conspiracy to distribute some quantity of a mixture or substance containing cocaine and some quantity of a mixture or substance

containing cocaine base in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846, that being the lesser included offense of Count One of the Indictment. There is no applicable mandatory minimum sentence, the statutory maximum sentence is twenty years imprisonment.

B. Impact of the plea agreement.

The plea agreement (P.A.) allowed Russell to plead guilty to an offense resulting in no applicable mandatory minimum sentence but a statutory maximum sentence of twenty years imprisonment. Additionally, the plea agreement anticipated that Russell'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 a quantity of cocaine base of at least 22 grams but no more than 28 grams, an amount that was believed to be specifically attributable to Russell, that would result in a base offense level 24. (P.A. par. 10(c)) The parties did not agree to any applicable enhancements to this base offense level.

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 parties are bound to request a sentence within the calculated guidelines range.

C. Sentencing Guidelines calculations.

The final Presentence Investigation Report (PSR) calculated the defendant's base offense level under revised U.S.S.G. § 2D1.1 as 26. The PSR also applied a two-level enhancement for possession of a firearm for an offense level of 28. Following an adjustment for acceptance of responsibility, the PSR calculated the offense level as 25 resulting in a guidelines range of 70 to 87 months. (PSR par. 85)

Russell has objected to the base offense level of 26 and the application of the two-level enhancement for the firearm pursuant to 2D1.1(b)(1). In her sentencing memorandum, Russell argues for a total offense level of 21 with a resulting guidelines range of 46 - 57 months. The government agrees that this position is consistent with the terms of the parties' plea agreement.

D. 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.

The parties have agreed to 22 grams - 28 grams as the amount of cocaine base that is readily provable against Russell. This amount also reflects her minor role in this conspiracy as an assistant to her live-in boyfriend, Shawn Hampton, who was one of the primary suppliers in the conspiracy. On the date of Hampton's arrest, two firearms were recovered from the apartment shared by Hampton and Russell. Hampton has admitted sole possession and ownership of these firearms.

2. History and Characteristics of the Defendant.

The defendant has a very minor criminal record that includes only a conviction for a 2009 charge of driving while intoxicated and a 2010 conviction for driving without a license. She was on probation for both of these offenses during the commission of the offense in this case.

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

The parties' proposed guidelines range of 46 - 57 months imprisonment adequately reflects the level of culpability attributable to this defendant's participation in the conspiracy, which was minor, 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 and drug trafficking including unlawful use of weapons. 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.

E. The government's specific sentencing recommendation.

The government recommends a sentence of 46 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), and reflects the plea agreement between the parties.

Respectfully submitted,

Beth Phillips
United States Attorney

By */s/Brent Venneman*

Brent Venneman
Assistant United States Attorney

Charles Evans Whittaker Courthouse
400 East 9th Street, Suite 5510
Kansas City, Missouri 64106
Telephone: (816) 426-3122

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on May 1, 2012, 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:

Mr. Willie J. Epps, Jr.
Shook, Hardy & Bacon L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108

/s/ Brent B. Venneman

Brent Venneman
Assistant United States Attorney