

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

Sentencing Minute Sheet

for the Honorable Fernando J. Gaitan, Jr., Chief U. S. District Judge, Kansas City, MO

UNITED STATES OF AMERICA

Case No: 4:10-cr-00162-FJG-15

vs.

Date: 07/27/12

MYLIN D. SMITH

Plaintiff Counsel

Defendant Counsel

Brent Venneman, AUSA

Alex McCauley, CJA

Time Commenced: 9:48 am/ Time Terminated: 10:04 am **TOTAL TIME:** 16 minutes

Parties appear for hearing. Defendant sworn. Parties argue defendant's objections. The Court grants defendant's objection regarding two levels for firearm resulting in a TOL of 21 and a sentencing guideline range of 77 to 96 months. The Court also rules in favor of defendant regarding gang affiliation. Counsel make statements/recommendations regarding sentence to be imposed. Defendant makes statement and allocution granted.

The Defendant is sentenced to Count 1 .

INCARCERATION: defendant committed to custody of BOP for a total term of 86 Months.

SUPERVISED RELEASE: 3 Years.

FINE: fine waived.

SPECIAL ASSESSMENT: \$100.00 due immediately.

The denial of federal benefits is not ordered.

SPECIAL CONDITIONS OF SUPERVISED RELEASE OR PROBATION: see J&C.

At defendant's request, he/she be allowed to participate in the 500-hour intensive residential drug abuse treatment program while incarcerated. The Court recommends defendant serve the period of incarceration at a facility where he can participate in culinary arts training, preferably in Wisconsin if possible.

Count 17 is dismissed upon oral motion of government counsel.

Defendant remanded to custody of the USM.

Court Reporter/ERO - Gayle Wambolt

Rhonda Enss, Courtroom Deputy