

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

UNITED STATES OF AMERICA,)	
PLAINTIFF,)	
vs.)	Criminal Action No.
)	11-00046-05-CR-W-BW
JEFFERY MARSHALL JONES,)	
DEFENDANT.)	

DEFENDANT'S SENTENCING MEMORANDUM

COMES NOW the Defendant, Jeffery Marshall Jones, by and through his attorney, Lisa G. Nouri, and hereby submits his Sentencing Memorandum in the above-referenced case.

I. PROCEDURAL BACKGROUND

1. On March 1, 2011, Mr. Jones was indicted and on March 11, 2011, he appeared pursuant to a writ from Buchanan County. Therefore, the time Mr. Jones is currently serving is not counted toward his federal custody time.

2. On February 9, 2012, Jones appeared before the Court, and pursuant to a written plea agreement, entered a plea of guilty to conspiracy to distribute more than 500 grams of a mixture or substance containing methamphetamine, a violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A) and 846, and conspiracy to commit money laundering in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (h).

3. The statutory range of punishment is not less than 10 years and not more than life imprisonment. The written plea agreement and presentence report have a base offense level of 32 prior to the three-level reduction for acceptance of responsibility.

4. The presumed sentencing range calculated in the

presentence investigation report results in a sentencing range of 135-168 months based on a total offense level of 31, after a two-level increase for the conviction under 18 U.S.C. 1956 and the three-level reduction for acceptance of responsibility.

II. UNRESOLVED ISSUES

There are no legal objections for the Court to rule on but a factual clarification was filed.

III. 3553(a) FACTORS

In determining an appropriate sentence, a district court must begin the sentencing procedure by calculating the applicable guidelines range. *Gall v. United States*, 552 U.S. 38 (2007). The court is then required to consider all the factors set forth in 18 U.S.C. Section 3553(a) to determine whether they support the sentence requested by a party. If appealed, the district court's sentencing decision will be reviewed using the deferential abuse of discretion standard.

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes of sentencing. To inform its decision, the court should consider the following factors:

(1) The nature and circumstances of the offense and the history and characteristics of the defendant;

(2) The need for the sentence imposed to:

(A) Reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;

(B) To afford adequate deterrence to criminal conduct;

(C) To protect the public from further crimes of the defendant;

(D) To provide the defendant with needed educational or vocation training, medical care, or other correctional treatment in the most effective manner;

(3) The kinds of sentences available;

(4) The kinds of sentence and sentencing range established for the applicable category of offense committed by the defendant, as set forth in the guidelines;

(5) Any pertinent policy statement;

(6) The need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(7) The need to provide restitution to any victims of the offense.

18 U.S.C. Section 3553(a)(1)-(7).

APPROPRIATE SENTENCE

The sentence this court imposes needs to reflect the seriousness of the offense, promote respect for the law, and provide just punishment for the offense. Defendant asks for a sentence of 120 months based on a consideration of all the § 3553 factors as a sentence of 120 months is sufficient but not greater than necessary to accomplish the purposes of sentencing.

In determining an appropriate sentence, the sentencing court must begin the sentencing procedure by calculating the applicable guideline range. *United States v. Roberson*, 517 F3d 990-993 (8th Cir.2008) (citing *Gall v. United States*, 552 U.S. 38, 48-49 (2007)).

Secondly, the sentencing court should consider whether a departure or variance is appropriate. *Id.* Citing *Gall*, 552 U.S. at 48-50; *United States v. Thundershield*, 474 F.3d 503, 506-507 (8th Cir. 2007)). Lastly, the sentencing court should then consider all of the other factors enumerated in §3553(a) "to determine whether it should impose a sentence under the guidelines, or, rather, a non-guidelines sentence."

The sentence needs to afford adequate deterrence to criminal conduct and to protect the public from further crimes. Sentencing the defendant to 120 months allows the protection of the public as the federal time has still not started counting even though he has been in federal custody since March 11, 2011 and a detainer has been filed with the U.S. Marshal's by Buchanan County.

Mr. Jones is 49 years old and an admitted addict to methamphetamine. He is a user that redistributed meth to support his own habit. He has no assets and has been in custody since December 30, 2010. He needs lengthy drug treatment and asks the Court to recommend him to the Bureau of Prisons five hundred hour drug program. During prior arrests, he has cooperated with law enforcement and admitted his involvement. He was interviewed on August 13, 2010, without counsel, and provided information to law enforcement that assisted in the ongoing investigation of the overall conspiracy. No substantial assistance or downward departure motions will be filed in this case.

He also asks the Court recommend that he serve his sentence as close to the Kansas City metropolitan area as possible to maintain familial relationships. He unexpectedly lost his mother on June

26, 2007 and has had to grieve while incarcerated at CCA. At one time he had worked for Johnson Controls for 20 years and knows that meth has been his undoing. He regrets all his criminal involvement and looks forward to a life on the outside being drug free and working to support himself some day.

WHEREFORE, based on the foregoing, Defendant, Jeffery Marshall Jones, requests that this Honorable Court impose a sentence of 120 months consistent with the suggestions contained in the Memorandum, and for further relief deemed proper by the Court.

Respectfully submitted,

/s/Lisa G. Nouri
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was electronically filed this 27th day of July, 2012 pursuant to the Electronic Case Filing system.

/s/Lisa G. Nouri
Attorney for Defendant