

‘ IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez

Courtroom Deputy: Deborah Hansen
Court Reporter: Gwen Daniel
Probation: Gary Burney

Date: February 20, 2015
Time: 31 minutes

Criminal Action No. 13-cr-00159-WJM

Counsel:

UNITED STATES OF AMERICA,

Susan Knox

Plaintiff,

v.

7. WESLEY CONNER,

Darren Cantor

Defendant.

COURTROOM MINUTES

HEARING - SENTENCING

11:12 a.m. Court in Session

Appearances

Defendant is present and in custody.

Oath administered to the defendant.

Court's comments

Discussion

The defense agrees that the objections to the Presentence Investigation Report No. 1 and No. 2 are **overruled as moot**.

ORDERED: The Government's Motion Regarding Acceptance of Responsibility [835] is GRANTED.

ORDERED: The Government's Motion to Dismiss Counts Twelve, Twenty-Seven and Twenty-Eight of the Indictment as to Defendant Wesley Conner [836] is GRANTED. Counts Twelve, Twenty-Seven and Twenty-Eight of the Indictment are DISMISSED as to Defendant Wesley Conner only.

ORDERED: Wesley Conner's Unopposed Motion for Variance [838] is GRANTED in conformity with §2D1.1.

ORDERED: Wesley Conner's Motion to Permit Late Filing of Additional Objection [1231] is GRANTED.

Sentencing Statement by Ms. Knox

Sentencing Statement by Mr. Cantor

Defendant's Allocution

Defendant plead guilty to Count One and admitted to the forfeiture allegation in the Indictment on February 25, 2014.

ORDERED: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of this Court that the defendant, Wesley Conner, is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 120 months.

In serving this term of incarceration the Court recommends that the Director of the Bureau of Prisons give defendant full credit for his time served in pretrial detention.

The Court recommends that the defendant be incarcerated at a facility appropriate to his security designation located within the District of Colorado.

The Court recommends that the Bureau of Prisons designate an institution for the defendant with Residential Drug Abuse (RDAP) or a comparable substance abuse program, and that the defendant take advantage of such a program during his imprisonment.

ORDERED: Upon release from imprisonment defendant is placed on supervised release for a term of five years.

Within 72 hours of release from the custody of the Bureau of Prisons the defendant shall report in person to the probation office in the district to which defendant is released.

While on supervised release the defendant shall not commit another federal, state or local crime, he shall not possess a firearm as defined in 18 U.S.C. § 921, and he shall comply with the standard conditions adopted by this Court.

The defendant shall not unlawfully possess and he shall refrain from unlawfully using a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervised release and two periodic tests thereafter.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

ORDERED: Special Conditions of Supervised Release:

1. The defendant shall participate in and he successfully complete a program of testing and/or treatment for substance abuse, as approved by the probation officer, until such time as the defendant is released from the program by the probation officer. The defendant shall abstain from the use of alcohol or other intoxicants during the course of treatment and during the term of supervised release and shall pay the cost of treatment as directed by the probation officer.
2. The defendant shall not associate or have contact with any gang members, and he shall not participate in gang activity, to include the display of gang paraphernalia.

ORDERED: The Additional Objection to Presentence Investigation Report (Doc No. 1221) [1232] is SUSTAINED.

ORDERED: Pursuant to Rule 32.2 of the Fed. Rules of Crim. P. and the defendant's admission to the forfeiture allegation in the Indictment, the defendant shall forfeit to the United States any and all property, real or personal, derived from proceeds from the instant offense and as stipulated to in the Plea Agreement.

ORDERED: The Special Assessment fee of \$100.00 is imposed, due and payable immediately.

ORDERED: Defendant has no ability to pay a fine, and the fine is waived.

Defendant advised of his right to appeal his conviction, as well as the sentence imposed, except in very limited circumstances.

ORDERED: Defendant is REMANDED to the custody of the U.S. Marshal.

11:43 a.m. Court in Recess
Hearing concluded