

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE MARCIA S. KRIEGER**

Courtroom Deputy: Patricia Glover Date: May 2, 2016
Court Reporter: Terri Lindblom
Probation Officer: Sherrie Blake
Interpreter: Catherine Bahr

Criminal Action No. 15-cr-00415-MSK

Parties: _____ Counsel: _____

UNITED STATES OF AMERICA, Peter Hautzinger

Plaintiff,

V.

LEONEL OLAGUEZ-CABRALES, Brian Leedy

Defendant.

SENTENCING MINUTES

1:34 p.m. Court in session.

Defendant present in custody.

Interpreter sworn.

Change of Plea Hearing on January 14, 2016 before Magistrate Gordon P. Gallagher.
Defendant pled guilty to Count 1 of the Information. The Minutes from the Change of Plea hearing are amended to reflect that the defendant knowingly and voluntarily waived his right to be indicted and Magistrate Judge Gallagher recommended that the plea of guilty to a one count Information be accepted. The Court adopts the recommendation of the Magistrate Judge to accept the defendant's plea of guilty to Count 1 of the Information.

The Government orally moves to dismiss the Indictment (**Doc. #190**).

ORDER: Motion to Dismiss Indictment (Doc. #190) is GRANTED.

ORDER: Motion for Decrease for Acceptance of Responsibility (**Doc. #180**) is **GRANTED**.

Parties received and reviewed the presentence report and all addenda.

The parties **do not** dispute the facts contained in the presentence report.

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The parties **do not** dispute the calculation of the sentence under the Federal Sentencing Guidelines as set forth in the original presentence report.

The parties **do not** request departure.

The defendant **does** contend that the sentence should be different from that calculated under the Sentencing Guidelines in light of the sentencing objectives set forth in 18 U.S.C. Section 3553(a). (**Doc. #171**) Argument.

Allocution. - Statements made by: The Government, the defendant, defense counsel.

After consideration of the provisions of 18 U.S.C. 3553 (a), the Court announces the sentence it intends to impose as reflected in the record. Counsel are offered the opportunity for further argument. No further argument.

ORDER: Motion for Non-Guideline Sentence (**Doc. #171**) is **GRANTED**.

THE DEFENDANT IS SENTENCED AS REFLECTED IN THE RECORD.

The defendant is advised of his right to appeal.

ORDER: Defendant is remanded to the custody of the United States Marshal for the District of Colorado.

2:00 p.m. Court in recess.

Total Time: 26 minutes.

Hearing concluded.