



2. Downward Departure. The Presentence Report noted a possible basis for a downward departure based on the defendant's significant cultural and family ties to the United States and the substantial hardship resulting from his likely deportation. The court notes it is undisputed that the defendant has resided in the United States with his parents and siblings since he was four years old; he was educated in the United States and speaks English; and he has a record of employment in the United States. Based on the factors identified in the Presentence Report, the court, without objection, granted a downward departure of 2-levels from the otherwise applicable guideline range. This adjustment results in an applicable guideline range of 70-87 months instead of 87-108 months.

Conclusion.

Defendant's objection to the Presentence Report is DENIED; however the court grants defendant a 2-level downward departure pursuant USSG 5K2.0. The Probation Officer in charge of this case shall see that a copy of this order is appended to any copy of the Presentence Report made available to the Bureau of Prisons.

IT IS SO ORDERED this 4<sup>th</sup> Day of January, 2005, at Wichita, Ks.

s/Wesley E. Brown  
Wesley E. Brown  
U.S. Senior District Judge