

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JAMES E. PATTON, JR.,)
)
 Defendant.)
 _____)

No. 04-10267-01-WEB

Memorandum and Order

This matter came before the court on the defendant's objections to the Presentence Report. The court orally ruled on the objections at the sentencing hearing of October 31, 2005. This written memorandum will supplement the court's oral rulings.

The defendant has filed 11 objections to the Presentence Report. The court determines that no ruling is required as to the first 9 objections because the matters disputed by the defendant will not affect the sentence or will not be considered by the court in determining the sentence. *See* Fed.R.Crim.P. 32(i)(3).

As for defendant's objection number 10, concerning special conditions of supervision requiring that he participate in substance abuse and mental health programs, the court finds that such conditions are warranted in this case based on the undisputed facts in the Report, including the defendant's extensive history of fraudulent conduct.

Regarding defendant's objection number 11, relating to the amount of restitution owing, the court finds that the restitution figure in the Presentence Report (total restitution of \$4,506.92 including a \$596.26

net loss to McConnell Aviation) is amply supported by uncontroverted facts in the Report, including the facts the defendant admitted at the time he pled guilty, and by the proffer of evidence submitted by the Government at the sentencing hearing.

Conclusion.

Defendant's objections to the Presentence Report are DENIED. 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 31st Day of October, 2005, at Wichita, Ks.

s/Wesley E. Brown

Wesley E Brown

U.S. Senior District Judge