

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 04-40106-01-RDR

ANTHONY G. GRIFFITH,

Defendant.

O R D E R

This order is issued to record the rulings of the court during the July 7, 2006 sentencing hearing in the above-captioned case. Defendant was sentenced following a guilty plea to one count of felon in possession of a weapon. There was one objection to the presentence report. This objection was addressed to paragraph 29 of the presentence report which, under U.S.S.G. § 2K2.1, places the base offense level at 22, instead of 20, on the grounds that defendant possessed a particular type of firearm. On the basis of defense counsel's statements to the court, the court understands that an agreement between the parties was reached as to this objection. Because of that agreement, the court granted defendant's objection and decided to sentence defendant to a term of 51 months. Upon review of the presentence report, the court believes a sentence of 51 months is a reasonable sentence under the provisions of the Guidelines and the factors listed in 18 U.S.C. § 3553.

In addition, the court made a finding that defendant has been held in custody on a federal warrant since October 13, 2004.

A copy of this order shall accompany any copy of the presentence report transmitted to the Bureau of Prisons.

IT IS SO ORDERED.

Dated this 7th day of July, 2006 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge