

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
 Plaintiff,) **CRIMINAL ACTION**
)
 v.) No. 05-10102-01-MLB
)
 DEANDRE A. FREEMAN,)
)
 Defendant.)
)

ORDER

Pursuant to Fed. R. Crim. P. 32(h)(3), the court overrules defendant's objection to the presentence report that his prior state conviction for aggravated escape should not be considered a crime of violence because he merely failed to return to a residential community corrections facility with no resulting violence and because the offense is considered non-violent under Kansas law. Defendant's objection is foreclosed by numerous Tenth Circuit cases including United States v. Turner, 285 F.3d 909, 915-16 (10th Cir. 2002).

IT IS SO ORDERED.

Dated this 15th day of November 2005, at Wichita, Kansas.

s/ Monti Belot
Monti L. Belot
UNITED STATES DISTRICT JUDGE