

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 05-40025-01-RDR

JOSEPH DALE FLOWERS,

Defendant.

O R D E R

On July 28, 2006 the court sentenced the defendant. The purpose of this order is to memorialize the rulings made by the court during the hearing.

The defendant entered pleas of guilty to: (1) possession of methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1)[Count 1]; and (2) possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)[Count 2]. Following the preparation of the presentence report, the defendant made one objection.

The defendant objected to the relevant conduct set forth in the presentence report. Although the defendant admitted that he agreed to the quantities involved in the incidents noted in the report, he now contends that a report from the Shawnee County District Attorney on these matters provides reason to question the accuracy of the amounts. The probation office noted that it has no information indicating that the amounts noted in the relevant conduct are inaccurate or unreliable. The probation office also

pointed out that the defendant has admitted to the amounts contained in the presentence report.

The court is not persuaded the District Attorney's report provides any reason to question the incidents noted in the presentence report concerning the defendant. The defendant has without reservation admitted to these amounts. This admission demonstrates that the amounts are accurate and reliable. Accordingly, this objection shall be denied.

With a decision on this objection, the defendant's offense level is 27 and his criminal history category is IV. The defendant's guideline range is 100 to 125 months on Count 1 and 100 to 120 months on Count 2. The court sentenced the defendant to a term of imprisonment of 100 months on each count to run concurrently. In addition, at the request of the defendant, the court shall run this sentence concurrently with the sentence imposed by Judge Crow on March 17, 2006 in Case No. 02-40108-01-SAC. Finally, the court also imposed a three-year term of supervised release on each count, again to run concurrently.

IT IS SO ORDERED.

Dated this 1st day of August, 2006 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge