

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 05-40152-03-SAC

MARTIN AMADOR-ARMENTA,

Defendant.

ORDER

The defendant Martin Amador-Armenta pleaded guilty to count three of the indictment that charged him with possession with the intent to distribute cocaine. The defendant was one of three occupants in a vehicle involved in a traffic stop and consensual search during which a state trooper discovered cocaine and methamphetamine secreted in two hidden compartments under the front seats. The presentence report (“PSR”) recommends a Guideline sentencing range of 135 to 168 months from a criminal history category of one and a total offense level of 33 (base offense level of 38 pursuant to U.S.S.G. § 2D1.1(c)(1), less two levels for meeting safety valve criteria pursuant to U.S.S.G. § 2D1.1(b)(9) (2005 Supp.) and less three levels for acceptance of responsibility adjustment pursuant to U.S.S.G. § 3E1.1).

The addendum to the PSR reflects the parties jointly object to the lack of a minor role adjustment pursuant to U.S.S.G. § 3B1.2(b). As part of the plea agreement, the government agreed to recommend that the defendant receive a two-level minor role reduction. The court finds that a two-level minor role reduction is sustained by the facts appearing in the PSR and by the parties' agreed position on the law and facts regarding this adjustment. The court sustains the parties' joint objection and accordingly recalculates the guideline sentencing range to be 70 to 87 months from a criminal history category of one and a total offense level of 27 (base offense level of 34 pursuant to U.S.S.G. § 2D1.1(a)(3)(iii), less two levels for meeting safety valve criteria pursuant to U.S.S.G. § 2D1.1(b)(9) (2005 Supp.), less two levels for minor role adjustment pursuant to U.S.S.G. § 3B1.2(b), and less three levels for acceptance of responsibility adjustment pursuant to U.S.S.G. § 3E1.1).

IT IS THEREFORE ORDERED that the parties' joint objection to the PSR is granted.

Dated this 14th day of June, 2006, Topeka, Kansas.

s/ Sam A. Crow

Sam A. Crow, U.S. District Senior Judge