

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

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|----------------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 06-10178 -01, -02, -03 -WEB |
| |) | |
| BOB EISEL POWDER COATINGS, INC., |) | |
| BOB EISEL, and |) | |
| KENRIC "BUTCH" STEINERT, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

ORDER

The court enters this order pursuant to Fed.R.Crim.P. 32(h) to notify the parties that it is contemplating imposition of a sentence that may be above the applicable guideline sentencing range for defendants Bob Eisel and Kenric Stewart.

The court has reviewed the Presentence Reports prepared by the Probation Office. The defendants have each filed an objection concerning the PSR's application of an enhancement under USSG 2B1.1(b)(10)(C)(ii). The Government stipulated in its plea agreements with the defendants that such an enhancement does not apply, and the Government's reply in the PSR states that it does not have evidence to show that the counterfeit Social Security cards related to this case were "produced from, or obtained by the use of, another means of identification." The court notes that if this objection were to be sustained, the defendants' applicable guideline range for imprisonment would be 0-6 months rather than the 12-18 months currently set forth in the Reports.

Based on the court's review of the record and the Presentence Reports -- including the defendants' admissions at the time of their guilty pleas -- the court believes a sentence within a

guideline range of 0-6 months may be inadequate to satisfy the purposes of sentencing in 18 U.S.C. § 3553(a). In particular, the court is contemplating whether a variant sentence within the range of 12-18 months is necessary to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment, and to afford adequate deterrence to criminal conduct. The court is also considering whether such a sentence is necessary to avoid unwarranted sentencing disparities between defendants with similar records who have committed similar conduct. In this regard, the court notes that the three former employees of Bob Eisel Powder Coatings, Inc. who have been sentenced for their use of false documents in connection with their employment have received imprisonment sentences of 13, 13, and 14 months, respectively.

The court has made no final determination of these issues and will consider any relevant arguments or evidence the parties have at the sentencing hearing of November 13, 2006. This order is merely to provide the parties notice that the court is contemplating such a sentence.

IT IS SO ORDERED this 8th Day of November, 2006, at Wichita, Ks.

s/Wesley E. Brown

Wesley E. Brown
U.S. Senior District Judge