

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 06-40016-01-SAC

JUAN ANTONIO MONTERO
a/k/a Juan Pablo Rodriguez,

Defendant.

MEMORANDUM AND ORDER

The defendant Juan Antonio Montero pleaded guilty to count one of the superseding indictment that charged him with conspiracy to possess with the intent to distribute more than five kilograms of cocaine hydrochloride. The defendant was a passenger in a GMC Suburban stopped for a traffic violation. The defendant told officers that he had no identification but said his name was Juan Pablo Rodriguez. The officers performed a consensual search of the vehicle finding 24 one-kilogram brick-shaped packages of cocaine hidden in its paneling and \$7,660.00 in currency. The laboratory analysis of the controlled substance determined a net weight of 24.12 kilograms of cocaine hydrochloride having a purity level of 88%. Fingerprints of the defendant and the driver were recovered from

the cocaine packaging.

The presentence report (“PSR”) recommends a Guideline sentencing range of 135 to 168 months from a criminal history category of three and a total offense level of 31 (base offense level of 34 pursuant to U.S.S.G. § 2D1.1(c)(3) less a three-level reduction for acceptance of responsibility adjustment pursuant to U.S.S.G. § 3E1.1). The addendum to the PSR reflects the defendant has two unresolved objections requesting a minor role adjustment and the redaction of paragraphs fifteen and sixteen of the PSR pursuant to Fed. R. Crim. P. 32(d)(3)(C). The court understands the defendant will withdraw at the sentencing hearing his objection on the minor role adjustment. Thus, the court addresses now the defendant’s remaining objection.

The defendant asks that the information disclosed in paragraphs fifteen and sixteen be redacted pursuant to Fed. R. Crim. P. 32(d)(3)(C). The defendant does not object to the court considering this information in sentencing him, but he is concerned for the safety of himself and others should this information be accessed by others.

Satisfied that the information fairly meets the concerns and needs set out in Fed. R. Crim. P. 32(d)(3)(C), the court directs the

Probation Office to delete the information found in paragraphs fifteen and sixteen and to indicate that the information has been redacted by order of the court after it was considered for sentencing purposes and that it will be disclosed only upon further order of the court.

IT IS THEREFORE ORDERED that the defendant's second objection is granted.

Dated this 10th day of January, 2007, Topeka, Kansas.

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