IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AME	RICA,)
Plainti) ff,)
v.)
ROY MCCLELLAN,)
Defenda) ant)

Case No. 10-10145-WEB

MEMORANDUM AND ORDER

This matter comes before the court for sentencing of the defendant, Roy McClellan. Defendant pleaded guilty to possession with intent to distribute approximately one gram of heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C). Defendant filed two objections to the presentence report. The Government did not oppose the defendant's objections. This Memorandum and Order supplements the court's oral rulings.

The parties advised the court that the conversion of cash into the drug equivalent was not contemplated when the parties made their agreement. Further, the parties agreed that the sentence for the defendant would be approximately 18 months, although they did not enter into a Rule 11(c)(1)(C) plea agreement, or include the proposed sentence in the plea agreement.

Based on the stipulation of the parties, and the request for a binding sentence recommendation, the court considers their request as an agreement for a Rule 11(c)(1)(C) plea, for an agreed upon sentence of 18 months. The parties also request a three year term of supervised release, a special assessment of \$100.00, and no fine. The request is granted. The presentence report is adopted as written. Defendant's objections to the report are denied as moot.

IT IS THEREFORE ORDERED defendant's objections to the Presentence Report are

denied as moot. The Probation Officer in charge of this case shall see that a copy of this order is appended to any copy of the Presentence Report made available to the Bureau of Prisons.

IT IS SO ORDERED this 20th day of April, 2011, at Wichita, Kansas.

s/ Wesley E. Brown

Wesley E. Brown U.S. Senior District Court Judge