

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 10-40013-01-SAC

LUIS RAMIREZ-TORRES,

Defendant.

MEMORANDUM AND ORDER

The case comes before the court on the defendant's pending objection to the presentence report ("PSR") for its denial of a minor role reduction despite the parties' concurrence upon the reduction as set forth in the plea agreement. The court will affirm the parties' plea agreement and finds that the facts appearing in PSR sustain a minor role reduction. The court notes that the defendant's drug trafficking activity leading to his prior conviction occurred nearly 15 years earlier and that the evidence here does not show the defendant knew the quantity or quality of drugs being transported. As a result of sustaining the defendant's objection, the court recalculates the defendant's sentencing guideline range to be 97 to 121 months.

IT IS THEREFORE ORDERED that the defendant's pending

objection to the PSR is sustained and the defendant's recalculated sentencing range is 97 to 121 months.

Dated this 15<sup>th</sup> day of September, 2010, Topeka, Kansas.

s/ Sam A. Crow

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