

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 11-20117-01-KHV
LARRY STINSON,)	
)	
Defendant.)	
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MEMORANDUM AND ORDER

On March 26, 2012, defendant pled guilty to sex trafficking by force, fraud or coercion in violation of 18 U.S.C. § 1591(a)(1)–(2). On June 11, 2012, the Court sentenced defendant to 120 months in prison and five years of supervised release. This matter is before the Court on defendant’s Motion To Amend Or Correct Judgment In A Criminal Case Pursuant To Federal Rules of Criminal Procedure, Rule 36 (Doc. #37) filed February 16, 2021. For reasons stated below, the Court overrules defendant’s motion.

Under Rule 36, at any time, the Court may correct a “clerical error” in the record or an “error in the record arising from oversight or omission.” Fed. R. Crim. P. 36. A Rule 36 clerical error “should appear on the face of the record, leaving little need for adversary proceedings to clarify the issue.” United States v. Kieffer, 596 F. App’x 653, 660 (10th Cir. 2014) (quoting United States v. Werber, 51 F.3d 342, 347 (2d Cir. 1995)). Rule 36 is narrow and allows correction of only non-substantive errors. United States v. Lonjose, 663 F.3d 1292, 1300 (10th Cir. 2011).

Defendant asks the Court to amend the judgment to note that (1) his offense did not involve children or minors and (2) any restriction prohibiting him from residing or working around or near

children would be inconsistent and not legitimately related to his offense. Defendant's request does not assert an "error" in the record, clerical or otherwise. Accordingly, Rule 36 does not apply. In addition, no other authority permits the Court to add commentary about the facts of the case to a judgment so that defendant can avoid potential collateral consequences of his conviction. The Court therefore overrules defendant's motion.

IT IS THEREFORE ORDERED that defendant's Motion To Amend Or Correct Judgment In A Criminal Case Pursuant To Federal Rules of Criminal Procedure, Rule 36 (Doc. #37) filed February 16, 2021 is **OVERRULED**.

Dated this 5th day of March, 2021 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge