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IN UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)

)

Vs.)

Defendant Y)

)

)

)

PRESENTENCE INVESTIGATION REPORT

Docket No. 08-XY-6-01

Prepared For: Chief U.S. District Judge

Prepared By: U.S. Probation Officer
100 Main Street, Suite 100
Ann Arbor, MI 48106

Assistant U.S. Attorney

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Defense Counsel
(Appointed)
Federal Defenders Office
200 Main Street, Suite 100
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Sentence Date/Location: July 21, 2009

Offense: Count 1: - Conspiracy to distribute 88 kilos of marijuana in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C)

Release Status: Detained

Codefendants: Defendant X

Related Cases: None

Date Report Disclosed: June 20, 2009

Date Report Revised:

Identifying Data:

1

United States Sentencing Commission
Sample Presentence Report
ICPSR Workshop: July 2009



PRISON CHARITABLE CORPORATION

Prison Professors Charitable Corporation / PO Box 50996 / Irvine CA 92619
IRS 501c3 #85-2603315 / www.PrisonProfessors.org
Email: Impact@PrisonProfessors.org

Date of Birth: July 20, 1971
Age: 38 (at time of sentencing)
Race: White (Non Hispanic)
Sex: Male

Social Security No.: 123-45-6789
FBI No.: 123456XX8
U.S. Marshal No.: 1234-567
SID No.: MI State Id #MI123456
Other ID No(s): None

PACTS:

Education: Some College
Dependents: None
Citizenship: United States

Permanent Address: 1 Columbus Circle, NE
Washington, DC 20002

Aliases: Defendant Q

PART A—THE OFFENSE

Charges(s) and Conviction(s)

1. On March 15, 2009, a grand jury in the Eastern District of Michigan returned a single count indictment against Defendant X and Defendant Y. Both defendants were charged with Conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C).
2. On June 1, 2009, the defendant appeared before U.S. District Judge and pled guilty to the indictment. The Court accepted the plea and adjudged Defendant Y guilty.

Codefendants

3. Defendant X, A,B, and C

Related Cases

4. None

The Offense Conduct

5. On April 1, 2007, Defendant X formed a gang consisting of him and three students. The gang's primary focus was user-amount marijuana distribution which was carried out at the



direction of Defendant X with the various gang members working together in all the distribution activities.

6. Each week the gang sold user amounts of marijuana totaling one kilogram, with each of the four members assigned an equal quantity.
7. Two of the four gang members always carried firearms when they made deliveries.
8. On April 1, 2008, Defendant Y joined both the conspiracy and the gang. Defendant Y fully participated in all the distribution activities, which continued to distribute one kilogram per week, with each of the five members assigned an equal quantity.
9. While Defendant Y never carried a firearm, he sometimes accompanied the two participants who did carry firearms when they made deliveries.
10. On November 30, 2008, 36 weeks after Defendant Y joined the conspiracy, all five participants were arrested and charged with conspiracy to distribute marijuana, specifically the 88 kilograms distributed between April 1, 2007 and November 30, 2008. (21 U.S.C. §§ 846 and 841(b)(1)(C))
11. Defendant Y gave the government complete truthful information and evidence about the activity and entered into a plea agreement to plead guilty to the one count in a timely fashion; the prosecutor will make a motion to the court that the defendant gave the prosecutor timely notification of his intention to plead guilty

Victim Impact

12. There are no identifiable victims of the offense.

Obstruction of Justice

13. There is no information to suggest the defendant impeded or obstructed justice.

Acceptance of Responsibility

14. The defendant pled guilty to the indictment and has expressed remorse for his conduct.

Offense Level Computation

15. The guideline for this offense is §2D1.1.



16. **Base Offense Level:** The defendant is responsible for 36 kilograms of marijuana and the base offense level is found at §2D1.1(a)(3) and (c)(11). **+18**
17. **Specific Offense Characteristic:** Firearms were possessed by codefendants so the defendant is subject to a two level increase §2D1.1(b)(1) **+2**
18. **Specific Offense Characteristic:** Defendant meets the five mitigating criteria at §25C1.2(a)(1)-(5) **-2**
19. **Victim-Related Adjustments:** None
20. **Adjustments for Role in the Offense:**
21. **Adjustment for Obstruction of Justice:** None
22. **Adjusted Offense Level (Subtotal)** **18**
- | <u>Multiple-Count Adjustment</u> (USSG §3D1.4) | <u>Level</u> | <u>Units</u> |
|--|--------------|--------------|
| Adjusted Offense Level for Count Group | | |
| Total Number of Units | | |
| Highest Adjusted Offense Level | | |
| Increase in Offense Level | | |
- Combined Adjusted Offense Level:**
23. **Adjustment for Acceptance of Responsibility:** **-3**
24. **Total Offense Level** **15**
25. **Chapter Four Enhancements:**

PART B—DEFENDANT’S CRIMINAL HISTORY

Juvenile Adjudications

26. None

Other Delinquent Conduct

27. None

Adult Convictions

None



<u>Date of Arrest</u>	<u>Conviction/Court</u>	<u>Date/Sentence</u>	<u>Guideline</u>	<u>Score</u>
28. 10/18/2002 (Age 32)	1)Possession of Cannabis Less Than 20 grams 2)Driving Under the Influence Springfield County Court	07/23/03	4A1.1(c)	1

On October 18, 2002, a Springfield County Sheriff observed a vehicle driven by the defendant speeding on the interstate. After stopping the defendant, the officer observed that the defendant smelled strongly of alcohol and that his eyes were glassy and bloodshot. Another officer arrived and determined that the defendant could not maintain his balance to perform a field sobriety test. During booking, a search revealed 1.5 grams of marijuana in the defendant's right rear pants pocket.

Criminal History Computation

29. The criminal conviction above results in a subtotal criminal history score of 1.
30. The total of the criminal history points total is 1. According to the sentencing table (Chapter 5, Part A), 0 to 1 criminal history point establishes a Criminal History Category of I.

Other Criminal Conduct

31. None

Pending Charges

32. None

Other Arrests

33. None

PART C—OFFENDER CHARACTERISTICS

Personal and Family Data

34. Defendant was born on June 20, 1971. Attempts to contact his biological parents were unsuccessful. The defendant is an only child. The defendant reports that he grew up in an abusive home where both parents were alcoholics. He spent summers during his childhood with his grandparents in Illinois.



35. The defendant currently lives with his girlfriend in an apartment downtown. They have no children.

Physical Condition

36. The defendant is 5'8" tall and weighs 140 pounds. He has blonde hair and hazel eyes. He has a scar on his left shin and a tattoo of an eagle on his left bicep. He stated he underwent tonsil surgery in 1997.

Mental and Emotional Health

37. The defendant has never been under the care of mental health professionals and does not display symptoms suggesting serious emotional problems.

Substance Abuse

38. The defendant tried alcohol at the age of 10 but does not currently drink. The defendant said he has never experimented with controlled substances.

Education and Vocational Skills

39. Records confirm that the defendant graduated from Main Street High School in May of 1989. He had a cumulative grade point average of 1.9.

Military Record

40. The defendant was enlisted in the U.S. Marine Corps from January, 1990 to July, 1997. He received a bad conduct discharge.

Employment Record

41. According to records from Main Street Shoes, the defendant was employed as a salesman from April, 2007 to July 2007.

42. The defendant was employed as a bartender at Main Street Pub from September, 2006 through August, 2007

Financial Condition: Ability to Pay

43. The following information was obtained by examining the written financial statement provided by the defendant and reviewing available financial records, including a credit history report authorized by the defendant.

Assets

None

TOTAL UNSECURED DEBT:



NET WORTH:

(\$0.00)

Monthly Cash Flow

PART D—SENTENCING OPTIONS

44. **Statutory Provisions:** Statutory maximum of 20 years imprisonment (no mandatory minimum); minimum term of supervised release of 3 years, up to life; fine of \$1 million; Class C Felony: up to 2 years imprisonment upon subsequent revocation of supervised release.
45. **Guideline Provisions:** Based on a total offense level of 15 and a Criminal History Category of I, the guideline range of imprisonment is 18-24 months.

PART E—FACTORS THAT MY WARRANT DEPARTURE

46. There is no information concerning the offense or the offender which would warrant a departure from the sentencing guidelines.

Respectfully submitted,

Chief U.S. Probation Officer

By: _____
Date
U.S. Probation Officer

APPROVED BY:

Date
Supervising U.S. Probation Officer

