

1 (BEGIN PROCEEDINGS VIA VIDEOCONFERENCE AT 10:38 A.M.)

2 THE COURT: LET'S CALL THE CASE OF UNITED STATES  
3 VERSUS TYREEK BROWN. STATE YOUR APPEARANCES FOR THE RECORD.

4 MR. BONNER: GOOD MORNING, YOUR HONOR. NUTE BONNER  
5 FOR THE UNITED STATES.

6 MR. DYKE: GOOD MORNING, YOUR HONOR. AARON DYKE FOR  
7 MR. BONNER.

8 THE COURT: OKAY. AND, MR. BROWN, WE ARE HERE TO DO  
9 YOUR SENTENCING TODAY, BECAUSE I WAS INFORMED THAT YOU WANTED TO  
10 DO IT TODAY AS OPPOSED TO WAITING; IS THAT RIGHT?

11 THE DEFENDANT: YES. THAT'S CORRECT.

12 THE COURT: OKAY. WE HAVE THE AUTHORITY TO DO THAT, I  
13 GUESS, SO WE'LL GO AHEAD AND DO IT. THE PRESENTENCE REPORT WAS  
14 PREPARED, MR. DYKE, AND YOU GOT A COPY OF THAT, AND YOU'VE  
15 SHARED THAT WITH MR. BROWN, I SUPPOSE?

16 MR. DYKE: YES, YOUR HONOR.

17 THE COURT: NO OBJECTIONS TO IT?

18 MR. DYKE: THERE ARE NO OBJECTIONS, YOUR HONOR.

19 THE COURT: AND, MR. BONNER, NO OBJECTIONS FROM THE  
20 UNITED STATES?

21 MR. BONNER: CORRECT, JUDGE. NO OBJECTIONS.

22 THE COURT: IT HAS THE CRIMINAL HISTORY AT A 4, AND  
23 HIS OFFENSE LEVEL OF A 2, AND A RANGE OF IMPRISONMENT OF 18 TO  
24 24 MONTHS, AND IT'S A C PLEA FOR 12 MONTHS AND A DAY. IS THAT  
25 STILL THE UNITED STATES' AND THE DEFENSE POSITION?

1 MR. BONNER: YES, YOUR HONOR.

2 MR. DYKE: YES, YOUR HONOR.

3 THE COURT: CAN YOU TELL ME WHAT REASONS THERE ARE TO  
4 VARY FROM THE GUIDELINES?

5 MR. BONNER: JUDGE, I'LL START OFF. THE 3553(A)  
6 FACTOR THAT WE'RE ASKING YOU TO AWARD A SLIGHT DOWNWARD VARIANCE  
7 ON REALLY IS JUST THE NATURE AND CHARACTERISTICS OF THE OFFENSE.  
8 THE AMOUNT OF THE DRUGS THAT MR. BROWN WAS ABLE TO REQUEST TO  
9 GET INTO THE JAIL, HE ACTUALLY NEVER GOT HIS HANDS ON, BUT THE  
10 AMOUNT OF DRUGS WAS VERY SMALL. THEY WERE APPREHENDED BY THE  
11 JAIL BEFORE THEY COULD MAKE IT INTO THE PRISONER POPULATION.

12 AND SO WE WOULD ASK THAT YOU WOULD VARY DOWNWARD BY ABOUT  
13 SIX MONTHS, TWELVE MONTHS AND A DAY. OF COURSE, WE WOULD WANT  
14 THAT TO BE CONSECUTIVE TO THE FEDERAL SENTENCE THAT HE IS  
15 SERVING RIGHT NOW.

16 THE COURT: MR. DYKE, DO YOU HAVE ANYTHING TO ADD?

17 MR. DYKE: YOUR HONOR, VERY LITTLE. WHEN MR. BONNER  
18 SAYS IT WAS A SMALL AMOUNT OF DRUGS, IT WAS JUST BARELY OVER TWO  
19 GRAMS. SO IT WAS A VERY SMALL AMOUNT OF DRUGS, AND I THINK THAT  
20 BASED ON THAT, MR. BONNER AND I, WHEN NEGOTIATING THE OUTCOME OF  
21 THIS CASE, THOUGHT THAT THIS WAS AN APPROPRIATE SENTENCE,  
22 KEEPING IN MIND THAT MR. BROWN IS ALREADY SERVING A SENTENCE, SO  
23 THIS IS ADDITIONAL TIME FOR HIM.

24 THE COURT: WHAT -- HOW LONG IS HIS SENTENCE THAT HE'S  
25 SERVING? TWO OR THREE YEARS OR MORE?

1 MR. DYKE: YEAH. THE CURRENT SENTENCE IS A -- LET ME  
2 JUST VERIFY. TWENTY-MONTH SENTENCE TO RUN CONCURRENT WITH A  
3 SIXTY-MONTH SENTENCE. ALL TOLD, IT'S AN EIGHTY-MONTH SENTENCE.

4 THE COURT: ALL RIGHT. MR. BROWN, DO YOU HAVE  
5 ANYTHING THAT YOU WANT TO SAY?

6 THE DEFENDANT: NO, SIR. NOT AT ALL.

7 THE COURT: OKAY. SO YOU WANT ME TO ACCEPT THE PLEA  
8 AGREEMENT AND ISSUE THE 12 MONTHS AND A DAY, I ASSUME?

9 THE DEFENDANT: YES, SIR.

10 THE COURT: AND YOU KNOW THAT THAT'S GOING TO RUN ON  
11 TOP OF WHAT YOU'RE ALREADY SERVING?

12 THE DEFENDANT: YES, SIR.

13 THE COURT: OKAY. ALL RIGHT. WELL, I'VE LOOKED AT  
14 THIS PRESENTENCE REPORT, I'VE CONSIDERED THE REQUESTS MADE, AND  
15 I WILL VARY FROM THE GUIDELINES AND ACCEPT THE PLEA AGREEMENT  
16 AND SENTENCE YOU TO TWELVE MONTHS AND ONE DAY TO RUN -- THESE  
17 ARE -- THERE ARE TWO COUNTS HERE, SO THAT'S GOING TO BE TWELVE  
18 MONTHS AND A DAY ON EACH COUNT TO RUN CONCURRENTLY WITH EACH  
19 OTHER, BUT THEN CONSECUTIVE TO THE PRIOR SENTENCE THAT YOU'RE  
20 SERVING.

21 YOU WILL HAVE SUPERVISED RELEASE IN THIS CASE AS WELL. IT  
22 WILL BE FOR A PERIOD OF THREE OF YEARS. THERE WILL BE SOME  
23 SPECIAL CONDITIONS OF THAT. I'M SURE DRUG TESTING, SEARCH  
24 CONDITIONS, AND ALL THE OTHER GENERAL CONDITIONS THAT GO ALONG  
25 WITH SUPERVISED RELEASE. THERE ARE COURT COSTS HERE. YOU'RE

1 GOING TO HAVE \$200 TO PAY, \$100 ON EACH COUNT. RESTITUTION IS  
2 NOT AN ISSUE, MR. BONNER, I ASSUME?

3 MR. BONNER: THAT'S CORRECT, JUDGE.

4 THE COURT: I'M NOT GOING TO MAKE YOU PAY ANY FINE OR  
5 ANY OTHER COSTS ASSOCIATED WITH THE CONVICTION, MR. BROWN. YOU  
6 DON'T HAVE THE ABILITY TO PAY THAT GIVEN THE FACT THAT YOU ARE  
7 INCARCERATED AND WILL BE FOR SOME TIME. SO I THINK THAT TAKES  
8 CARE OF EVERYTHING. DO YOU UNDERSTAND YOUR SENTENCE?

9 THE DEFENDANT: YES, SIR; I DO.

10 THE COURT: ANY QUESTIONS BY ANYBODY?

11 MR. WISEMAN: YOUR HONOR, JUST TO CLARIFY. THE  
12 SUPERVISED RELEASE PERIOD OF TIME RUNS CONCURRENT WITH THE  
13 CURRENT -- OR WITH THE OTHER CASE.

14 THE COURT: YEAH. I ASSUME, MELISSA, IS THAT RIGHT?  
15 WHEN HE GETS OUT, HE'LL BE ON SUPERVISED RELEASE FOR A PERIOD OF  
16 SOME TIME, AND THEY'LL ALL RUN TOGETHER?

17 PROBATION OFFICER: YES. THAT'S CORRECT.

18 THE COURT: HE'S NOT GOING TO HAVE ANOTHER PERIOD OF  
19 SUPERVISED RELEASE THAT'S TACKED ON?

20 PROBATION OFFICER: RIGHT, THAT'S CORRECT. IT WILL  
21 BE -- HE HAS THREE YEARS OF SUPERVISED RELEASE ON HIS OTHER  
22 FEDERAL SENTENCE. THE THREE YEARS THAT YOU'RE SENTENCING HERE  
23 TODAY WILL RUN CONCURRENT.

24 THE COURT: OKAY. ALL RIGHT. SO ANY OBJECTION TO THE  
25 SENTENCE BY ANYBODY?

1 MR. BONNER: NO OBJECTIONS FROM THE UNITED STATES,  
2 YOUR HONOR.

3 MR. DYKE: NO OBJECTIONS, YOUR HONOR.

4 THE COURT: ALL RIGHT. MR. BROWN, DO YOU UNDERSTAND  
5 THAT YOU GAVE UP YOUR RIGHT TO APPEAL, RIGHT?

6 THE DEFENDANT: YES, SIR.

7 THE COURT: OKAY. DID EVERYTHING GO AS YOU THOUGHT IT  
8 WOULD DO -- WOULD GO TODAY?

9 THE DEFENDANT: YES, SIR.

10 THE COURT: ANY SURPRISES?

11 THE DEFENDANT: NO, NO SURPRISES. IT WENT HOW I  
12 EXPECTED.

13 THE COURT: OKAY. ALL RIGHT. GOOD LUCK TO YOU.

14 THE DEFENDANT: OKAY.

15 THE COURT: I'M GOING TO SIGN OFF NOW.  
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