

ORIGINAL

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U.S. COURTS
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REC'D _____ FILED _____
CAMERON S. BURKE
CLERK IDAHO

Attorney for Victor Castillo-Duarte

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 VICTOR CASTILLO-DUARTE,)
)
) Defendants.)
 _____)

03-109-
Case No. CR 02-075-001-S-BLW

SENTENCING MEMORANDUM

COMES NOW Victor Castillo-Duarte, by and through his attorney of record, John Meienhofer, and submits the following Memorandum in support of his sentencing hearing, currently scheduled for December 19, 2003.

Mr. Castillo-Duarte stands before this Court for sentencing on a several charges related to the delivery of heroin and methamphetamine. The Presentence Investigation accurately reflects the facts of this matter.

The Defendant does not object to the final guidelines calculation of Offense Level 29 in Criminal History Category I.

There are two (2) issues that the Defendant would like the Court to consider relative to his sentence.

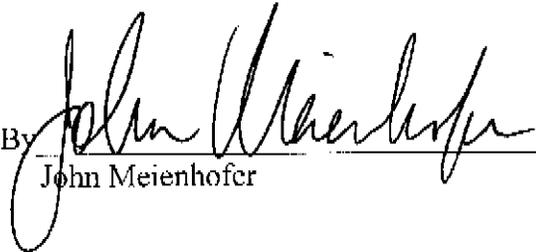
SENTENCING MEMORANDUM -1

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First, and foremost, Mr. Castillo-Duarte should be entitled to the safety valve provisions of the United States Sentencing Guidelines. He was debriefed by law enforcement officers in the presence of this counsel, and has also been interviewed by AUSA Gonzalez. The final interview with Mr. Castillo-Duarte is scheduled for the day of sentencing. If Mr. Castillo-Duarte complies with the conditions set forth in Section 5C1.1 of the United States Sentencing Guidelines, it is this counsel's position that Mr. Castillo-Duarte should be entitled to the safety valve. The only issue is whether Mr. Castillo-Duarte has truthfully provided to the Government all information and evidence the defendant has concerning the instant charges. All of the other provision set forth in Section 5C1.1 of the United States Sentencing Guidelines have been met.

Second, Mr. Castillo-Duarte should be given a sentence at the lower end of the guideline range. He is quite educated, is young, and has an opportunity to do something constructive with his life. He has acknowledged his guilt and is motivated to put this matter behind him. Additionally, the drug quantities are at the very low end of Offense Level 32. Accordingly, he should be given some consideration towards a sentence on the lower end of the guideline range, whether that be at Offense Level 27 or 29.

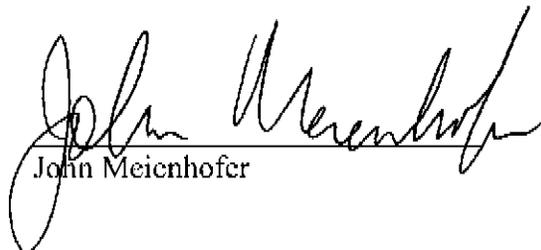
DATED this 17th day of December, 2003.

By 
John Meienhofer

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of December, 2003, a true and correct copy of the within and foregoing SENTENCING MEMORANDUM was mailed by United States mail, postage prepaid, to the following persons:

Rafael Gonzalez
U.S. Attorney's Office
877 W. Main, Suite 201
P.O. Box 32
Boise, Idaho 83707


John Meichenhofer