

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DEC 10 1989

UNITED STATES OF AMERICA *

VS. *

NO. C-89-89-01

JOE ERLINDO MEDRANO *

STATEMENT OF OBJECTIONS TO
THE PRESENTENCE INVESTIGATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JOE MEDRANO, Defendant in the above-styled and -numbered cause, and files this his Statement of Objections to the Presentence Investigation Report completed in the above case. As cause, Defendant would show the following:

I.

The Defendant objects to the failure to make a downward adjustment 2 points for acceptance of responsibility in Part A Paragraph 15 of the Presentence Investigation for the following reasons: Subsection 3E1.1 of the Sentencing Guidelines allows for the reduction based upon "a recognition and affirmative acceptance of personal responsibility for the offense of conviction."

While the Defendant may have been involved in subsequent, non-related incidents detailed in Paragraphs 7 and 8 of the Presentence Investigation, he cooperated with the arresting authorities at the Falfurrias checkpoint, voluntarily and truthfully admitted his involvement in this offense, voluntarily provided substantial assistance to authorities, and has therefore demonstrated an acceptance of responsibility for the offense of conviction. Arrests for extraneous offenses are not factors


mentioned or contemplated by Subsection 3E1.1 or its Application Notes.

II.

The Defendant objects to the characterization of his conduct in Part A Paragraph 8 of the Presentence Investigation for the following reasons:

The Defendant denies that he swerved his tractor trailer rig into a police car in an attempt to run the police unit off the road. Instead, the Defendant contends that as he drove down the highway, an oncoming police car swerved into his path, making the collision unavoidable.

Respectfully submitted,


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JOE ERLINDO MEDRANO
Defendant

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Statement of Objections to the Presentence Investigation was mailed/hand-delivered to the U.S. Probation Office, 400 Mann, Corpus Christi, Texas 78412 on December 15, 1989.


PATRICK J. MCGUIRE