

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL ACTION
v.)	
)	No. 12-20083-16-KHV
TRENT PERCIVAL,)	
)	
Defendant.)	
)	

ORDER

On May 26, 2016, the Court sustained defendant’s motion to vacate under 28 U.S.C. § 2255. See Memorandum And Order And Order To Show Cause (Doc. #2321). The Court vacated defendant’s sentence but not his guilty plea to Count 1 of the Superseding Indictment. See id. The Court ordered the parties to show cause in writing why (1) the Court should not accept defendant’s plea of guilty under 21 U.S.C. § 841(b)(1)(C) or (D), (2) the Court should not reject the plea agreement because it is based on the mistaken premise that defendant would enter a plea of guilty to an offense under 21 U.S.C. § 841(b)(1)(A) with a statutory minimum term of 10 years in prison, (3) if the Court rejects the plea agreement, it should not give defendant the opportunity to withdraw his plea of guilty to Count 1, and (4) if the Court rejects the plea agreement, it should not allow the government to proceed on Counts 79, 80, 81, 84, 96 and 97 of the Superseding Indictment (Doc. #462). This matter is before the Court on the Joint Motion Of The Parties Requesting Acceptance Of Proposed Sentencing Agreement (Doc. #2328) filed July 26, 2016.

In light of the parties’ agreement, the Court accepts defendant’s plea of guilty under 21 U.S.C. § 841(b)(1)(C). The parties have shown good cause why the Court should not reject the plea agreement. Accordingly, the Court accepts the plea agreement as well as the parties’

Sentencing Agreement submitted July 21, 2016.

Defendant has waived his appearance at sentencing. The Court sustains the Joint Motion Of The Parties Requesting Acceptance Of Proposed Sentencing Agreement (Doc. #2328) for substantially the reasons stated in the motion and enters the agreed proposed sentence as follows:

Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months. Upon release from imprisonment, defendant shall be on supervised release for a term of five years. On supervised release, defendant shall be subject to the same special and standard conditions of supervision as set forth in the original Judgment (Doc. #1895) filed April 30, 2015. The Court finds that defendant is unable to pay a fine and therefore orders no fine. Defendant shall pay the mandatory special assessment of \$100. The Court imposes a forfeiture judgment in the amount of \$300,000.00. Defendant shall be liable to pay the forfeiture judgment in his individual capacity.

An amended judgment that reflects the above sentence will be entered. The Clerk of the District Court shall send copies of this order to counsel for defendant, the U.S. Bureau of Prisons, the U.S. Probation Office, and the U.S. Attorney's Office.

IT IS SO ORDERED.

Dated this 1st day of August, 2016 at Kansas City, Kansas.

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