UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NOWHERE

UNITED STATES OF AMERICA	)	
	)	
vs.	)	*PRESENTENCE INVESTIGATION REPORT*
	)	
POOR CHOICE	)	*Docket No.: 33-00015-015*

Prepared For: *The Honorable N. Charge*
U. S. District Judge

Prepared By: *Make A. Difference*
U. S. Probation Officer
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Sentence Date: *10/10/34*

Offense: *Count Two:* *Being a Felon in Possession of a Firearm (Title 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(e)) - 15 years to life/ $250,000.00 fine*

Count Three: *Possession With Intent to Distribute Marijuana - (Title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D)) - five years/ $250,000.00 fine*

Count Six: *Possession With Intent to Distribute Marijuana - (Title 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D)) - five years/ $250,000.00 fine*

Release Status: *Arrested on 1/1/33 and detained.*

Detainers: *None*

Codefendants: *None*

Related Cases: *None*

Date Report Prepared: *1/1/34* *Date Report Revised:*

Identifying Data:

Date of Birth:	***4/5/2003***
Age:	***31***
Race:	***Blue***
Sex:	***Male***
SS#:	***003-00-0099***
FBI#:	***555555HB5***
USM#:	***55555-555***
Other ID#:	***NW ID # 555555***
	MN ID # 66666666
	AZ ID # 77777777
Education:	***Some College***
Dependents:	***Four (children)***
Citizenship:	***United States***
Legal Address:	***Lego Land County Jail***
	5000 2nd Street
	Lego Land, NW 10000
	(111) 666-7777
Aliases:	***Bad Choice***
	Wrong Choice
	B.C.
	W.C.
	Money Bags
Interpreter:	***None***
Interview Date With Defendant:	***11/11/33***

PACTS NO. 0000

Restrictions on Use and Redisclosure of Presentence Investigation Report. *Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorists activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the Federal Judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.*

PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. On 12/10/32, a five count Indictment with a forfeiture notice was filed in U. S. District Court for the District of Nowhere charging Poor Choice with Being a Felon in Possession of a Firearm (Counts One and Two), Possession With Intent to Distribute Marijuana (Counts Three and Four), and Possession of a Firearm in Furtherance of a Drug Trafficking Crime (Count Five).

2. On 2/2/33, Mr. Choice appeared before U. S. Magistrate Judge Was N. Charge for an arraignment and plea hearing and was ordered detained. On 3/15/33, a Superseding Indictment was filed adding a charge of Possession With Intent to Distribute Marijuana (Count Six). All other counts remained the same. On 4/17/08, Mr. Choice again appeared before Magistrate Judge Charge for an arraignment and bond hearing; detention was continued.

3. On 11/8/34, pursuant to a plea agreement, Mr. Choice appeared before U. S. District Judge Iam Boss and entered a plea of guilty as to Counts Two, Three and Six of the Indictment.

4. Pursuant to the plea agreement, the parties agree pursuant to U.S.S.G. § 1B1.3, the Court may consider relevant conduct in calculating the sentencing guideline range, even if the relevant conduct is not the subject of the offense to which he is pleading guilty. The parties acknowledge and understand the government will recommend to the Sentencing Court the applicable base offense level for the offense charged in Count Two of the Indictment is 24 under U.S.S.G. § 2K2.1(a)(2) and the applicable base offense level for the offenses charged in Counts Three and Six in 16 under U.S.S.G. § 2D1.1(c)(12). The government will recommend the base offense level for the firearms offenses be increased by four levels because the firearms were possessed in connection with marijuana trafficking. The government will also recommend the base offense level for the marijuana offenses be increased by two levels under U.S.S.G. § 2D1.1(b)(1). The government will recommend the defendant be subject to the enhancements set forth in U.S.S.G. § 4B1.1, as the defendant is a career offender. The government agrees to recommend a sentence within the applicable guideline range, as determined by the Court.

5. In return for his guilty plea, the government agrees to recommend a two level decrease for acceptance of responsibility, as authorized by U.S.S.G. § 3E1.1(a), but only if the defendant exhibits conduct consistent with the acceptance of responsibility. In addition, if the Court determines at the time of sentencing that the defendant is entitled to the two level reduction under U.S.S.G. § 3E1.1(a), the government indicates it will make a motion recommending an additional one level decrease as authorized under U.S.S.G. § 3E1.1(b) because the defendant timely notified authorities of his intention to enter a plea of guilty. The government agrees to move to dismiss the remaining counts of the Superseding Indictment at the time of sentencing.

6. The defendant, by entering into the agreement, further agrees to fully and completely cooperate with the government in its investigation of this and related matters, and to testify truthfully and completely before the Grand Jury and at any subsequent trials or proceedings, if asked to do so. The government agrees to advise the Sentencing Judge of the nature and extent of the defendant's cooperation. The parties acknowledge, understand and agree that if the defendant provides substantial assistance to the government in the investigation or prosecution of others, the government, in its discretion, may recommend a downward departure from; (a) the applicable sentencing guideline range; (b) any applicable statutory mandatory minimum or (c) both. The defendant acknowledges and understands that the Court will make its own determination regarding the appropriateness and extent to which such cooperation should affect the sentence. The defendant also agrees to the forfeiture of the $7,860.00 seized from his residence and vehicle on 12/12/32.

7. Summarized, Count Two of the Indictment charges the defendant, on or about 9/12/32, possessed a firearm after previously being convicted of a crime punishable by imprisonment exceeding one year. Count Three charges the defendant, on or about 9/12/32, possessed marijuana with the intent to distribute. Count Six charges the defendant, on or about 1/1/33, possessed marijuana with the intent to distribute.

<u>The Offense Conduct</u>

8. According to the government, on 9/12/32, Lego Land Police Officers conducted surveillance on a residence located at 2222 North 79th Street in preparation of the execution of a search warrant. Officers observed Another Guy in a silver Lego car parked in the driveway and **Poor Choice** arrive in a green Lego Rover.

Mr. Choice walked over to the Lego car, removed a large package from the trunk, and carried it to the residence. Upon seeing officers, **Mr. Choice** dropped the package at the threshold and ran. After **Mr. Choice** was arrested nearby, officers found $6,505.00 in his pocket and 5,700 grams of marijuana in the package at the threshold.

9. During the subsequent execution of the search warrant, officers found a loaded Sturm Ruger P345 .45 caliber pistol with Serial Number 666-55533 and several baggies of marijuana in a kitchen drawer. In the trash can was additional packaging material with marijuana residue similar to the package found outside the residence. In the living room, officers found baggies with marijuana residue, scales, and 3½ Ecstasy pills. Throughout the residence, officers found mail and identifiers for **Poor Choice**.

10. A search of the green Lego Rover revealed a bag containing a loaded Smith & Wesson CS45 .45 caliber pistol with Serial Number YYY3333 and marijuana. Additional marijuana and $1,296.00 was also found in the truck. A total of 1,105.34 grams of marijuana was found in the vehicle that is registered to **Mr. Choice'** father.

11. A total of 6,924.28 grams of marijuana (including the 5,700 grams on the threshold) and $7,860.00 was seized from **Mr. Choice's** residence and the green Lego Rover.

12. After being advised of his constitutional rights, Mr. Guy admitted that he picked up the package which he believed was marijuana from a storage facility and delivered it to the occupant of 2222 North 79th Street. Mr. Guy said he delivered a similar package to this residence earlier that day. Mr. Guy stated that there was an additional package in the storage garage and he gave officers the keys to search it. In the storage facility, officers found another bundle of marijuana weighing 7,300 grams.

13. After being advised of his constitutional rights, **Mr. Choice** told officers that he was in the process of delivering the marijuana found in the vehicle when he received a call to return to his residence to pick up another package. **Mr. Choice** admitted that he picked up the bundle of marijuana, carried it to the residence, and dropped it when the police arrived. **Mr. Choice** further admitted that he intended to sell the marijuana found in the package. **Mr. Choice** said he had been given the firearm found in the Lego Rover and admitted that he handled the firearm found in the residence.

14. **Mr. Choice** told the officers that he received marijuana from a Another Person and rented a storage unit on 1st Avenue for Mr. Person for use in storing marijuana. Officers found a key to a storage unit in **Mr. Choice'** home. Officers entered the unit and found a Bushmaster M4 semiautomatic rifle that had been reported stolen out of Plastic, Nowhere. **Mr. Choice** pointed out an apartment at 1900 East Jackson Drive, in Lego Land, Nowhere, that Mr. Person used. Officers executed a search warrant at the residence on 12/13/32, and found 126 grams of marijuana, $22,126.00 in cash and identifiers for Another Person.

15. **Mr. Choice** has a prior federal felony conviction for Possession With Intent to Distribute Marijuana. Following the above described incident, **Mr. Choice** was charged in Lego Land County Circuit Court with Possession With Intent - THC (2,500 - 10,000 Grams) and Felon in Possession of Firearm (Two Counts) (Case No. 33CF6089). The charges were dismissed on 1/15/33, due to the Federal Indictment.

16. The firearms described above were manufactured outside of Nowhere and moved in interstate commerce to Nowhere prior to September of 2032.

17. On 1/1/33, Lego Land County Sheriffs Deputies executed a search warrant on an ABC shipping container at ABC Trucking in Western, Nowhere. In the shipping container the officers found a bucket containing 4 bags of marijuana with a total weight of more than 1.5 kilograms. On the same date, **Poor Choice** and several other individuals arrived at the ABC Trucking facility to pick up the contents of the container. **Mr. Choice** was arrested as he arrived in a green Lego Rover and cash in the amount of $2,630.00 was found in the Lego Rover. After advisement of his rights, **Mr. Choice** admitted knowing that the marijuana was in the shipping container and he was there to retrieve the marijuana. Surveillance photos taken by law enforcement officers in Zooville several days earlier, show **Mr. Choice** and a woman loading the shipping container in Zooville. **Mr. Choice**, using the name Wrong Choice, paid $1,650.00 to ship the container from Zooville to Lego Land, Nowhere.

18. The defendant is responsible for the intent to distribute 15.724 kilograms of marijuana (6,924.28 grams seized on 9/12/32 from his residence and vehicle, 7,300 grams seized on 9/12/32 from the storage facility, and 1.5 kilograms seized on 1/1/33, from the shipping container). **Mr. Choice** is also responsible for the three firearms seized on 9/12/32 (P345 .45 caliber pistol, CS45 .45 caliber pistol, and Bushmaster M4 semiautomatic rifle). Another Guy was sentenced in Lego Land County Circuit Court (Case No. 32CF6666) to three years probation with eight months jail. Another Person currently has pending charges in Lego Land County Circuit Court (Case No. 33CF333), and court records indicate a warrant is active for his arrest.

Victim Impact

19. None.

Adjustment for Obstruction of Justice

20. There is no information to indicate the defendant impeded or obstructed justice.

Adjustment for Acceptance of Responsibility

21. The defendant, through counsel, submitted a statement which indicated the statements in the plea agreement are accurate. The facts in the plea agreement are similar to the offense conduct section of this presentence report, but make no mention of the Bushmaster M4 semi-automatic rifle. Mr. Choice further indicated he feels as though he gave into peer pressure and a criminal lifestyle which was easily accessible in order to make money.

Offense Level Computation

22. The 2032 edition of the Guidelines Manual has been used in this case to determine the advisory guidelines.

Count Two - Being a Felon in Possession of a Firearm

23. Base Offense Level: The guideline for a violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) and 924(e) is found in U.S.S.G. § 2K2.1(a)(2) and has a base offense level of 24 because the defendant committed the instant offense subsequent to at least two felony convictions for controlled substances offenses (Packer County

Superior Court Case No. CR-66597, Packer County Superior Court Case No. CR20261137, and U. S. District Court for the District of Marshmallow Case No. 28-CR-777) **24**

24. Specific Offense Characteristic: Pursuant to U.S.S.G. § 2K2.1(b)(1)(A), if the offense involved between three and seven firearms, increase by two levels. The defendant possessed three firearms in the instant offense (P345 .45 caliber pistol, CS45 .45 caliber pistol, and Bushmaster M4 semiautomatic rifle), therefore, a two level increase is appropriate. **+2**

25. Specific Offense Characteristic: Pursuant to U.S.S.G. § 2K2.1(b)(4)(A), if any firearm was stolen, increase by two levels. The defendant was in possession of one stolen firearm (Bushmaster M4 semiautomatic rifle), therefore, a two level increase is appropriate. **+2**

26. Specific Offense Characteristic: Pursuant to U.S.S.G. § 2K2.1(b)(6), if the defendant possessed the firearm in connection with another felony, increase by four levels. The defendant possessed the firearm in the instant offense in connection with marijuana trafficking; therefore, a four level enhancement is appropriate. **+4**

27. Victim-Related Adjustments: None. **0**

28. Adjustment for Role in the Offense: None. **0**

29. Adjustment for Obstruction of Justice: None. **0**

30. Adjusted Offense Level (Subtotal): **32**

31. **Total Offense Level:** **32**

Counts Three and Six - Possession With Intent to Distribute Marijuana

32. Counts Three and Six are grouped together pursuant to U.S.S.G. § 3D1.2(d), because the offense level is determined by the quantity of substance involved.

33. Base Offense Level: The guideline for a violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(D) is found in U.S.S.G. § 2D1.1(c)(12) and has a base offense level of 16 because this offense involved between 10 kilograms and 20 kilograms of marijuana, specifically 15.724 kilograms of marijuana. Although the defendant

was also found with ecstasy pills, the government indicated they believe they were for personal use and did not factor that into the drug amounts calculated for the instant offense. **16**

34. Specific Offense Characteristic: Pursuant to U.S.S.G. § 2D1.1(b)(1), if a dangerous weapon (including a firearm) was possessed, increase by two levels. According to the information provided by the government, the defendant was in possession of three firearms in connection with Counts Three and Six; therefore a two level increase is appropriate. **+2**

35. Victim-Related Adjustments: None. **0**

36. Adjustment for Role in the Offense: None. **0**

37. Adjustment for Obstruction of Justice: None. **0**

38. Adjusted Offense Level (Subtotal): **18**

39. **Total Offense Level:** **18**

Multiple Count Adjustment (See Section 3D1.4)

40. Counts Two, Three, and Six are grouped together pursuant to U.S.S.G. § 3D1.2(c), when one of the counts embodies conduct that is treated as a specific offense characteristic in or other adjustment to, the guideline applicable to another of the counts. These counts are grouped because the firearm possession and involvement in drug distribution are treated as specific offense characteristics for the respective counts. Pursuant to U.S.S.G. § 3D1.3(a), in the case of counts grouped together pursuant to U.S.S.G. § 3D1.2(c), the offense level applicable to a Group is the offense level for the most serious of the counts comprising the Group, the highest offense level of the counts in the Group. In this case, the highest total offense level is 32, therefore the total offense level is 32. **32**

41. Chapter Four Enhancements: In accordance with the provisions found under U.S.S.G. § 4B1.1, the defendant is a career offender if 1) the defendant was at least 18 years old at the time of the instant offense, 2) the instant offense of conviction is a felony that is either a crime of violence or controlled substance offense, and 3) the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense. Additionally, Mr. Choice was 30 years old

when he committed the instant offense and Counts Three and Six are controlled substance offenses. The defendant has prior convictions for Conspiracy to Transport and/ or Possess Marijuana for Sale (Packer County Superior Court Case No. CR-66597), Conspiracy to Transport and/ or Possess Marijuana for Sale (Packer County Superior Court Case No. CR20261137), and Possession With Intent to Distribute Marijuana (U. S. District Court for the District of Marshmallow Case No. 28-CR-777) and meets the criteria above. However, the applicable offense level determined under U.S.S.G. § 4B1.1(b)(F) is less because the defendant pled guilty to Counts Three and Six which carry a statutory maximum of five years imprisonment. Therefore, because the offense level determined under U.S.S.G. § 3D1.3(a) is greater, it is used to determine the applicable adjusted offense level. **32**

42. Chapter Four Enhancements: In accordance with the provisions found in U.S.S.G. § 4B1.4, the defendant is subject to the enhanced penalties under 18 U.S.C. § 924(e) and is an armed career criminal. The defendant has prior convictions for Conspiracy to Transport and/or Possess Marijuana for Sale (Packer County Superior Court Case No. CR-66597), Conspiracy to Transport and/or Possess Marijuana for Sale (Packer County Superior Court Case No. CR20261137), and Possession With Intent to Distribute Marijuana (U. S. District Court, District of Marshmallow Case No. 28-CR-777). Therefore, the offense level determined under U.S.S.G. § 4B1.4(b)(3)(A) is 34 rather than the lower level calculated above because the defendant possessed a firearm in connection with a controlled substance offense. **34**

43. Adjustment for Acceptance of Responsibility: Pursuant to U.S.S.G. § 3E1.1(a), if the defendant clearly demonstrates acceptance of responsibility for the offense, decrease by two levels. Mr. Choice has admitted to his involvement in this offense, therefore a two level decrease is appropriate. **-2**

44. The government intends to file a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional one level reduction because the defendant timely notified authorities of his intention to enter a guilty plea. **-1**

45. **Total Offense Level:** **31**

PART B. DEFENDANT'S CRIMINAL HISTORY

Juvenile Adjudications

46. None known.

Adult Criminal Convictions

	Date of Arrest	Conviction/Court	Date Sentence Imposed/Disposition	Guideline	Points
47.	5/2/22 (Age 19)	Controlled Substance - 5th Degree, Steelers County District Court, Somewhere, TX (Case No. K994001158)	12/22/23: Five years probation, imposition of sentence stayed, 30 days jail, $1,210.00 fine. 4/25/27: Probation discharged.	4A1.1(c) 4A1.2(e)(2)	**1**

The defendant was represented by counsel; however, the attorney's name was not provided. According to the police report, on 5/2/22, the defendant was arrested after a search of his college dormitory room revealed 333 grams of marijuana, a portable scale, a drivers license with the defendant's photo but with a different name.

Probation records were not provided. According to Court records, Mr. Choice was ordered to pay $1,210.00 in fines and court costs as a conditions of probation, as well as submit to random drug testing and participate in an "At Risk" program. Court records further indicate a revocation hearing was scheduled in September of 2026, but later canceled. The Court discharged the defendant's probation on 4/25/27.

48.	11/25/23 (Age 20)	Driving After Revocation, Heaven County District Court, Money, TX (Case No. 2023002596)	5/22/24: 30 days jail stayed one year on condition of no driving, $210.00 fine.	4A1.2(c)(1)	**0**

The defendant was represented by an Attorney Matthew Mankey. According to the police report, on 11/25/23, the defendant was stopped for Speeding, and a record check revealed he had a revoked license and two misdemeanor warrants for no driver license and driving after revocation of license.

49.	12/21/24 (Age 21)	Bail Jumping - Misdemeanor, Lego Land County Circuit Court, Lego Land, NW (Case No. 2124CM14176)	5/3/26: 15 days jail (time served).	4A1.1(c) 4A1.2(e)(2)	**1**

The defendant was represented by Attorney John Richey. According to the criminal complaint, on 12/21/24, Mr. Choice was stopped for traffic violations. He was found to have been in possession of a firearm, which was in violation of his conditions of bond for Resisting or Obstructing an Officer (Count One) and Carrying a Concealed Weapon (Count Two) (Case No. 2124CM11871), which was pending at the time of arrest. The firearm was also found to have an obliterated serial number.

50.	6/25/25 (Age 22)	Conspiracy to Transport and/or Possess Marijuana for Sale, Packer County Superior Court, Somewhere, MM (Case No. CR-66777)	8/28/26: Five years probation, 60 days jail. 10/22/27: 120 days jail (work furlough), placed on intensive probation. 8/27/29: Probation terminated.	4A1.1(b) 4A1.2(e)(2)	**2**

The defendant was represented by counsel. According to the police report, on 6/25/25, agents with police were conducting surveillance on two motel rooms. The surveillance was part of an ongoing narcotics, car theft, and money laundering investigation. Agents observed Wrong One and Wrong Two purchasing large quantities of plastic wrap and dryer sheets, which are common in narcotics packaging. A search of the two hotel rooms revealed over $13,900.00 in currency, 40 pounds of marijuana, narcotics ledgers, and a juvenile in one of the rooms. One of the vehicles subject to the search contained the defendant and two co-defendants. Mr. One had $4,353.00 in cash in his possession at the time of the arrest. The defendant was released on bond in June 2025. His bond was revoked and he was detained after he was again arrested on drug charges in February 2026.

As conditions of probation, Mr. Choice was ordered to pay $5,302.40 in restitution, maintain employment, participate in outpatient treatment, consume no alcohol, and submit to drug and alcohol testing. Probation records indicate violations for leaving Packer County without permission on 8/19/27, positive drug tests for cocaine on 6/26/27, 7/2/27, and 8/25/27, failure to maintain his approved schedule, and failure to complete community service as directed. On 10/3/27, the Court was petitioned to revoke Mr. Choice based on those violations. Mr. Choice was returned to Court and ordered to serve 120 days in jail as a sanction for his violations. His probation term was continued. The Court was again petitioned in February of 2028, following the defendant's involvement in the sale of marijuana (Case No. 27-CR-777). Mr. Choice was returned to Court after his sentence in Federal Court. Packer County Superior Court found the defendant had violated his supervision, but discharged his probation with no additional sanctions due to fact Mr. Choice was serving a federal prison term.

51.	4/17/26 (Age 23)	Battery, Lego Land County Circuit Court, Lego Land, NW (Case No. 26CM3451)	5/3/26: 22 days jail, consecutive to Case No. 23CM14176 (time served).	4A1.1(c) 4A1.2(e)(2)	**1**

The defendant was represented by attorney John Richey. According to the criminal complaint, on 4/17/26, the defendant punched and kicked a male victim about the head, causing cuts and abrasions.

52.	5/4/26 (Age 24)	Conspiracy to Transport and/ or Possess Marijuana for Sale, Packer County Superior Court, Somewhere, MM (Case No. CR20261137)	8/28/26: Five years probation, 60 days jail. 10/22/27: 120 days jail (work furlough), placed on intensive probation. 8/27/29: Probation terminated.	4A1.1(b) 4A1.2(e)(2)	**2**

The defendant was represented by counsel. According to Court records, on 2/25/26, police conducted telephone surveillance of Wrong One indicating that a narcotics transaction of approximately 60 pounds of marijuana was going to be made with individuals from City. Agents established surveillance in the area where the deal was to occur. A vehicle driven by Mr. Choice with Wrong Three and another individual as a passenger was observed. Agents conducted a stop of the vehicle and noted the car smelled of burnt marijuana. Mr. Choice was found in possession of $1,500.00 and the other two had $400.00 and $500.00 on them. They were transported to Packer County Jail and later released. Agents recorded a telephone call between Mr. Choice and Mr. One in which Mr. Choice advised Mr. One he had been stopped by police and their currency had been seized. Mr. Choice stated that their main currency had been concealed somewhere else. Mr. Choice stated they would meet the following day to complete their transaction. On 4/17/26, the defendant was charged as a fugitive from justice and he was arrested on 5/4/26, in Lego Land, Nowhere, and extradited to Somewhere, Marshmallow. He made an initial appearance in Packer County Superior Court on 5/11/26 in this matter. The probation violations were based upon the defendant

leaving Packer County without permission, having a positive urine test for cocaine, failure to maintain his approved schedule, and failure to complete community service as directed.

Probation history was described under Case No. CR-66597. Mr. Choice was found to have violated his probation as previously mentioned, and his probation term was discharged with no additional sanctions due to his current incarceration in federal prison.

53.	5/29/28 (Age 24)	Conspiracy to Possess With Intent to Distribute Marijuana, U. S. District Court, District of Marshmallow, Somewhere, MM (Case No. 28-CR-777)	7/28/29: 65 months imprisonment, 60 months supervised release. 10/19/32: Released onto supervised release.	4A1.1(a) 4A1.2(e)(1)	**3**

The defendant was represented by Attorney Flower. According to court records, in January of 2028, the defendant was involved in the sale of marijuana to undercover Drug Enforcement Administration agents. Mr. Choice, along with co-actors, sold approximately 100 kilograms to the undercover agents for $100,000.00. When interviewed by agents, he denied being involved in this transaction. Further investigation revealed Mr. Choice had received over $200,000.00 through Western Union between 12/3/26, and 1/15/28.

The defendant was released onto supervised release on 10/19/32. As conditions of his supervision, Mr. Choice was ordered to: participate in drug treatment and testing; reside in a community correctional center for 180 days following his release; submit to searches; provide access to all requested financial information; make no major purchases; incur no new financial obligations or enter into any financial contracts without approval; and abstain from all use of alcohol. On 12/15/31, the Court removed the condition to reside in a community correctional center.

Mr. Choice' supervised release was relocated to the District of Nowhere and jurisdiction was transferred on 7/31/33 (Case No. 33-CR-222). Upon release, he resided with his mother in Lego Land and obtained employment at Child's Child Care and Learning Center in Lego Land, working in maintenance. A drug and

alcohol assessment indicated no need for treatment, but he was referred for random drug testing. The defendant was arrested in January of 2033, for Battery following an altercation with his child's mother. This was reduced to Disorderly Conduct and he was issued a fine (Case No. 33CM119). Mr. Choice later tested positive for cocaine on 11/19/33, tested positive for marijuana on 3/14/34, and also missed seven drug screens between July of 2033 and March of 2034. He was referred for drug treatment and issued a letter of reprimand following the first positive drug test. Mr. Choice also opened new lines of credit with Lazy Bank in July of 2033 and did not receive permission.

Mr. Choice was again arrested on 12/12/33 for the instant offense, which included Possession of Marijuana and Felon in Possession of a Firearm. He did not notify the Probation office within 72 hours. As part of this offense, he was observed to be in a shipyard in Country, Zooville on 3/20/34 and did not have permission to leave the district. The Court was notified of these violations and took no further action pending resolution of his new charges. He was released on bond in State Court for the pending charges, and was again arrested in March of 2034, for Possession of a Controlled Substance - Cocaine and Possession With Intent to Distribute THC. This arrest is also part of the instant offense. Following this arrest, Mr. Choice was detained and the Court was notified. No action was taken pending resolution of the instant offense. Mr. Choice is facing revocation of his supervised release, but no date has been scheduled for a revocation hearing.

54.	1/14/33 (Age 29)	Disorderly Conduct, Other County Circuit Court, Washington, NW (Case No. 33CM119)	9/11/33: $503.51 fine.	4A1.2(c)(1)	**0**

The defendant was represented by Attorney Given. Mr. Choice was originally arrested for Battery. According to the police report, a female victim was at a hotel with the defendant, when the defendant received a phone call from his child's mother. He became upset and slapped the victim in the face, knocked her to the ground, and kicked her in the head. After this, he locked her in the bathroom of their room. A short time later, the defendant's children's mother arrived and began arguing with the defendant. She then attacked the victim, pulling her hair and striking her in the face. The fine balance is $300.99.

Criminal History Computation

55. The criminal convictions above result in a subtotal criminal history score of ten. **10**

56. The defendant committed the instant offense on 9/12/32 and 1/1/33, and was on supervised release in Case No. 28-CR-777 from 10/19/32 to present. Therefore, a two level increase is warranted, pursuant to U.S.S.G. § 4A1.1(d). **+2**

57. According to the sentencing table (Chapter 5, Part A), 12 criminal history points establish a **criminal history category of V. Pursuant to U.S.S.G. § 4B1.4(c)(1), an armed career criminal's criminal history category is the criminal history category from U.S.S.G. § 4B1.1 (career offender). Pursuant to U.S.S.G. § 4B1.4, the criminal history category for a career offender's criminal history shall be category VI.**

Traffic Conviction(s)

58. Summarized, the defendant received citations for Failure to Wear Seatbelt, Operating After Suspension, and Operating After Revocation in Lego Land County, Dinn County, and County, Nowhere. He also received a citation for Speeding in 2001, in Somewhere, MM. He was issued unspecified fines for these offenses. These are not assessed criminal history points pursuant to U.S.S.G. §§ 4A1.2(c)(1) and (2).

Other Criminal Conduct

59. Mr. Choice was arrested on 8/5/19 (Age 16) and charged in Lego Land County Children's Court with Fourth Degree Sexual Assault (Case No. 33359864). He was represented by Attorney Someboyd. According to court records, a female victim informed police Mr. Choice pinned her against a fence and fondled her breasts and vaginal area with his hands. Later, Mr. Choice exposed himself and attempted to place the female's hand on his penis. This was done without the consent of the victim. On 11/4/19, Mr. Choice was placed on a six month consent decree with the conditions he commit no new violations of the law, obey the rules of his home, attend school, and have no contact with the victim. Supervision records were no longer available; however, court records indicate Mr. Choice successfully completed his supervision term, at which point his case was ordered dismissed.

Pending Charges

60. None known.

Other Arrests

	Date of Arrest	Charge	Agency	Disposition
61.	12/17/20 (Age 17)	Ct. 1 - Possession of THC, Ct. 2 - False Proof of Age	Lego Land, NW Police Department	Disposition not reported.
62.	2/10/24 (Age 20)	Small Amount of Marijuana in Vehicle (Case No. 9999999)	Money, MN Police Department	5/22/24: Dismissed on motion of prosecutor.
63.	4/26/24 (Age 21)	Ct. 1 - Possession of THC, Ct. 2 - Possession of Drug Paraphernalia	Green County, NW Sheriff's Department	6/4/24: Ct. 2: Dismissed. 9/4/24: Ct. 1: No prosecution.
64.	8/5/24 (Age 21)	Conspiracy to Commit Controlled Substance Crime (Case No. K88888888)	Heaven, MN Police Department	3/4/25: Dismissed.

65.	10/6/24 (Age 21)	Ct. 1 - Resisting or Obstructing an Officer, Ct. 2 - Carrying a Concealed Weapon (Case No.24CM11111)	Lego Land, NW Police Department	10/6/24: Ct. 1: Disposition not reported. 5/26/25: Ct. 2: Dismissed.
66.	9/14/25 (Age 22)	Bail Jumping	Lego Land County, Sheriff's Department	Disposition not reported.
67.	5/10/26 (Age 23)	Controlling Stolen Property (Case No. CR-20261111)	Packer County, AZ Sheriff's Department	8/28/26: Dismissed.
68.	6/1/26 (Age 23)	Marijuana Violation	Packer County, AZ Sheriff's Department	Not recorded.
69.	7/26/33 (Age 30)	Ct. 1 - Robbery With Use of Force, Ct. 2 - Operating After Suspension	Lego Land, NW Police Department	Disposition not reported.

PART C. OFFENDER CHARACTERISTICS

Personal and Family Data

70. Mr. Choice, age 31, was born on 4/5/03, in Lego Land, Nowhere. His father, Poor Choice, Sr., age 63, resides in Yellow, Nowhere and is currently collecting disability after injuring himself while working for the U. S. Postal Service. The defendant's mother, Momma Choice, age 61, resides in Lego Land and is employed as a child care worker. The defendant stated his parents were married prior to his birth, but divorced when the defendant was approximately 13 years old.

71. The defendant stated he was raised in a home with both parents until their divorce. He stated he has always had a close relationship with both parents. Mr. Choice stated neither parent has any history of drug or alcohol abuse. He denied any history of violence in his household, and stated his parents have no criminal record. The defendant stated both his parents maintained stable employment throughout his life, and he did not recall his family ever having any serious financial problems. Mr. Choice reported being raised in a middle class neighborhood in Lego Land, and stated his parents have always been a positive influence on his life.

72. Momma Choice described the defendant as intelligent, well-liked and respectful. She stated she has always had a close relationship with the defendant, and has always known him to be a good person. Ms. Choice stated she did not know why the defendant became involved in the instant offense, and stated she has never discussed this matter with him. She believes his prior record was a result of peer pressure, but stated she has never spoken with Mr. Choice about any criminal activity. She believes a term of imprisonment will be difficult on the family. Specifically, she worried about how his children will adjust to him not being present in their lives. Furthermore, she pointed out the defendant's father has heart problems and she feels as though she needs the defendant to be around to help her with any issues they may have related to his father. Ms. Choice also stated she does not like to see her son incarcerated, and was audibly upset over the prospect of her son serving another term of imprisonment. Ms. Choice would like the Court to know the defendant needs counseling to address his issues with the criminal lifestyle and another chance in life.

73. Mr. Choice reported having one sister, Sissy Sister, age 39. Ms. Sister was on federal probation for five years following her conviction for Fraud in 2026. She is currently resides in Lego Land and is employed at a daycare. The defendant stated he has always had a close relationship with his sister and continues to keep in contact. Mr. Choice also has a paternal half-sister, Right Choice, age 38. He stated he believes she is residing in First Place, Guam and is employed as a teacher. He stated he has almost no contact with her and they were never close as children, due to her not residing with him. Mr. Choice also has a paternal half-brother, Maybe Choice, age 10, who resides with his mother in Lego Land.

74. Sissy Sister described Mr. Choice as loving, kind, and a good person. She stated they have an excellent relationship and she keeps in contact with him often. Ms. Sister stated she did not know why the defendant became involved in the

instant offense, but stated she has known him to make poor choices in the past, as evidenced by his prior record. Nonetheless, she believes he is trustworthy and has good character, but simply does things he knows he shouldn't. Ms. Sister stated a term of imprisonment will be difficult on the family, as their parents are senior citizens and have health problems. She believes it will be difficult for her parents, and the defendant's children to not have Mr. Choice present in their lives. Ms. Sister would like the Court to know Mr. Choice is needed at home and she asks the Court for leniency or some alternative to incarceration.

75. Mr. Choice reported being involved in a relationship with Girl Friend, age 31, from approximately 2019 until 2032. Ms. Friend resides in Lego Land and is employed through Lego Land Public Schools. Mr. Choice and Ms. Friend have four children who reside with Ms. Friend: Baby One Friend, age 13, Baby Two Friend, age 11, Baby Three Friend, age eight, and Baby Four Friend, age seven. Mr. Choice stated his relationship with Ms. Friend ended due to his constant incarcerations, namely his most recent term of incarceration. He stated he continues to keep in contact with Ms. Friend and believes they have a good relationship. Mr. Choice indicated he was aware he owes child support for his children, but was unsure how much he owed in arrears. Records from Lego Land County Child Support indicate active child support orders against Mr. Choice for Baby One, Baby Two and Baby Three. He is currently $37,509.19 in arrears.

76. Girl Friend described the defendant as motivated, and someone with good qualities and a lot of potential, but someone who cannot give up his lifestyle of involvement in drugs. She stated she no longer considers herself in a relationship with the defendant due to his constant terms of incarceration. Ms. Friend stated she was hesitant to allow herself to continue their relationship when Mr. Choice was last released from prison, and now only considers him to be the father of her children. Ms. Friend stated Mr. Choice was present in his children's lives when he was out of prison, but stated she always felt as though he should have spent more time with them. She was unsure how prison will affect his children's lives, noting Mr. Choice has constantly led a lifestyle which did not include the presence of his children, and now he is simply physically unable to be with his children. Ms. Friend was also unable to explain why Mr. Choice had again became involved in this type of offense; however, she indicated she has noticed he tended to associate with the same people who led him into this lifestyle at a younger age. Ms. Friend would like the Court to know despite Mr. Choice's constant involvement in drug activity, his children still need him in their lives.

77. Mr. Choice reported he resided in Lego Land through high school, but moved to Texas after graduation in order to attend college. He stated he was forced to then move to Marshmallow in 2025, following a conviction for a felony offense and placement onto probation. Mr. Choice resided in Marshmallow until he was incarcerated from 2027 until 2031. After his release, he moved back to Lego Land. Mr. Choice was residing with his mother at 3333 North 33rd Street in Lego Land prior to his arrest on the instant offense.

Physical Condition

78. Mr. Choice is 6' tall, weighs 265 pounds, has brown eyes and black hair. He denied having any scars and following tattoos: on his left arm, images of a tribal band, ram, and a sword with a ying yang symbol; on his right arm, the names "Eyeore, Pooh Bear and Piglet" as well as images of a sun, moon, and star; and on his right leg is an image of an African king with a lion. He stated these tattoos have no gang affiliation. Mr. Choice denied any prior hospitalizations, and stated he has no on-going medical conditions and is not taking any medications.

Mental and Emotional Health

79. Mr. Choice denied any history of mental health problems and stated he does not believe he has any current counseling needs. He recalled attending counseling in the early 2020s following his parents' divorce. He described this as individual counseling, but was unable to recall the details of this programming or how long he attended. He described his current mental state as "sane," adding he feels he is able to keep his composure despite his present situation and the prospect of a long prison term. Mr. Choice was cooperative during the presentence interview and answered all questions appropriately.

80. Mr. Choice described himself as a good individual, and a supportive person toward his family. He stated his prior record was a result of needing money while being in college and becoming involved in something he thought was an easy way to make money.

Substance Abuse

81. Mr. Choice admitted to consuming alcohol since the age of 12, until his arrest for the current offense. He stated he would consume approximately two to three drinks and drink about three to four times a week. He indicated he usually would

not drink to the point of intoxication. He indicated he used marijuana from the age of 17 until the age of 30, but only smoked marijuana approximately once every two months. He was unsure of the amounts of marijuana he used, but stated he smoked about one "joint" each time.

82. Mr. Choice reported using cocaine from the age of 20 until the age of 30. He recalled using once every two months, but was unable to recall the amount he would consume. He indicated he used cocaine and marijuana while on supervised release prior to his arrest for the instant offense. He also reported using "ecstasy" approximately once every two months from 2022 until 2026, methamphetamines on approximately six occasions, psychedelic mushrooms during his freshman year of college, and vicodin and "rocha," which were not prescribed to him in the past.

83. Mr. Choice stated he does not feel as though he has ever had an alcohol or drug abuse problem. He also added he believed he could benefit from counseling in the future. Probation records indicate Mr. Choice was referred for individual drug counseling at Iama Drunk Correctional Services in December of 2033, following a positive drug screen for cocaine. Treatment records show the defendant attended until his arrest for the instant offense. However, he had a number of unexcused absences. He did not complete the treatment program prior to his arrest and was discharged due to being in custody. Prior records also indicate he was referred to an outpatient drug treatment program while attending the University of Texas after testing positive for marijuana, but could not recall the name of the provider, but stated it was only two sessions. He was also referred for treatment at SOBER in Packer County, Marshmallow as a condition of his probation after testing positive for cocaine on three occasions.

84. While on supervised release, Mr. Choice submitted positive drug screens for cocaine on 11/19/33 and tested positive for marijuana on 3/14/34.

Education and Vocational Skills

85. The defendant graduated from a High School in Lego Land, Nowhere, in 2021. Records from High School indicate the defendant graduated in June of 2021, but no indication of grade point average was provided. The defendant attended State University prior to his attendance at the University of Marshmallow in Minneapolis, on a football scholarship for two years. State University transcripts revealed the defendant maintained a 1.82 grade point average from a 4.0 scale. Mr. Choice stated he quit school after the football coach was replaced with a new

coach and he was not getting enough playing time. He stated he lost interest in school after he stopped playing football. According to his transcripts the defendant was a student at the University of Marshmallow between the Summer 2022 until the Winter of 2024. He maintained a 1.464 GPA out of a 4.0 scale. He indicated he stopped attending the University of Marshmallow due to being arrested and having legal problems.

Employment Record

86. **May 2032 to 3/21/34 (Approximately 22 months).** Mr. Choice was employed full-time at Child's Childcare and Learning Center in Lego Land. Mr. Choice worked in maintenance and earned $7.00 and hour. Verification from Child's Childcare and Learning Center indicate they would consider re-employing Mr. Choice.

87. **November 2027 to January 2028 (Approximately 3 months).** Mr. Choice reported working for RRR Records in Marshmallow. He stated he worked in Sales and Promotions and was employed full-time earning $7.00 an hour, but lost his job after being arrested. No listing could be found for RRR Records.

88. **March 2027 to August 2027 (Approximately 5 months).** Mr. Choice reported working as an ambulance driver for Help in Sohot, Marshmallow, earning $5.50 an hour. According to his prior supervision records, Help was contacted and indicated the defendant was employed from March 2027 until his arrest in August 2027. They further stated he was a good employee and always reported to work as directed. He is not eligible for re-hire because he did not give notice prior to his departure.

89. **August 2026 to April 2027 (Approximately 8 months).** Mr. Choice reported working for Auto Glass in Sohot, Marshmallow. He stated this job was working on detailing cars and was completely commission based, earning approximately $500.00 to $600.00 per week. According to prior supervision records, the owner confirmed the defendant's employment, but refused to comment about why the defendant was not eligible for re-hire.

90. **<u>January 2026 to May 2026 (Approximately 5 months).</u>** Mr. Choice reported being employed at Go Construction in Lego Land. He stated he worked 40 hours a week doing home improvement and earned $10.00 an hour. Verifications were sent to Go Construction but not received.

91. Mr. Choice was a student prior to 2025. He indicated he also had worked with his father, assisting in property management throughout his adult life and was paid in cash, depending on the amount of work available. He has also held a job as a bouncer at a night club and a janitor for the University of Marshmallow.

<u>Financial Condition: Ability to Pay</u>

92. The following information was obtained by interviewing the defendant (all information is verified), conducting a credit check, and using the Nowhere Circuit Court Access Program.

<u>Assets.</u>

None	$	0.00

<u>Unencumbered Assets.</u>

None	$	0.00

<u>Equity in Other Assets.</u>

None	$	0.00
TOTAL ASSETS:	**$**	**0.00**

<u>Unsecured Debts.</u>

World View Bank	$	1,171.00
Last Money Bank		219.00
Child Support (Lego Land County)		37,509.19
TOTAL UNSECURED DEBTS:	**$**	**38,889.19**
NEGATIVE NET WORTH:	**$**	**38,889.19**

Monthly Income.

None	$	0.00
TOTAL MONTHLY INCOME:	**$**	**0.00**

Necessary Living Expenses.

None	$	0.00
TOTAL NECESSARY EXPENSES:	**$**	**0.00**
MONTHLY CASH FLOW:	**$**	**0.00**

93. Attorney Ican Help has been retained by the defendant's family to represent Mr. Choice in this matter.

94. Records from the Internal Revenue Service (IRS) were requested but not received. Mr. Choice provided verification of filing income taxes as a condition of his supervised release. Probation records indicate he last filed income taxes for 2031 and reported earning $10,007.00 in total income.

95. Based on the defendant’s financial situation, it appears Mr. Choice may not have the financial ability to pay a fine in this matter. If the Court does impose a fine, U.S.S.G. § 5E1.2(d)(7) indicates the expected costs to the government of any term of probation, or term of imprisonment and term of supervised release imposed should be considered by the Court. The most recent advisory from the Administrative Office of the U. S. Courts suggests a monthly cost of $2,076.83 to be used for imprisonment, a monthly cost of $1905.92 for community confinement, and a monthly cost of $301.80 for supervision. The Court may wish to waive the fine or order a lesser fine or community service work as an alternative pursuant to U.S.S.G. § 5E1.2(e). The defendant may also be required to pay up to 25 percent of gross income to the Bureau of Prisons for subsistence fees if placed in a community correctional center. The subsistence fees offset the costs paid by the government for the defendant’s placement in a community correctional center.

PART D. SENTENCING OPTIONS

Custody

96. Statutory Provisions: The maximum term of imprisonment for Count Two, a Class A felony, is Life imprisonment. The maximum term of imprisonment for Counts Three and Six, Class D felonies, is five years.

97. Pursuant to the DNA Backlog Elimination Act, as modified by the Justice for All Act of 2004 effective October 30, 2004, collection of DNA is required from all federal offenders who are currently on probation, parole, or supervised release for a federal felony or violent misdemeanor or who have prior conviction for those offenses.

98. The Bureau of Prisons has an intensive 500 hour drug treatment program for which the defendant may be eligible. Selection for participation is solely within the province of the Bureau of Prisons, but a recommendation from the Court is beneficial to consideration. Pursuant to 18 U.S.C. § 3621(e)(2)(B), successful completion of this program may result in reduction of sentence of up to one year. The Bureau of Prisons advises because the instant offense involved a firearm, the defendant may be eligible for participation in the 500 hour drug treatment program but successful completion would likely not result in reduction of sentence.

99. Guideline Provisions: Based on a total offense level of 31 and a criminal history category of VI**, the guideline imprisonment range is 188 to 235 months.**

Impact of Plea Agreement

100. Pursuant to the written plea agreement, the government has agreed to dismiss Counts One, Four and Five at the time of sentencing. Had the defendant been convicted of Count One, he would have faced up to ten years incarceration and a $250,000.00 fine. However, because the defendant has been determined to be an armed career criminal, he would have faced statutory penalties of a minimum 15 years up to life imprisonment. For Count Four, the defendant would have faced up to five years incarceration and an additional $250,000.00 fine. For Count Five, the defendant would have been subject to a mandatory minimum five years to life incarceration to be served consecutive to any other sentence, and up to $250,000.00 fine. Because the defendant was convicted of Counts Two, Three and

Six, the defendant's relevant conduct has been considered in the calculation of the advisory sentencing guideline range.

Supervised Release

101. Statutory Provisions: If a term of imprisonment is imposed, the Court may impose a term of supervised release of not more than five years on Count Two, a Class A felony, pursuant to 18 U.S.C. § 3583(b)(1). If a term of imprisonment is imposed on Counts Three and Six, the Court must order a term of supervised release of at least two years to life pursuant to 21 U.S.C. § 841(b)(1)(D).

102. Guideline Provisions: If the defendant is sentenced to a term of imprisonment of more than one year, the Court shall order a term of supervised release under U.S.S.G. § 5D1.1(a). For Count Two, a term of at least three years but not more than five years is required pursuant to U.S.S.G. § 5D1.2(a)(1). For Count Three and Six, a Class D felony, a term of at least two years but not more than three years is required pursuant to U.S.S.G. § 5D1.2(a)(2).

Probation

103. Statutory Provisions: The defendant is ineligible for probation because Count Two has been expressly precluded by statute, pursuant to 18 U.S.C. § 3561(a)(2) and 18 U.S.C. § 924(e). For Counts Three and Six, the defendant is eligible a term of at least one but not more than five years probation pursuant to 18 U.S.C. § 3561(c)(1).

104. Guideline Provisions: The defendant is ineligible for a term of probation because the minimum imprisonment range is more than six months. Also, for Count Two, U.S.S.G. § 5B1.1(b)(1) indicates probation may not be imposed in a Class A felony.

Fines

105. Statutory Provisions: The maximum fine for Counts Two, Three and Six is $250,000.00 respectively for a total of $750,000.00.

106. Guideline Provisions: Pursuant to U.S.S.G. § 5E1.2(c)(3), the fine range for this offense is a minimum of $15,000.00, and the maximum fine is $150,000.00

107. A special assessment of $300.00 is mandatory pursuant to 18 U.S.C. § 3013. The U. S. Clerk of Court's Office indicated Choice has not paid the special assessment to date.

Restitution

108. None.

Denial of Federal Benefits

109. Statutory Provisions: Pursuant to 21 U.S.C. § 862, upon a third or subsequent conviction for distribution of a controlled substance, the defendant shall be declared permanently ineligible of any or all federal benefits.

110. Guideline Provisions: Pursuant to U.S.S.G. § 5F1.6, the Court may deny eligibility for certain federal benefits for any individual convicted of distribution or possession of a controlled substance.

Respectfully submitted,

_____
Make A. Difference
U. S. Probation Officer

Reviewed and Approved:

_____
Love T. Assist
Supervising U. S. Probation Officer

ATTENTION COUNSEL: DO NOT APPEND PSI TO APPEAL BRIEFS