

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff**

v.

**GARY BENTZ,
Defendant**

Case No. CR1-05-130

Judge Herman J. Weber

Joint Sentencing Memorandum

Now comes the United States of America by Jeb T. Terrien, Assistant United States Attorney, and the defendant, Gary Bentz, by Richard Smith-Monahan, Assistant Federal Public Defender, and jointly request that the Court sentence the defendant to 18 months incarceration.

The Presentence Investigation Report calculated the defendant's Guideline level to be 20 and sentencing range to be 33 to 41 months incarceration. The United States has previously filed a motion under Guideline §5K1.1 recommending a five (5) level reduction for a total offense level of 15 with a sentencing range of 18-24 months.

The Conspiracy entered into by the defendant touched multiple jurisdictions, including Ripley County, Indiana. As a result of his illegal activities in that county the defendant was charged with selling unregistered securities in violation of Indiana law. In an effort to resolve both his state and federal pending criminal matters, the defendant has entered into a plea agreement with the Ripley County Prosecutor. That agreement anticipates a total combined prison sentence of 30 months - 18 months Federal and 12 months Indiana incarceration.

Consistent with the 5K1.1 Motion previously filed with the Court and with the Plea Agreement entered into between the defendant and Ripley County, both parties request that the Court sentence the defendant to 18 months incarceration. The parties jointly make no request regarding matters of sentence other than incarceration.

Respectfully Submitted,

GREGORY G. LOCKHART
UNITED STATES ATTORNEY

s/ Jeb T. Terrien
JEB T. TERRIEN (Virginia 41959)
Assistant United States Attorney
221 East Fourth Street, Suite 400
Cincinnati, Ohio 45202
(513) 684-3711
Fax: (513) 684-6385

AND

STEVEN S. NOLDER
FEDERAL PUBLIC DEFENDER

s/ Richard Smith-Monahan
RICHARD SMITH-MONAHAN (OH 0065648)
Assistant Federal Public Defender
Attorney for the Defendant
2000 URS Center
36 East Seventh Street
Cincinnati, OH 45202
(513) 929-4834

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served this day, April 19, 2006, electronically, upon Richard Smith-Monahan, counsel to the defendant.

s/Jeb T. Terrien
JEB T. TERRIEN (Virginia 41959)
Assistant United States Attorney