

CRIMINAL SENTENCING MINUTES

DATE: October 27, 2005
LOCATION: Syracuse, New York
TIME: 10:00 A.M.
PRESIDING: Hon. Norman A. Mordue
CLERK: Jeanne Lindsay
STENO: Jodi L. Hibbard

RE: **UNITED STATES OF AMERICA**

VS.

CRIMINAL NO. 5:2003-CR-064 (NAM)

RAFIL DHAFIR

APPEARANCES: U.S. ATTORNEY OFFICE - NDNY
BY: **Michael Olmsted, AUSA for the GOV'T**
Gregory West, AUSA for the GOV'T
Stephen Green, AUSA for the GOV'T

Deveraux Cannick, Esq., for DEFENDANT
Joel Cohen, Esq., for DEFENDANT
Philip M. Gaynor, Esq., for DEFENDANT

- X In open court with defendant present
- X Judge inquires regarding review of presentence report and objections thereto.
- X Attorney Cannick is heard on behalf of defendant.
- X Attorney Olmsted speaks on behalf of government
- X Defendant addresses the Court
- X The Court adopts the factual findings in the presentence report and submissions by counsel, and has considered the factors outlines in 18 U.S.C. § 3553, Impositions of Sentence, along with the Sentencing Guidelines which are advisory.

GUIDELINE RANGE DETERMINED BY THE COURT:

Total Offense Level: 41

Criminal History Category: I

Imprisonment Range: 325 to 405 months

PURSUANT TO THE SENTENCING REFORM ACT OF 1984, IT IS THE JUDGMENT OF

THE COURT:

X Defendant is sentenced on Counts 1, 2, and 4 through 60 of the Fourth Superseding Indictment.

X Defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of **240 months as to each of Counts 2, 4 through 14, and Counts 53 through 60, 120 months as to each of Counts 24 through 49, 60 months as to each of Counts 1, 15, 17, through 23, and Counts 50 through 52, and 36 months on Count 16.** At the request of counsel, Judge Mordue recommends that the defendant be housed to FCI Otisville.

The terms on each of Counts 2, Counts 4 through 14, Counts 16 through 49, and Counts 51 through 60 shall be served concurrently with each other.

The terms on each of Counts 1, 15, and 50 shall be served concurrently with each other and, on each of which, 24 months shall be served consecutively to the 20-year terms imposed on Count 2, Counts 4 through 14, and Counts 53 through 60, for a total term of imprisonment of 264 months.

The Court reserves decision on the issue of restitution. The Court will consider any submissions received on this issue on or before November 11, 2005.

X Upon release from imprisonment, you shall be placed on **supervised release** for a term of **3 years**. This consists of a term of 3 years on Counts 1, 2, 4 through 15, and Counts 17 through 60; and a term of 1 year on Count 16, all such terms to run concurrently.

X SPECIAL CONDITIONS:

X You shall provide the probation officer with access to any requested financial information.

X The court has reliable information which indicates you pose a low risk of substance abuse, so the mandatory drug testing condition is suspended.

X A special assessment of \$5,900 (\$100.00 on each count) is imposed, payable to the Clerk of the Court, which is due immediately.

FINE/COST OF INCARCERATION:

X Appeal rights explained to parties

X Defendant is remanded to the custody of the U.S. Marshal.

X The Court finds based on your financial resources and projected earnings, that you do not have the ability to pay a fine; therefore, the court waives the fine.

11:27 A.M. Court stands adjourned.