

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:23-cr-88-SPC-KCD

DIOP MCKENZIE

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SENTENCING MINUTES

Presiding Judge:	United States District Judge Sheri Polster Chappell
Counsel for Plaintiff:	Yolande G. Viacava
Counsel for Defendant:	Russell K. Rosenthal
Date and Time:	September 9, 2024 10:30 AM
Deputy Clerk:	Juan Garcia Gonzalez
Court Reporter:	Vonni Bray
Interpreter:	N/A

Start Time: 10:10 am

Court calls case. Counsel enters appearances.
Court advises of charges. Court previously accepted the defendant's plea and adjudged defendant guilty of Count One, Four and Five.
The Court makes ruling on 2-point enhancement.

The Court adopts the facts contained in the PSR and reviews the total offense level, potential penalties, and sentence with the defendant.

Mr. Rosenthal makes recommendations and arguments. Ms. Viacava makes recommendations and arguments.

For the reasons stated in the record, the Court imposes the sentence as follows:

Imprisonment: 45 months. This term consists of 21 months in Counts One and Four, each count to run concurrent, and 24 months in Count Five, to run consecutive to Counts One and Four. The Court recommends imprisonment at a facility near Pensacola, FL and for the defendant to self-surrender by 10/23/2024 at 2:00 pm.

Supervised Release: 3-year term.

Special conditions:

Submit to search.

Defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or obligating himself for any major purchases without approval of the probation officer.

Defendant shall provide the probation officer access to any requested financial information.

Random Drug testing.

DNA.

Fines are waived.

Restitution: \$133,339.84 to the Small Business Administration.

Special Assessment of \$300.00 due immediately.

Forfeiture: Included in final judgment.

Court finds sentence is sufficient, but not greater than necessary.

Counsel has no objections to the sentence or to the manner in which it was imposed.

Right to appeal.

Count 2 and 3 are dismissed.

Restitution hearing to be set by separate notice.

End time: 10:58 am

Time in Court: 48 minutes