UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT LEXINGTON
CRIMINAL MINUTES – SENTENCING

Case No. 5:22-cr-100-REW-MAS-1 At Lexington Date July 1, 2024

USA vs. Kelly Harris X present X custody ___ bond ___ OR Age 56

DOCKET ENTRY: The parties appeared as noted. United States Probation Officer Brittany Cardin was also present. The Court confirmed that all parties had received the Presentence Investigation Report (PIR). After Defendant indicated that she had not fully reviewed the PIR, the Court took a brief (30 minute) recess to allow Defendant to further discuss the PIR with her counsel. Following the recess, Defendant orally confirmed that she had ample time to thoroughly review the report and was ready to proceed with today's sentencing. She had previously confirmed receipt of the PIR and conferral with counsel, but the Court assured additional time and access to solidify her readiness; she expressed that she was ready. Her lawyer also confirmed PIR receipt, review, and readiness for himself and counsel.

The Court heard arguments concerning Defendant's three unresolved objections to the PIR: 1) the loss amount enhancement pursuant to U.S.S.G. § 2B1.1(b)(1)(G) (PIR ¶ 41); 2) the two-point enhancement for obstruction of justice pursuant to U.S.S.G. § 3C1.1 (*id.* ¶ 45), and 3) the two-point enhancement for the involvement of sophisticated means pursuant to U.S.S.G. § 2B1.1(b)(10)(C) (*id.* ¶ 42). The United States also submitted one exhibit in support of its argument on the obstruction enhancement. The Court **FINDS** that the enhancements are properly applied and **OVERRULES** Defendant's objections for the reasons fully articulated on the record and as the transcript will reflect.

The Court **ADOPTS** the PIR prepared by the United States Probation Office as its findings, including Guidelines calculations. The PIR shall be filed under seal.

The Court noted forfeitability of the property identified in the Indictment's forfeiture allegation (DE 1) and the preliminary order of forfeiture (DE 119). The Court finds that Defendant has an interest in such property, per the record, and given the lack of objection, the Court's preliminary forfeiture adjudication is now final per Rule 32.2. The Judgment will reflect forfeiture. Further, the restitution judgment is the full loss amount, attributable to Kelly Harris, of $110,785.42. She will have responsibility for that full figure.

The Court heard counsel's arguments as to the proper sentence, and Defendant allocuted. The Court **DENIES** Defendant's oral motion for downward variance for the reasons fully described on the record. The Court orally announced the sentence and will issue a separate Judgment. The Court then addressed Defendant's oral motion for a self-report date. As the record will reflect, the Court **DENIES** the oral motion. Defendant did not meet the standards of 18 U.S.C. § 3143(b)(1)(B). Counsel made no alternative argument. The Court remanded Defendant to the custody of the U.S. Marshal.

PRESENT: HON. ROBERT E. WIER, UNITED STATES DISTRICT JUDGE

Kimberly Marsh	Lauren Gootee	Kate K. Smith
Deputy Clerk	Court Reporter	Assistant U.S. Attorney

Counsel for Defendant Ned Pillersdorf X present X retained ___ appointed

PROCEEDINGS: SENTENCING (Evidentiary)

X Objections to Presentence Report are **OVERRULED** as the transcript will reflect.

___ No objections to Presentence Report.

____ The Court Reporter shall transcribe the proceeding of the hearing on the Objections to the Presentence Report and file in the record.

__X__ Court's Advice of Right to Appeal read, a copy provided to Defendant, and she confirmed understanding.

__X__ Transcript shall be deemed as written findings of Court.

__X__ Judgment shall be entered (See Judgment & Commitment.)

____ Defendant to remain on bond and on conditions of release.

__X__ Defendant remanded to the custody of the United States Marshal Service.

Copies: COR, USP, USM

Initials of Deputy Clerk km
TIC: 2 hr./27 min.

Signed By:
Robert E. Wier
United States District Judge