
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

Jeffrey L. Viken United States Chief Judge Presiding

Courtroom Deputy - SLT
Courtroom - RC #1

Court Reporter – Judy Thompson
Date – 4/21/2016

CR. 15-50060-01

United States of America

Plaintiff,

vs.

Duane Darren Benson

Defendant.

Ben Patterson

Gary Colbath

TIME HEARING SCHEDULED TO BEGIN: 10:30 a.m.

TIME:

10:30 a.m. Enter evidentiary sentencing before the Honorable Jeffrey L. Viken, United States Chief Judge, presiding.

The Court notes the appearances of counsel and the defendant.

The Court reviews the PSR, and Sentencing Guideline Range.

Mr. Colbath makes remarks concerning sentencing and argues in support of motion for downward variance.

Friends and Family of the victim make remarks concerning sentencing.

Mr. Patterson makes remarks concerning sentencing.

The Court denies the motion for variance, gives a statement of reasons, and announces a sentence.

Sentence: 57 months imprisonment, 5 years supervised release, fine waived, \$100 VAF, Restitution deferred for 90 days.

Neither counsel sees any reason why the sentence cannot be imposed as stated.

The defendant is advised of appeal rights.

11:11 a.m. Court adjourned.