

APPENDIX

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UNITED STATES DISTRICT COURT
District of Minnesota

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

KENDRICK LEDELLE DOTSTRYCase Number: **16-CR-00346(SRN/HB)**USM Number: **09196-041****Robert M. Paule**

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count One of the Indictment
- pleaded nolo contendere to count(s) which was accepted by the court
- was found guilty on count(s) after a plea of not guilty

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense	Offense Ended	Count
18:922(g)(1) and 924(a)(2) FELON IN POSSESSION OF A FIREARM	11/19/2016	1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Count(s) is are dismissed on the motion of the United States.
- \$100.00 Special Assessment is due and payable immediately.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 21, 2017

Date of Imposition of Judgment

s/Susan Richard Nelson
 Signature of Judge

SUSAN RICHARD NELSON
UNITED STATES DISTRICT JUDGE
 Name and Title of Judge

December 22, 2017

Date

DEFENDANT: KENDRICK LEDELLE DOTSTRY
CASE NUMBER: 16-CR-00346 (SRN/HB)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 96 months. This term is to run concurrent with the term of imprisonment on the supervised release violation in case 08-cr-344(3)(MJD/HB).

The court makes the following recommendations to the Bureau of Prisons:

- That the Defendant be designated to a facility in Minnesota, or near Minnesota, to be close to his family.
- That the Defendant be allowed to participate in the RDAP program, if he is eligible.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before _____ on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on 12/22/2017 to _____

at USM Office with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

United States Court of Appeals
For the Eighth Circuit

No. 18-1088

United States of America

Plaintiff - Appellee

v.

Kendrick Dotstry

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: December 10, 2018

Filed: December 20, 2018

[Unpublished]

Before LOKEN, MELLOY, and ERICKSON, Circuit Judges.

PER CURIAM.

Police responded to an emergency call reporting a man with a truck who was breaking windows and waiving and pointing a gun at a baby shower. When police arrived at the scene, they followed a truck matching the description in the call. The truck eventually stopped, and Defendant Kendrick Dotstry, also matching the description in the call, was driving. He eventually exited the vehicle unarmed and

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admitted to police that he had a firearm in the center console. In addition, police discovered 16 oxycodone pills not prescribed to the defendant. The defendant later pleaded guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

At sentencing, over objection, the district court¹ adjusted the offense level upward by four levels pursuant to U.S.S.G. § 2K2.1(b)(6)(B) because the defendant possessed the firearm in connection with another felony offense. The district court also granted a three-level reduction for acceptance of responsibility, U.S.S.G. § 3E1.1, resulting in an adjusted advisory Guidelines range of 84 to 105 months. The defendant sought a downward variance, but the district court imposed a 96-month within-range sentence.

In addition, the defendant committed the current offense while on supervised release. The district court revoked his supervised release and imposed a revocation sentence of 30 months' imprisonment to run concurrently with his sentence for the firearm conviction. The revocation sentence reflected a downward variance in that U.S.S.G. § 7B1.3(f) provides any revocation sentence "shall be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving."

The defendant appeals, arguing that the district court imposed a substantively unreasonable sentence for his § 922(g) conviction by failing to give more weight to (1) his disclosure of the firearm to police, or (2) several mitigating factors from his personal history. In making this challenge to the district court's weighing of the 18 U.S.C. § 3553(a) factors, however, he acknowledges that the district court expressly considered these very same factors. Having carefully reviewed the defendant's arguments and the record in this case, we find no abuse of the district court's

¹The Honorable Susan Richard Nelson, United States District Judge for the District of Minnesota.

substantial discretion in its weighing of the relevant factors or in its imposition of a within-range sentence. See United States v. Burns, 834 F.3d 887, 890 (8th Cir. 2016) (“We review the substantive reasonableness of a sentence under a deferential abuse-of-discretion standard, and we presume that a sentence imposed within the advisory guidelines range is reasonable.”).

We affirm the judgment of the district court.²

²The pending motion for appointment of counsel, for reconsideration of clerk order denying motion to file supplemental brief, and for extension of time to file supplemental brief is denied.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 18-1088

United States of America

Appellee

v.

Kendrick Dotstry

Appellant

Appeal from U.S. District Court for the District of Minnesota - St. Paul
(0:16-cr-00346-SRN-1)

ORDER

The petition for rehearing by the panel is denied.

March 26, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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