

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

No: 20-1780

United States of America

Plaintiff - Appellee

v.

Alfonzo Traymayne Lee, also known as Nino, also known as Alfonzo T. Lee

Defendant - Appellant

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:05-cr-03044-RGK-1)

JUDGMENT

Before BENTON, WOLLMAN, and ERICKSON, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

April 16, 2020

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

/s/ Michael E. Gans

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v.

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Appellant

Appeal from U.S. District Court for the District of Nebraska - Lincoln
(4:05-cr-03044-RGK-1)

ORDER

The petition for rehearing by the panel is denied.

May 21, 2020

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

/s/ Michael E. Gans

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFONZO TRAYMAYNE LEE,

Defendant.

4:05CR3044

MEMORANDUM AND ORDER

The defendant's adjustment to prison has been, at best, mixed. That is:

Mr. Lee has been sanctioned for violations including use/possession of alcohol drugs (x4); possess dangerous weapon (x3); assault staff member/run away from staff to destroy contraband; fighting; giving/accepting money without authorization; being insolent to staff; possess unauthorized item (cooking oil); smoking marijuana; and abusing phone privileges.

Mr. Lee has completed the drug education program and non-residential drug counseling program. He has also completed numerous educational and self- help programs during his incarceration. Many of the programs are related to parenting and financial responsibility. He earned his GED in March 2007.

Filing 203.

His criminal history category is IV. He is serving a sentence for the crack conviction that would fall within, at the low end, the applicable Guideline range *at this time* together with a consecutive sentence for a gun: 168 months on the conspiracy count and 84 months consecutive on the gun charge. Although the defendant is eligible for a sentence reduction under the *First Step Act* on the drug charge because the original sentence was based upon judge found facts, it is also true that I varied downward to what the Guideline sentence would have been now.

Exercising my discretion, and taking into consideration each and all of the statutory sentencing factors,

IT IS ORDERED that motion for sentence reduction under the *First Step Act*, Filing no. 232, is denied. The motion to restrict, Filing no. 234, is granted.

Dated this 25th day of March, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge