

1 to die, except, for some reason, the good Lord wanted
2 him to show up and testify. But, I mean, he was left
3 for dead. He had serious, life-threatening injuries.
4 So I think -- I think that adjustment is easy. And I
5 think the adjustment for the dangerous weapon is easy.
6 There was obviously dangerous weapons involved in the
7 scheme.

8 Your role -- I'll vary here. I'll disagree, in a
9 couple of respects, with the prosecutor. I -- and I
10 have to apply the guidelines. And I also have to try to
11 reach some result that I think is -- is reasonable under
12 the circumstances. I mean, the reality is it's sad, but
13 it's true that you-all are very young people. And, I
14 guess, I have to say to myself how -- how much is enough
15 and how much is too much. The statute says enough to --
16 to punish the seriousness of it and deter others from
17 doing it, if that's possible, and -- and, yet, not to
18 the point where we're just overkilling.

19 I'm going to -- I'm going to give both of you a two
20 level minor role adjustment on this theory. I don't --
21 I think you were there and I think you played a secure
22 part in creating this atmosphere of terror and -- and
23 being, in effect, armed goons and bodyguards surrounding
24 this fellow.

25 But since the scoring is based on the ultimate

1 destruction of the man, I think you can foresee that. I
2 think -- in my mind, I just don't -- I don't feel
3 like -- like I should give the full brunt of that to
4 you, as I will do with the two when they are before me.
5 So that's my -- my thinking. If I compare you to them,
6 and then compare the score for the amount of damage that
7 was done, I think in that perspective you-all played a
8 lesser role. So I'm going to -- I'm going to score you
9 at Level 36.

10 You're facing, both of you -- and this is just the
11 way it is. In that separate Count 3, you're facing
12 what's in effect a separate crime, and that's carrying a
13 weapon, which carries a mandatory consecutive sentence.
14 I must give you a certain amount and I must make it
15 consecutive. And I'm -- and I'm factoring that in, too,
16 because that does beef up the amount of total time
17 you're going to get.

18 I know what counsel -- the prosecutor said about
19 Pinkerton, and I'm just going to have to deal with
20 Obregon when I deal with him. But it -- it seems to me
21 that -- again, that I -- I just don't find it reasonable
22 to treat that as a discharge of the weapon on your part.
23 I -- in my judgment, what you were doing was brandishing
24 the weapon. And I -- and that may mean a lot of
25 mumbo-jumbo to you, but the statute makes the