



## USA v. Wittner

2018 | Cited 0 times | D. Nevada | May 1, 2018

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff, v. SETH WITTNER,

Defendant.

Case No. 2:17-cr-00005-KJD-NJK

ORDER

Presently s Motion to Reconsider Imposed Sentence (#23). The Government filed a response (#25). Defendant claims this Court erred in sentencing him nd forensic psychologist, Dr. Mark Chambers. This evaluation was attached to the sentencing memorandum submitted by Defendant (#17). At sentencing, the Court imposed a low-end term of incarceration of 78 months. Under Federal Rule of Criminal Procedure 35(c) resulted from arithmetical, technical, or other clear error.

allow a district court to modify a sentence only in very limited instances and not merely to United States v. Barragan-Mendoza, 174 F.3d 1024, 1028 (9th ed under United States v. Aguirre, 213 F.3d 1122, 1126 (9th Cir. 2000) (quoting United States v. Portin, 20 F.3d 1028, 1030 (9th Cir. 1994)).

Defendant puts forth no evidence of any such Rule 35(c) error, but instead suggests that his admissions made to Dr. Chambers and contained in his defendants for statements they make while seeking help from a treating therapist sends the wrong

Defendant received a sentence on the low-end of the guideline range, 1

and he himself . (#17, at 11 17). Defendant may not submit favorable to him had Defendant not wanted the Court to consider all of his admissions, he

could have chosen not to submit the report for consideration. Regardless, Defendant has not been treated unfairly, and his claim presents no legal basis for reconsideration. Thus, his imposed



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sentence must stand. Accordingly, IT IS HEREBY ORDERED that Defendants Motion for Reconsideration of Imposed Sentence (#23) is DENIED. Dated this 1st day of May, 2018.

\_\_\_\_\_ Kent J. Dawson United States District Judge