

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Case No. 24-cr-00006-CNS

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ANDERSON LEE ALDRICH,
a/k/a Nicholas Brink,**

Defendant.

JOINT MOTION FOR ORDER REGARDING SENTENCING PROCEDURE

The parties have negotiated a plea agreement in this matter pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). Among other provisions, the proposed plea agreement provides that the defendant will serve multiple concurrent life sentences plus additional consecutive sentences totaling 190 years imprisonment. The defendant is currently serving several life sentences as part of a separate and parallel state prosecution arising out of the same shooting. The parties submit that shuttling the defendant between state and federal custody for multiple hearings in this matter imposes substantial and unnecessary risks on the personnel who would be tasked with conducting the transports, imposes burdens on victims and other stakeholders who would have to travel for multiple proceedings, and imperils the defendant's physical and mental stability. Having consulted with one another, the victims in this matter, the Marshal's Service, and the Probation Office,

the parties jointly move the Court to (1) order the Probation Office to prepare a Pre-Plea Sentence Report, and (2) set the matter for a change of plea and immediate sentencing, as the Court's calendar permits, sixteen or more weeks after the date of its order. This timetable would allow the Probation Office time to prepare the required report and also allow for the objection procedures set forth in Federal Rule of Criminal Procedure 32(f)-(g).

In support of the motion, the parties aver as follows:

1. The parties have negotiated a plea agreement that will resolve this criminal matter. Among other provisions, the agreement provides that the defendant will plead guilty to every count of a 74-count Information charging him with federal hate crimes in violation of relevant provisions of the Shepard-Byrd Act, 18 U.S.C. § 249, and appurtenant gun crimes in violation of the relevant provisions of 18 U.S.C. § 924. The hate crime charges provide for sentences of up to life imprisonment and the gun crime charges carry sentences varying from a minimum of ten years to death. The United States is not seeking the death penalty in this case. The parties have agreed that multiple concurrent life sentences plus a consecutive sentence of 190 years imprisonment is sufficient but not greater than necessary to achieve the goals of criminal justice set forth in 18 U.S.C. § 3553(a).

2. While the parties agree on the appropriate sentence here, they recognize the complexity of the Court's task and the need for a thorough presentence investigation. The presentence report process in this district typically

takes approximately 10-12 weeks (5-7 weeks for presentence report preparation, and 5 weeks thereafter to allow for the objection/response process). However, given the nature and circumstances of this case, the Probation Office has agreed to complete the presentence report prior to the plea with a Court order, and it respectfully requested at least 16 weeks.

3. The Marshals' Service supports the request to hold the hearings in the manner requested in this Joint Motion with a Court order. Moving the defendant from the facility designated by the Colorado Department of Corrections — their primary custodian — into temporary custody at a holding facility here for all that time imposes unnecessary risks and burdens on the Marshals' Service and unnecessary burdens on the defendant.

For these reasons, the parties respectfully submit that the better course is to ask the Probation Office to conduct the required presentence investigation before the plea in this case, while the defendant remains in state custody. The Court can schedule one hearing to take the plea and then immediately sentence the defendant. Such a procedure would ensure that the Court has all of the information it needs to meaningfully exercise its sentencing authority under 18 U.S.C. § 3553(a), as required by Federal Rule of Criminal Procedure 32, and determine whether or not it will accept the plea as outlined in the agreement. The government has consulted with Probation Officer Kyla Hamilton. The Probation Office is agreeable to such a procedure in this case.

WHEREFORE, the parties request, pursuant to Federal Rule of Criminal Procedure 32(b), impose sentence without unnecessary delay by entering an order (1) requiring the Probation Office to prepare a pre-plea presentence investigation report within 16 weeks and (2) scheduling a change of plea hearing and sentencing on a timeline consistent with the Court's usual scheduling practices related to the filing of objections and responses to the presentence investigation report and the filing of any other sentencing-related motion.

COLE FINEGAN
United States Attorney
District of Colorado

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this case.

s/Alison Connaughty _____
Alison Connaughty
Assistant United States Attorney