

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
VS. ) 23-CR-36  
 )  
ALEXANDER LEDVINA, )  
 )  
Defendant. )

APPEARANCES:

ATTORNEY ADAM JOHN VANDER STOEP, U.S. Attorney's Office,  
111 Seventh Avenue S.E., Box 1, Cedar Rapids, Iowa 52401,  
appeared on behalf of the United States.

ATTORNEY MICHAEL K. LAHAMMER, Lahammer Law Firm, 425  
Second Street S.E., Suite 1010, Cedar Rapids, Iowa 52401,  
appeared on behalf of the Defendant.

SENTENCING HEARING,

HELD BEFORE THE HON. C.J. WILLIAMS,

on the 27th day of June, 2024, at 111 Seventh Avenue  
S.E., Cedar Rapids, Iowa, commencing at 12:30 p.m., and  
reported by Patrice A. Murray, Certified Shorthand  
Reporter, using machine shorthand.

Transcript Ordered: 7/18/24  
Transcript Completed: 8/8/24

Patrice A. Murray, CSR, RMR, FCRR  
Court Reporter  
PO Box 10541  
Cedar Rapids, Iowa 52410  
PAMurrayReporting@gmail.com

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1 (The following proceedings were held in open court.)

2 THE COURT: The matter now before the Court is  
3 United States of America versus Alexander Wesley Ledvina,  
4 case 23-CR-36. This matter comes on for a sentencing  
5 hearing. The United States is represented by Assistant  
6 United States Attorney Adam Vander Stoep. The defendant  
7 is personally present and represented by defense attorney  
8 Michael Lahammer. Also present in the courtroom is  
9 Senior United States Probation Officer Jessica Clark.  
10 She authored the presentence investigation report filed  
11 at document 78 in the court's file.

12 On December 1, 2023, after a bench trial, the Court  
13 found the defendant guilty of Counts 1 and 2 of the  
14 superseding indictment in this case. Count 1 charged the  
15 defendant with possession of a firearm by an unlawful  
16 drug user in violation of Title 18 United States Code  
17 Section 922(g)(3) and 924(a)(8). Count 2 I found the  
18 defendant guilty of making a false statement during the  
19 purchase of a firearm. This was in violation of Title 18  
20 United States Code Section 924(a)(1)(A).

21 By statute, those crimes are punishable as follows:  
22 Count 1 is punishable by up to 15 years in prison without  
23 the possibility of parole. Count 2 is punishable by up  
24 to 5 years in prison without the possibility of parole.  
25 So all told, the Court can sentence the defendant to as

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1 much as 20 years in prison without parole.

2 After the defendant has served his prison sentence,  
3 the Court can place him on a term of supervised release  
4 of up to 3 years on each of Counts 1 and 2. Probation is  
5 an option. And were the Court to impose probation, it  
6 would be for a term of 1 to 5 years.

7 The Court can impose a fine of up to \$250,000 per  
8 count of conviction, for a total of a half a million  
9 dollars maximum possible fine. And the Court must impose  
10 a mandatory special assessment of \$100 for each count of  
11 conviction as a special assessment, for a total of \$200.

12 Mr. Vander Stoep, on behalf of the United States,  
13 have you had a full and fair opportunity to review this  
14 presentence report?

15 MR. VANDER STOEP: Yes, Your Honor.

16 THE COURT: And does the government have any  
17 objections to the calculation of the advisory guidelines  
18 or anything else in this report?

19 MR. VANDER STOEP: No, Your Honor.

20 THE COURT: There's a dispute here about  
21 whether there's a victim in the case. If I find there is  
22 a victim in this case, does the victim wish to address  
23 the Court as part of this hearing?

24 MR. VANDER STOEP: Your Honor, the victim will  
25 be called to testify during this hearing.

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1           THE COURT: I understand that that might be a  
2 possibility. He has a right to make a statement separate  
3 from being under oath and testifying. Do you know if he  
4 wants to do that?

5           MR. VANDER STOEP: No, Your Honor.

6           THE COURT: All right. Thank you.

7           Mr. Lahammer, on behalf of Mr. Ledvina, have you and  
8 your client had a full and fair opportunity to review  
9 this report?

10          MR. LAHAMMER: We have, Your Honor.

11          THE COURT: I noted when I went through it he  
12 had a number of objections. I saw objections at  
13 paragraphs 5, 6, 9, 10, 11, 16, and 17, having to do with  
14 parts of the narrative of the offense conduct. He's  
15 objecting at paragraph 18 to there being a victim in this  
16 case. There was an objection at paragraph 21 to whether  
17 he's entitled to a reduction in the offense level for a  
18 lawful sporting purpose. At paragraph 23, he objected to  
19 an enhancement for possession of a firearm in connection  
20 with another felony offense. At paragraph 30, there was  
21 an objection for a lack of reduction in his offense level  
22 for being a zero-point offender. At paragraph 50, there  
23 was an objection to part of the narrative of his drug use  
24 history. At paragraph 71, as to whether there was a  
25 possibility of probation. And then, again, consistent

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1 with the prior objection, at paragraph 84, an objection  
2 to the identity of a victim in this case.

3 I understand some of these have been withdrawn.  
4 But, first of all, are those all the objections that  
5 Mr. Ledvina originally had to this presentence report?

6 MR. LAHAMMER: They are, Your Honor.

7 THE COURT: From the briefing, I understand  
8 that he's withdrawing his objection to the lawful  
9 sporting purpose reduction, the enhancement for  
10 possessing the firearm in connection with at least one of  
11 the alleged felony offenses, and then with the objection  
12 at paragraph 30, to the zero-point reduction. Is that  
13 still his position?

14 MR. LAHAMMER: It is, Your Honor.

15 THE COURT: All right. Very good. Could you  
16 make a brief record of how you went through this report  
17 with your client.

18 MR. LAHAMMER: I will. Thank you, Your Honor.  
19 Well, Your Honor, my client is a legal scholar, reads a  
20 lot, very intelligent, knows a lot about case law. So  
21 we've had some interesting discussions, both prior to  
22 doing the bench trial and subsequently. But on  
23 receipt -- upon receipt February 9th of the draft  
24 presentence report, I mailed him a copy, and subsequently  
25 met with him several times, had several conversations.

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1 We had several letters of correspondence -- quite  
2 lengthy, in fact -- related to the information contained  
3 in the draft presentence report. Based upon those  
4 discussions and correspondence, I filed objections,  
5 subsequently receiving a final report March 19th, where I  
6 again mailed it to him. And we continued our  
7 discussions, either by phone or by correspondence or in  
8 person.

9 And it's based on those discussions after the final  
10 report that we determined that we would withdraw our  
11 objection to the sporting exception, to the zero point --  
12 or zero criminal history point reduction, for the 4  
13 levels, as connected to the marijuana distribution. And  
14 it's Mr. Ledvina's position that he shared marijuana, and  
15 under the current court standards for finding at a  
16 preponderance, he would stipulate that the 4 level  
17 applies for that distribution activity in sharing  
18 marijuana with another.

19 And that leads us to today, where despite our  
20 stipulation to the 4 levels for the marijuana, I believe  
21 the government's still going to prove up a 4-level  
22 justification -- another justification for the 4-level  
23 enhancement based on use of a firearm in an incident  
24 April 24th of 2022.

25 Also, before I forget, Your Honor, *Erlinger versus*

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1 U.S. was decided approximately a week ago by the U.S.  
2 Supreme Court, related to the "occasions" portion of the  
3 ACCA, where they determined that some things should be a  
4 jury question and not a court determination, and I would  
5 just note that for the record, in our objections to the  
6 Court finding relevant conduct at a preponderance, only  
7 for the record. We understand the case law is against  
8 it. We are preserving it for ultimately perhaps a  
9 decision either at the Eighth Circuit or at the U.S.  
10 Supreme Court. Thank you.

11 THE COURT: All right. I read that decision by  
12 the Supreme Court. I think that is a very different  
13 question than what's before the Court here. The  
14 difference primarily with that case is that -- a finding  
15 of fact has the ability to change the maximum penalty to  
16 which an offender is subjected. And under the Sixth  
17 Amendment to the United States Constitution, based on  
18 *Apprendi* and other precedent by the Supreme Court, any  
19 fact that is found by a court that has the ability to  
20 increase the statutory maximum, the Court has found,  
21 needs to be a fact found by the jury beyond a reasonable  
22 doubt. The Court's opinion last week is consistent with  
23 that prior decision. Here, no fact that I'm going to  
24 find is going to have any impact on increasing the  
25 defendant's statutory maximum penalty here. And so while

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1 I appreciate you making that objection -- and perhaps you  
2 can argue somehow by analogy there should be an  
3 extension, but under the current case law and even under  
4 the Supreme Court's decision last week, I don't find that  
5 any fact finding I'm going to do during this sentencing  
6 hearing requires a jury finding.

7 In any event, even if it did, the defendant waived  
8 jury trial in this case and agreed to be tried by a  
9 court, so I question whether even under those  
10 circumstances he's preserved any type of error to be  
11 raised on appeal, but that will be up to the Court of  
12 Appeals to decide.

13 All right. Mr. Ledvina, it sounds like you've had  
14 ample opportunity to discuss and review this presentence  
15 report on your own, sir; is that correct?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: All right. And have you had  
18 sufficient time to discuss this presentence report with  
19 Mr. Lahammer?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Has he been able to answer any  
22 questions you might have had about this report?

23 THE DEFENDANT: Yes, he has, Your Honor.

24 THE COURT: All right. So today do you have  
25 any remaining questions about this presentence report?

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1 THE DEFENDANT: Not really, Your Honor.

2 THE COURT: All right. Well, let's turn then  
3 first to the calculation of the advisory guidelines as  
4 determined by the probation office. That calculation  
5 begins on page 11. The probation office assessed the  
6 defendant with a base offense level of 20 under guideline  
7 section 2K2.1(a)(4)(B), because the offense involved a  
8 semiautomatic firearm capable of accepting a  
9 large-capacity magazine and the defendant was a  
10 prohibited person at the time of that possession.

11 The probation office then assessed the defendant  
12 with a 2-level enhancement under guideline section  
13 2K2.1(b)(1)(A) because the offense involved between 3 and  
14 7 firearms. Here, the probation office assessed the  
15 defendant with responsibility for 5 firearms.

16 The probation office then assessed the defendant  
17 with a 4-level enhancement under guideline section  
18 2K2.1(b)(6)(B), because the defendant possessed the  
19 firearm in connection with another felony offense. And  
20 that -- the probation office has identified two such  
21 felony offenses, actually three: Assault while using or  
22 displaying a dangerous weapon in violation of Iowa Code  
23 Section 708.1(2)(c) and Iowa Code Section 708.2(3);  
24 possession of a controlled substance with intent to  
25 deliver cocaine in violation of Iowa Code Section

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1 124.401(d) -- I'm sorry, 401(1)(d); and possession of a  
2 controlled substance with intent to deliver marijuana in  
3 violation of Iowa Code Section 124.401(1)(d). The --  
4 that gives us an adjusted offense level of 26.

5 Because the defendant went to a bench trial on a  
6 stipulated factual basis but contested guilt conclusions  
7 there, the probation office has nevertheless awarded him  
8 with a 2-level reduction for acceptance of responsibility  
9 under guideline section 3E1.1(a). His trial, the finding  
10 of guilt, was not done on a timely basis, so there's no  
11 additional 1-level reduction under 3E1.1(b). So that  
12 gives us a total offense level of 24.

13 The defendant has some criminal history, which the  
14 probation office has summarized and scored beginning at  
15 paragraph 32 and carrying over to paragraph 38. His  
16 prior convictions did not, however, result in any  
17 criminal history points, so he remains in criminal  
18 history category I.

19 So with a total offense level of 24, criminal  
20 history category I, the advisory guideline range of  
21 imprisonment is 51 to 63 months.

22 In preparation for today's hearing, I have reviewed  
23 in detail, of course, this presentence investigation  
24 report. I was the presiding judge at the bench trial in  
25 this matter as well. In addition, I have reviewed the

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1 pleadings filed by the parties. At document number 83,  
2 the government filed a sentencing memorandum and provided  
3 the Court with Exhibits 1 through 10. I'd note that a  
4 number of the Government's Exhibits are body camera  
5 videos and a recorded 9-1-1 call, which were provided to  
6 the Court in advance of the hearing, and I have reviewed  
7 all those at least once. At document 85, the defense  
8 filed a sentencing memorandum and provided the Court with  
9 Exhibits A1 through 7 and B1. And then at document 86,  
10 the government filed a resistance. I should note that  
11 the defendant's motion as well is -- is one for a  
12 downward variance in the memo. So the resistance is to  
13 the downward variance motion filed by the defendant.

14 Mr. Vander Stoep, have I identified all the relevant  
15 pleadings, documents, and exhibits pertinent to today's  
16 hearing?

17 MR. VANDER STOEP: You have, Your Honor.

18 THE COURT: And are you moving Exhibits 1  
19 through 10 into evidence?

20 MR. VANDER STOEP: Yes, Your Honor, and with  
21 Exhibits 7 and 7A being offered under seal.

22 THE COURT: Any objection?

23 MR. LAHAMMER: None, Your Honor.

24 THE COURT: 1 through 10 will be admitted, and  
25 7 and 7A will be under seal.

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1           (Whereupon, Exhibits 1 through 10 were received.)

2           THE COURT: And, Mr. Lahammer, do you agree  
3 that I have identified all the pleadings, documents, and  
4 exhibits?

5           MR. LAHAMMER: I do, Your Honor.

6           THE COURT: And are you moving Exhibits A1  
7 through 7 and B1 into evidence?

8           MR. LAHAMMER: I am.

9           THE COURT: Any objection?

10          MR. VANDER STOEP: No objection, Your Honor.

11          THE COURT: Those are received, and I have  
12 reviewed those as well in advance of this hearing.

13          (Whereupon, Exhibits A1 through A7 and B1 were  
14 received.)

15          THE COURT: All right. There is at least one  
16 contested guideline issue in dispute here. And so the  
17 government has the burden of proving any guideline  
18 provision that has the effect of increasing the offense  
19 level, and so the government has to prove that by a  
20 preponderance of the evidence, meaning that it's more  
21 likely true than not true. The government has indicated  
22 it intends to call witnesses here, and so my intent would  
23 be to hear from the witnesses first, I'll then rule on  
24 any guideline issues, and then we'll resolve those before  
25 we turn to any downward variance motion.

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1           Mr. Lahammer, are you intending to call any  
2 witnesses at this stage?

3           MR. LAHAMMER: We are not, Your Honor.

4           THE COURT: All right. So, Mr. Vander Stoep,  
5 let's start with you calling your first witness then.

6           MR. VANDER STOEP: Thank you, Your Honor.  
7 Before the government calls its first witness, I just  
8 want to clarify one quick thing. I know there's a  
9 guideline issue in the sense that the government is going  
10 to be asking the Court to rule on an additional ground  
11 for the 4-level enhancement. However, the parties do  
12 agree that that 4-level enhancement is going to apply in  
13 this case based off of the felony offense of possession  
14 with intent to distribute marijuana. This is just simply  
15 an additional felony offense, but the parties acknowledge  
16 that it would not result in an increase as to the  
17 guideline range in this case.

18           THE COURT: I understand that, but because  
19 it -- it could increase -- you know, based on the 4-level  
20 enhancement there, it's still the government's burden by  
21 a preponderance of the evidence on establishing that that  
22 is an alternative basis for that enhancement. But I  
23 understand the defendant's admitting that, which raises  
24 the question I was going to ask later during argument --  
25 perhaps you can answer it now given you are going to

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1 present evidence. One of the alternative charges -- or  
2 felony offenses was possession of cocaine with intent to  
3 distribute it. As I understand the defense admission is  
4 only as to possession with intent to distribute the  
5 marijuana. Are you intending to prove up the cocaine  
6 violation?

7 MR. VANDER STOEP: Your Honor, the government  
8 anticipates there will be testimony today concerning  
9 cocaine, but the government is not going to be seeking to  
10 prove up the possession of cocaine with intent to  
11 distribute as another felony offense that warrants the  
12 4-level enhancement in this case.

13 THE COURT: All right. Thank you. That helps  
14 me. When I listen to the evidence, then I'll know what  
15 I'm listening for.

16 MR. VANDER STOEP: Thank you, Your Honor.

17 THE COURT: All right. Anything else before  
18 you call your first witness?

19 MR. VANDER STOEP: No, Your Honor.

20 THE COURT: You may do so then.

21 MR. VANDER STOEP: Your Honor, at this time the  
22 government calls Michael Young.

23 THE COURT: Good afternoon, sir. I'm going to  
24 have you raise your right hand.

25 THE WITNESS: Good afternoon, Your Honor.

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1                                   MICHAEL YOUNG,  
2 called as a witness, being first duly sworn or affirmed,  
3 was examined and testified as follows:

4                   THE COURT: Thank you. Please have a seat in  
5 the witness chair.

6           I'm going to ask the parties' indulgence for just a  
7 moment. There's an emergency matter that I've got to  
8 attend to here. I need to review something.

9           (Brief pause in the proceedings.)

10           THE COURT: All right. I apologize for the  
11 interruption in this hearing.

12           Sir, if you would please state your name and spell  
13 your last name for the record.

14           THE WITNESS: Michael Young. Young, Y-O-U-N-G.

15           THE COURT: Thank you.

16           Mr. Vander Stoep, you may proceed.

17           MR. VANDER STOEP: Thank you, Your Honor.

18                               DIRECT EXAMINATION

19           BY MR. VANDER STOEP:

20 Q. Good afternoon, sir. How old are you?

21 A. 62.

22 Q. And are you currently employed?

23 A. I am.

24 Q. Where do you work?

25 A. I work for Black Hawk Foundations.

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1 Q. And what do you do?

2 A. I'm a union laborer.

3 Q. Would you please describe your educational  
4 background?

5 A. High school, with a few college classes.

6 Q. I want to briefly talk a little bit about your  
7 criminal history now, okay. Do you have a prior felony  
8 burglary conviction, burglary in the second degree, from  
9 around 1987?

10 A. I do.

11 Q. Do you also have a prior theft-second felony  
12 conviction from around 1988?

13 A. I do.

14 Q. You also have a prior federal felon in possession of  
15 a firearm conviction; is that correct?

16 A. I do.

17 Q. That was around like 1995?

18 A. '3.

19 Q. And in that case, you had a term of supervised  
20 release that was revoked following your sentence in that  
21 case; is that correct?

22 A. That's correct.

23 Q. You also have another conviction -- I believe two  
24 convictions, for willful injury causing bodily injury,  
25 around approximately 2005; is that correct?

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1 A. Yep.

2 Q. And then you also have some other misdemeanor  
3 convictions on your record, like assault convictions and  
4 other theft convictions; is that correct?

5 A. Yep.

6 Q. Sir, are you currently using any controlled  
7 substances?

8 A. No.

9 Q. Have you used controlled substances in the past?

10 A. Long ago.

11 Q. Have you recently used controlled substances, within  
12 the last three, four years?

13 A. Yeah, probably year and a half, two years ago.

14 Q. What controlled substance did you use?

15 A. Marijuana, and I've -- I did meth a few times.

16 Q. I want to direct your attention to April 24, 2022.  
17 Do you remember calling 9-1-1 on that day?

18 A. Yep.

19 Q. Why did you call 9-1-1 that day?

20 A. Because I had somebody pounding on my neighbor's  
21 door; and when I went walking outside and walked past  
22 him, I got a gun pointed at me.

23 Q. So were you outside at the time when that was  
24 happening?

25 A. No. Actually, I walked out, walked around the

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1 corner, was walking over to the Kwik Star, and somebody  
2 was pounding on my next-door neighbor's door. And my  
3 other neighbor was outside. And when he turned around,  
4 he asked what we were looking at. And the other  
5 neighbor, well, the way he said it, I can't remember the  
6 exact words, but he probably didn't say it in a nice way.  
7 And he pulled his gun out saying the man owed him some  
8 money that lived there.

9 Q. So I just want to make sure I understand what you  
10 are saying. It was the -- you and another neighbor were  
11 outside seeing what was happening?

12 A. Yes, sir.

13 Q. And then the individual who was banging on the door  
14 turned around and asked the two of you what you were  
15 looking at?

16 A. Yep.

17 Q. And then, did you say something along the lines of  
18 your other neighbor may have said something that was not  
19 so nice?

20 A. Yep.

21 Q. And then after your other neighbor who was outside  
22 said that thing to that individual, what did the  
23 individual do?

24 A. Pulled his gun out and pointed it in our direction.

25 Q. What did the gun look like?

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1 A. A gun. What it was, I couldn't tell you.

2 Q. As in like what type of gun, you couldn't tell me?

3 A. (Indicated negatively.)

4 Q. Were you able to tell was it like a pistol or was it  
5 like --

6 A. Oh, it was a handgun.

7 Q. And you said that the individual pointed the firearm  
8 to you -- or, sorry -- pointed it at you?

9 A. Uh-huh.

10 Q. Was that a yes?

11 A. Yes.

12 Q. After the individual pointed the firearm at you,  
13 what did the individual do?

14 A. The guy with the gun or my other neighbor?

15 Q. The guy with the gun.

16 A. He made the statement that "He owes me a lot of  
17 money," blah, blah, blah, and that was about it. And  
18 then I said, "Don't be pointing that gun at me. I'm not  
19 the one that said it." I backed up and went around the  
20 corner and called the CRPD.

21 Q. Did the individual with the firearm leave the scene?

22 A. Yeah, he left.

23 Q. Were you able to see the vehicle that he got into?

24 A. It was blue. I believe it was an older -- I want to  
25 say it was an older Cutlass.

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1 Q. Do you remember the specific details of the type of  
2 car it was, or were you focused on other things that day?

3 A. Oh, I was probably focused on other things.

4 Q. Were you able to get a partial license plate from  
5 the vehicle?

6 A. I don't remember. Maybe I did. I don't remember.

7 MR. VANDER STOEP: Permission to approach, Your  
8 Honor.

9 THE COURT: You may.

10 MR. VANDER STOEP: At this time, I'm going to  
11 hand the witness what's already been entered into  
12 evidence as Government's Exhibit 2. It will be on page  
13 1, third paragraph from the bottom.

14 BY MR. VANDER STOEP:

15 Q. Sir, I'm just going to have you read that paragraph,  
16 right there. And as soon as you've read that paragraph,  
17 I'll have you look up.

18 A. Yep.

19 Q. Reading that paragraph, does that help --

20 A. Yep.

21 Q. -- jog your memory as to if you got a partial plate  
22 from that vehicle?

23 A. Yes.

24 Q. Do you recall what the partial plate from that  
25 vehicle was?

1 A. The KYX or whatever I just read on there. I don't  
2 got my glasses with me so . . .

3 Q. Was it like KYJ or KJY?

4 A. (Indicated affirmatively.)

5 Q. Is that a yes?

6 A. Yeah.

7 Q. Did the individual then take off from the location?

8 A. Correct.

9 Q. And you ultimately ended up calling 9-1-1 that day?

10 A. Correct.

11 Q. Did police officers show up?

12 A. Yep.

13 Q. And after police officers showed up, did you tell  
14 them what had just happened?

15 A. Sure did.

16 Q. Did there come a time following that incident where  
17 a police officer reached back out to you and asked you to  
18 look at some photographs?

19 A. Yes.

20 Q. Do you recall that?

21 A. Yes.

22 Q. Is that about eight months after the initial  
23 incident took place, like around January of 2023?

24 A. Yes.

25 Q. And during that, do you recall telling the officer

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1 that you thought one of the individual's photos in that  
2 group looked like the individual?

3 A. Yes.

4 Q. Mr. Young, when the individual pulled the firearm  
5 that day and pointed it at you, how did that make you  
6 feel?

7 A. Well, not very good.

8 Q. Was that threatening behavior?

9 A. Yep.

10 Q. Were you concerned for your safety?

11 A. Yep.

12 MR. VANDER STOEP: I have no further questions,  
13 Your Honor. Thank you.

14 THE COURT: Thank you.

15 Cross-examination.

16 MR. LAHAMMER: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. LAHAMMER:

19 Q. Good afternoon, Mr. Young.

20 A. Hello.

21 Q. You were saying the behavior of pulling a gun on you  
22 was threatening to you, correct?

23 A. Yes, sir.

24 Q. And you've been convicted of carrying weapons and  
25 using/displaying of weapons in the past, haven't you?

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1 A. I've been charged and convicted of felon in  
2 possession of a firearm, but I never pointed them at  
3 nobody, and I didn't really ever carry them.

4 Q. But you had state convictions for carrying weapons  
5 and using and displaying a weapon, didn't you?

6 A. Not guns.

7 Q. Other weapons?

8 A. Probably so.

9 Q. As well as -- I believe the government covered this  
10 with you -- assaults, right?

11 A. Uh-huh.

12 Q. And you provided information to the government for  
13 cash in the past, haven't you?

14 A. Long time ago.

15 Q. You've been a confidential informant for them?

16 A. Yep.

17 Q. And got paid when you provided information?

18 A. Yes, sir.

19 Q. Now, did you testify the person you saw banging on  
20 the door you thought was a neighbor?

21 A. No. He was banging on my neighbor's door.

22 Q. Okay. I just wanted to clarify that.

23 A. Uh-huh.

24 Q. Do you remember describing him to law enforcement,  
25 with strawberry hair and stocky?

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1 A. Strawberry hair? I don't remember saying strawberry  
2 hair. I remember saying long hair and a beard.

3 Q. Is it your testimony the vehicle you saw him drive  
4 away in was a blue Cutlass?

5 A. I believe so.

6 Q. And then the door he was banging on, that's Jay  
7 Larimer's door, correct?

8 A. Correct.

9 Q. Does he have a lot of foot traffic at his apartment?

10 A. Oh, yeah.

11 Q. Did you have a fight with him?

12 A. I did.

13 Q. Did you threaten him?

14 A. I don't know if I so much threatened him. I just  
15 told him to basically get out. I didn't want that around  
16 my house, 15 feet from my bedroom window.

17 Q. And then it's true, when you went down to the  
18 Cedar Rapids Police Department, you weren't a hundred  
19 percent sure when you were shown a lineup of the person  
20 you picked out, isn't that true?

21 A. Yeah, but I was -- I was pretty confident who it  
22 was.

23 MR. LAHAMMER: Thank you. Nothing further,  
24 Judge.

25 THE COURT: Any further redirect examination?

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1 MR. VANDER STOEP: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. VANDER STOEP:

4 Q. You were asked a question about the type of vehicle  
5 being a blue Cutlass. Do you recall being asked that  
6 question?

7 A. Earlier?

8 Q. Ultimately -- I know you said that you got a partial  
9 license plate from that vehicle. Do you recall  
10 specifically what type of vehicle it was, or are you just  
11 trying to recall based on your memory as to what type of  
12 vehicle it was?

13 A. At the time, I thought it looked like an older,  
14 maybe close to a classic, Cutlass.

15 Q. Was the type of vehicle your specific focus that day  
16 when that was happening?

17 A. Say that again.

18 Q. Sure. When this was happening, when the individual  
19 pulled the firearm, was your specific focus on what type  
20 of vehicle it was that the person was driving?

21 A. Not really. I kind of glanced at it when he was  
22 leaving.

23 MR. VANDER STOEP: No further questions, Your  
24 Honor. Thank you.

25 THE COURT: Any further recross-examination?

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1 MR. LAHAMMER: No, Your Honor.

2 THE COURT: All right. Thank you, Mr. Young.  
3 You may step down. You are excused as a witness.

4 THE WITNESS: Thank you.

5 THE COURT: Thank you for coming in.

6 Mr. Vander Stoep, you may call your next witness.

7 MR. VANDER STOEP: Your Honor, I think we just  
8 need to make sure that our witness is out in the hallway  
9 right now.

10 THE COURT: Okay.

11 MR. VANDER STOEP: The next witness that the  
12 government will be calling is Jay Larimer.

13 THE COURT: Very good.

14 MR. VANDER STOEP: And bear with us, we  
15 probably just need to get him from where he's at to here.

16 THE COURT: Take your time.

17 Good afternoon, sir.

18 JAY LARIMER,  
19 called as a witness, being first duly sworn or affirmed,  
20 was examined and testified as follows:

21 THE COURT: Okay. Please have a seat up here  
22 in the witness chair. It's right up here next to me.  
23 And I'm going to ask you to turn that chair around, to  
24 face the microphone when you have a seat there. And make  
25 sure that microphone is right in front of you. And when

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1 you are comfortable, please state your name and spell  
2 your last name for the court reporter here.

3 THE WITNESS: So state my name?

4 THE COURT: Yes. Say your name.

5 THE WITNESS: Jay Larimer. Last name is  
6 L-A-R-I-M-E-R.

7 THE COURT: Do me a favor. Just move up closer  
8 to that microphone, if you would. We want to make sure  
9 we can hear you. Thank you.

10 Mr. Vander Stoep, you may proceed.

11 MR. VANDER STOEP: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. VANDER STOEP:

14 Q. Mr. Larimer, how old are you?

15 A. I just turned 33.

16 Q. Are you currently employed?

17 A. I am.

18 Q. Where are you currently employed?

19 A. At Elite Stone Fabrication out in Lisbon.

20 Q. And what do you do for them?

21 A. Well, I kind of make these fancy countertops  
22 currently.

23 Q. How long have you been doing that for?

24 A. Since before Thanksgiving last year.

25 Q. Was there a period of time where you were

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1 incarcerated and would not have been employed?

2 A. Yes, sir, I was. It was about a month ago.

3 Q. A little over a month ago?

4 A. (Indicated affirmatively.)

5 Q. Sorry. Is that a yes?

6 A. Yes.

7 Q. Could you please briefly describe your educational  
8 background?

9 A. Well, I went to Vinton-Shellsburg, in -- I graduated  
10 in 2009. I -- I did try to go to Kirkwood for like a  
11 semester, but it didn't work out. And other than that,  
12 then I went straight to working.

13 Q. I just want to talk briefly about your prior  
14 criminal history. I know you mentioned earlier that you  
15 were incarcerated a little over a month ago; is that  
16 correct?

17 A. Yes, sir.

18 Q. And that was for a felony conviction for failure to  
19 affix a drug tax stamp?

20 A. Well, yes, but they had dropped the other charges.

21 Q. Sure. But the conviction ultimately was for failure  
22 to affix a drug --

23 A. That was -- that was the plea deal.

24 Q. Okay. And you did some time in custody for that?

25 A. 60 days.

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1 Q. And that was the charge that you had been released  
2 from incarceration from a little over a month ago?

3 A. Yes.

4 Q. Mr. Larimer, are you currently under the influence  
5 of any controlled substances?

6 A. No, sir.

7 Q. Have you used controlled substances in the past?

8 A. Yes, Your Honor -- or yes, sir.

9 Q. What controlled substances have you used in the  
10 past?

11 A. I mean, I have used cocaine. I have smoked weed,  
12 but it's not my thing. Methamphetamines. I mean, it's  
13 the truth.

14 Q. When is the last time that you used a controlled  
15 substance?

16 A. After -- when I first got on probation, shortly  
17 after that, and then I was feeling kind of down on  
18 myself. But other than that, not really. And I had been  
19 on probation and just kind of being overwhelmed, trying  
20 to get my own place, and I got down on myself. I told my  
21 probation officer about it.

22 Q. So to make sure I understand correctly, this would  
23 have been just after you had been released a little over  
24 a month ago?

25 A. Yeah.

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1 Q. It was shortly after that that you used a controlled  
2 substance?

3 A. Uh-huh.

4 Q. And what did you use?

5 A. It was methamphetamines. Not proud of that, by all  
6 means, but it was -- it's the truth.

7 Q. I want to talk to you today about Alexander Ledvina,  
8 okay. Do you know Mr. Ledvina?

9 A. I do.

10 Q. How do you know Mr. Ledvina?

11 A. Well, I went to school with him originally. Well,  
12 not, like, directly with him because I was -- I'm older  
13 than him.

14 Q. So he was like a grade or two below you?

15 A. Well, I graduated in 2009. I don't know off the top  
16 of my head how old he is currently but I'd be able to  
17 tell you the difference.

18 Q. But he was at school at the same time that you were  
19 at school?

20 A. (Indicated affirmatively.)

21 Q. Is that a yes?

22 A. Yeah, well, until I graduated.

23 Q. And after going to school with him, did you continue  
24 to sometimes hang out with Mr. Ledvina?

25 A. Negative, because after I got out of high school, I

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1 went from working and then, after that, trying to do my  
2 own thing, because I was living in an apartment in  
3 Cedar Rapids at Cambridge. And then, from there, like, I  
4 moved around. I didn't see him or run into him until  
5 years later on.

6 Q. So at some point in time, years later on, though,  
7 you did run into Mr. Ledvina?

8 A. Later on in life, yeah. Not right after high  
9 school, no.

10 Q. Okay. Do you see Mr. Ledvina in the courtroom here  
11 today?

12 A. I do.

13 Q. If you would please describe where Mr. Ledvina is  
14 seated and also describe an article of clothing that he  
15 is wearing?

16 A. Well, I'm not color blind. It looks like a green  
17 shirt, glasses.

18 Q. And where is he in relation to you?

19 A. From this direction, he's left middle.

20 Q. Are you able to point to him?

21 A. (Witness indicated.)

22 MR. VANDER STOEP: Your Honor, may the record  
23 please reflect that the witness has identified the  
24 defendant.

25 THE COURT: The record will so reflect.

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1 BY MR. VANDER STOEP:

2 Q. So -- sorry.

3 A. It's all right.

4 Q. So you were talking earlier about you went to school  
5 with him, and then a few years after you went to school  
6 with him, you ran into him again. Did your relationship  
7 with Mr. Ledvina ever involve drugs?

8 A. Not at first, but it did get there.

9 Q. What drugs did it involve?

10 A. Cocaine and weed, but weed was not my thing.

11 Q. So primarily cocaine then?

12 A. Yeah.

13 Q. And when you say it involved cocaine, what does that  
14 mean?

15 A. Well, we both would sadly do cocaine together, or I  
16 would buy it personally and try to go sell it or . . .

17 Q. And another one you mentioned was marijuana. And  
18 you said marijuana was not your thing. Is that what you  
19 said?

20 A. Yes, sir.

21 Q. But you said that your relationship involved  
22 marijuana. So what does that mean?

23 A. Well, because, like, when I was around him, there  
24 was marijuana present, but it's not my -- it wasn't --  
25 between -- I didn't care about what he had going on with

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1    that.

2    Q.    So where would you see Mr. Ledvina with marijuana?

3    A.    When I would go to his house.

4    Q.    And where would the marijuana be?

5    A.    The marijuana would be back in, like, his bedroom  
6    area.

7    Q.    So did you ever buy marijuana from him?

8    A.    No, sir.

9    Q.    Now, to kind of go back to cocaine, when would you  
10   see him with cocaine?

11   A.    If I were to go to his house or if I asked him and  
12   we would meet up, and he'd either bring it to me or . . .

13   Q.    So would you buy cocaine from Mr. Ledvina?

14   A.    I have. I mean, that's how it involved, like, the  
15   whole situation.

16   Q.    I guess, how often would you buy cocaine from  
17   Mr. Ledvina?

18   A.    It was, like, five, ten -- between five and ten  
19   times. It's a ballpark.

20   Q.    And over, I guess, how long of a period of time did  
21   you buy cocaine from Mr. Ledvina?

22   A.    It wasn't that long.

23   Q.    Was it a few years?

24   A.    You could say that, because it's -- it's been --  
25   it's been a couple years since I've seen him before being

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1 here.

2 Q. Sure. It's been -- okay. So it's been a few years  
3 since you've seen Mr. Ledvina from today's date?

4 A. Yeah.

5 Q. So it's a poor question on my part. During the time  
6 period that you were getting cocaine from Mr. Ledvina,  
7 did that cover a few year span?

8 A. (Indicated affirmatively.)

9 Q. Is that a yes?

10 A. Yeah, yeah.

11 Q. And you said five to ten times is your estimation  
12 how many times you got cocaine from him?

13 A. Yeah.

14 Q. And was that cocaine that you purchased from him?

15 A. It was both. Either he'd -- because, like, the time  
16 that I -- he -- I owed him, but, like, it was for, like,  
17 2 grams, but, regardless, he gave it to me on a pretense  
18 of -- of my word.

19 Q. So just to see if I understand what you are saying,  
20 he gave it to you with the assumption that you would then  
21 pay it back at a later point in time?

22 A. Correct.

23 Q. So would that be sometimes how you would get cocaine  
24 from him? Sometimes you would have cash on hand and  
25 sometimes you just would get it and then pay it back

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1 later?

2 A. You are correct.

3 Q. Okay. On average, how much cocaine would you get  
4 from Mr. Ledvina at a time?

5 A. It honestly varied. It wasn't like a lot. I mean,  
6 a gram here or a ball, like, give or take.

7 Q. And you said a ball. How much is a ball?

8 A. In mathematical terms, it's 3.5.

9 Q. And was the cocaine that you were getting from  
10 Mr. Ledvina for your own personal use?

11 A. Yes and no. Like, I -- because I'm not, like -- I'm  
12 not trying to make myself look bad, but, like, I would do  
13 a little, get rid of it. Not trying to make myself look  
14 bad, but it's the truth.

15 Q. When you say "get rid of it" --

16 A. Which means, like, sell it, like . . .

17 Q. Okay. So you were selling some of the cocaine that  
18 you got from Mr. Ledvina?

19 A. I was just middlemanning it.

20 Q. Okay. So I know you said you were selling it to  
21 other people. Did there ever come a time where someone  
22 would reach out to you and say they needed cocaine and  
23 then you would go to Mr. Ledvina to get that cocaine?

24 A. It did happen a few times, but, like, it's -- like I  
25 said, it's -- this happened a few years ago.

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1 Q. Did Mr. Ledvina ever know that the cocaine sometimes  
2 that you were getting wasn't for you but was for somebody  
3 else?

4 A. I don't know.

5 Q. Did you ever tell him that?

6 A. No.

7 Q. Okay. How much would Mr. Ledvina charge typically  
8 for cocaine?

9 A. It all depended on what I would either ask for or  
10 people that wanted it, because I would be, like, the  
11 middleperson.

12 Q. So who set the price?

13 A. I mean, he did. I mean, it's not just him, but it's  
14 also like a worldwide. It's -- it's been the same for  
15 years.

16 Q. So just by way of example, if you wanted to get  
17 1 gram --

18 A. Correct.

19 Q. -- worth of cocaine from Mr. Ledvina, how much would  
20 he typically charge for 1 gram worth of cocaine?

21 A. Well, if -- since I know him, he knew me and my  
22 word, so he would charge me less than \$100, but the price  
23 is \$100.

24 Q. The price for a gram is \$100?

25 A. Uh-huh.

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1 Q. Would he ever charge you \$60 for a gram of cocaine?

2 A. (Indicated affirmatively.)

3 Q. Is that a yes?

4 A. Me, yes, because, again, I knew him, he knew me.

5 But the standard price is \$100.

6 Q. And when you say the standard price -- again, I just  
7 want to make sure I understand -- you're saying just in  
8 the universe of cocaine selling?

9 A. Yes, correct. And you can --

10 Q. So it's not --

11 A. You can -- the same thing if you were to look it up  
12 on like -- even watch drug network, they -- it's the same  
13 thing.

14 Q. So did Mr. Ledvina ever tell you that, you know, "A  
15 gram is usually 100 bucks, but because I know you, it's  
16 going to be 60 bucks," or was it just, "For you, \$60"?

17 A. Yeah.

18 Q. Okay. What is the most cocaine that you ever got  
19 from Mr. Ledvina at one time?

20 A. It was an ounce.

21 Q. And how much did you pay for that ounce?

22 A. About between 18 and 2,000.

23 Q. So 18 meaning \$1,800?

24 A. That is correct, sir.

25 Q. Did Mr. Ledvina ever tell you where he was getting

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1 cocaine from?

2 A. No, he did not.

3 Q. Do you know if he was selling it to anybody else?

4 A. To be honest, I do not know. I just know when I was  
5 there doing middleman-person things and . . .

6 Q. So were there ever other people there at the same  
7 time as you buying cocaine from Mr. Ledvina?

8 A. There was, but I wasn't -- I didn't really ask  
9 questions, because, one, obviously, there were other  
10 people there, and I don't -- I'm not really a fighter, so  
11 I can't really fight, so . . .

12 Q. So you just observed other people there, but no  
13 questions asked. You bought your cocaine and that was  
14 it?

15 A. Uh-huh.

16 Q. Okay. I want to direct your attention to April 24,  
17 2022. I think you've kind of been somewhat alluding to  
18 it a little bit earlier in your testimony today. Do you  
19 remember that date?

20 A. Yeah. I mean yes. Not yeah.

21 Q. Specifically, do you remember speaking to law  
22 enforcement officers on that date about an individual who  
23 they told you had been knocking at your door?

24 A. Oh, yeah.

25 Q. You do remember that?

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1 A. Yes. Would you like me to tell you about it?

2 Q. Yes. I'll kind of ask you some more questions, and  
3 we're going to start talking about that incident now.  
4 You were not home?

5 A. That is correct. I was currently at work.

6 Q. Okay. So when officers --

7 A. I was actually currently employed at the time at  
8 Quala Tank Wash.

9 Q. So at that time, when officers were telling you  
10 about what happened, that was the first you had heard  
11 about something happened?

12 A. I was like -- I got home. The neighbor was, like,  
13 approaching me, coming in my apartment, acting crazy, and  
14 then all of a sudden, like -- they handled him, and then  
15 they came and talked to me, because -- because they're  
16 like, yeah, someone knocked on your door, upped a gun on  
17 the neighbor.

18 Q. So did the police officers kind of tell you a  
19 general description of, like, the vehicle, as well as the  
20 description of the person that they had --

21 A. Yes.

22 Q. And based off of what information law enforcement --  
23 law enforcement officers were telling you, did you have  
24 someone come to mind as who you believed it would have  
25 been that was knocking at your door?

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1 A. Yes, I do.

2 Q. Who?

3 A. I mean, from the description of what I was told, it  
4 was Alex.

5 Q. Is that what you told officers?

6 A. (Indicated affirmatively.)

7 Q. Is that a yes?

8 A. Yes. Sorry.

9 Q. That's fine. Why did you believe that the person  
10 who was knocking at your door that day was Mr. Ledvina?

11 A. I mean, because he had given me 2 -- 2 grams, and he  
12 wanted his money for the collection of it, and I had  
13 avoided him and upset him.

14 Q. 2 grams of what?

15 A. Cocaine, which made -- upset him, which I get that,  
16 because, like -- I mean, I know he may not have a lot of  
17 friends, but he considered me his friend I thought,  
18 but -- and I wouldn't think he would ever do that, come  
19 acting so --

20 Q. So he had fronted you 2 grams of cocaine?

21 A. Because he didn't pay me [sic] cash. He just gave  
22 it to me, said he wanted me to pay him back.

23 Q. So how much money did you owe him at that point?

24 A. Since I made him wait, he wanted the 200.

25 Q. So you were in debt \$200 to Mr. Ledvina at the time

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1 that this incident happened?

2 A. That is correct.

3 Q. Okay. Based off the description of the vehicle that  
4 officers told you, as well as the description of the  
5 person, did that also make you believe that Mr. Ledvina  
6 was the one who was knocking at your door?

7 A. It does.

8 Q. At this time, I'm going to publish for the witness  
9 what's already been entered into evidence as Government's  
10 Exhibit 8.

11 Mr. Larimer, are you able to see the screen in front  
12 of you there?

13 A. This one right here?

14 Q. Yes.

15 A. Yeah.

16 Q. All right. Based off of what you can see on the  
17 screen here, are you able to kind of tell what that is?

18 A. Well, it's text messages that you had gotten from my  
19 phone and his phone.

20 Q. So are these text messages then between you and  
21 Mr. Ledvina?

22 A. Yes, because at first I said, "Who is this," and  
23 then as you scroll through it, when he sent -- the  
24 number -- the number that texted me, "Why you ignoring  
25 me? I shouldn't have to come to your house," I mean, so

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1 that's why I was like, well, it's probably him.

2 Q. So I'm going to scroll a little bit further, to page  
3 3 of Exhibit 8, do you see that blue box at the top?

4 A. Yeah, where it says the question mark?

5 Q. And if that's a question mark there, is that you  
6 sending the text message?

7 A. Yeah. I'm on the left.

8 Q. And then the green box right below it, what's does  
9 that message say?

10 A. It says, "Alex, dude."

11 Q. I guess, based off of that text message, "Alex,  
12 dude," who did you believe it was -- or who do believe  
13 this is that was texting you?

14 A. I believe it as him, because he's like "It's Alex,  
15 dude," like, it's just slang talk probably.

16 Q. So at the bottom of that message, the green one, the  
17 very bottom of the bubble, do you see a date?

18 A. 4-15-2022.

19 Q. So that's just a few days before the date when the  
20 officers came and talked to you at your house?

21 A. To be honest, I don't remember the exact date the  
22 officers showed up to my house, but they did show up to  
23 the house.

24 Q. Okay, okay.

25 A. That's the truth.

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1 Q. I want to scroll to the end. I'm on page 5 at this  
2 point in time. There are two boxes there. There's a top  
3 box and a bottom box. Are you able to read that bottom  
4 box?

5 A. Yeah. Would you like me to read it.

6 Q. Yes, please.

7 A. It says, "Stop being a piece of shit."

8 Q. So is that a text message that you received?

9 A. Yes.

10 Q. And are you able to see the date on that message?

11 A. 4-23-22.

12 Q. There's one other message I want to go over with you  
13 here. And I'm on page 4. Again, there are two green  
14 boxes. There's a top green box, and there's a bottom  
15 green box. Can you read that bottom green box?

16 A. I can. Would you like me to read it out loud?

17 Q. Yes, please.

18 A. It says, "I'm going to be in a very bad mood if I  
19 have to drive to your house." And do you want me to put  
20 the date on it too?

21 Q. Yes, please.

22 A. 4-15-2022.

23 Q. And would this have been the message that you  
24 received?

25 A. It was, when I had that phone number, yeah.

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1 Q. When officers talked to you that day, the day they  
2 came -- I know you don't know the specific date -- do you  
3 remember telling the officers about a burglary incident?

4 A. I do.

5 Q. Do you still remember kind of what you told officers  
6 about that burglary incident?

7 A. I do. Would you like me to tell you?

8 Q. Before we get there, how did you hear about that  
9 burglary incident?

10 A. From Alex.

11 Q. So, yes, can you tell me what Mr. Ledvina told you  
12 about the burglary.

13 A. Well, put it -- so this is how. So he called me and  
14 was like, "I just got robbed." And I said, "Okay."  
15 Like -- and then he was all hostile, but I calmed him  
16 down, and I was talking to him. And then, he's like he  
17 had just made, like, a large purchase. And, obviously,  
18 it wasn't my business, but after that happened, he was  
19 hanging out with one black guy -- I forget his name off  
20 the top of my head because it's been -- again, it's been  
21 a long time. But this person was there; also, there was  
22 a couple girls there, like. And then they had got into  
23 dude's car -- Alex, a couple girls, and him -- and went  
24 somewhere, left Alex somewhere. And after that, the dude  
25 had, like, unlocked the window, like, from behind, so it

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1 looked like -- like it was un -- opened or not opened.  
2 And then from there, when they went to leave, obviously,  
3 Alex got stranded, and then dude went back to Alex's  
4 house and took all the drugs.

5 Q. So what drugs were -- were taken?

6 A. Cocaine and weed, because that's -- that's what I  
7 was told was taken.

8 Q. Did Alex say -- or, sorry -- did Mr. Ledvina say  
9 approximately how much cocaine and marijuana was taken?

10 A. I don't know the exact amount of weed that was  
11 taken, but I know it was a lot.

12 Q. What about cocaine?

13 A. And it was a lot of cocaine.

14 Q. So --

15 A. I can't -- I just know -- I don't know if it was  
16 like -- I don't know if it was a couple -- like, a kilo  
17 or a couple pounds. I don't know the exact number, but I  
18 know it was a lot. The amount was a lot.

19 Q. I mean, do you remember telling law enforcement, the  
20 officers, back on the date that they came and talked to  
21 you, that it was several pounds of marijuana and several  
22 ounces of cocaine?

23 A. That is correct.

24 Q. So had you been hanging out with Mr. Ledvina kind of  
25 around that same time period that officers came and

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1   knocked on your door?

2   A.    Yes and no, but I was mainly working.  It was like  
3   if I had time, yeah.

4   Q.    Earlier you mentioned that there would be times  
5   where you would do drugs with Mr. Ledvina; is that  
6   correct?

7   A.    Yeah.

8   Q.    And what drugs would you do with Mr. Ledvina?

9   A.    Cocaine.

10  Q.    Where would you typically do cocaine with  
11  Mr. Ledvina?

12  A.    At his house.

13  Q.    This may sound like a silly question, but how do you  
14  do cocaine?

15  A.    Well, first, I mean, kind of -- I feel kind of  
16  funny, but his -- well, anybody should know this, but --  
17  not everybody should know this, but, like -- well, when  
18  people go get it -- or get it, or whatever, I mean,  
19  typically you test it.  And whoever you get it from, make  
20  them do it first because there's fentanyl in it.  
21  Fentanyl is a killer, you know.  I'm not saying you don't  
22  know, but -- so then they would do some with you.  So  
23  anyways, you test it.  Make sure it's -- it's what it's  
24  supposed to be.  And after that, if it's in a rock form,  
25  you can use a dollar bill, whatever you want to use,

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1 something like paper or whatever, and, like, you  
2 typically can, like, break it down. You take a dollar  
3 over it or whatever, and then sometimes you take like a  
4 water bottle or -- this is just because it's right  
5 here -- and, like, go over it, smooth it out, take like a  
6 card or something and, like, break it into lines.

7 Q. And then do you snort it?

8 A. You can use whatever you want to use to snort, a pen  
9 cap, a rolled-up dollar bill, if you want accessories, I  
10 mean --

11 Q. And were you sometimes doing cocaine with  
12 Mr. Ledvina at his residence?

13 A. Yes.

14 Q. When you were at his residence, did you ever see  
15 firearms?

16 A. Yes.

17 Q. Approximately how many firearms have you seen at  
18 Mr. Ledvina's residence?

19 A. There was a lot, but I can't give you an exact  
20 description of how many directly, because, again, I  
21 just -- to be honest, I would kind of keep peace and I  
22 don't need to be on the wrong end of a bullet.

23 Q. So you saw multiple firearms?

24 A. Yeah.

25 Q. And where were the firearms? Where were they

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1 located in the house?

2 A. In the back by the bedroom area.

3 Q. And did you also ever see, like, marijuana in the  
4 house?

5 A. I didn't see it, but it was in the house in, like, a  
6 duffle bag.

7 Q. Did there ever come a time where you and Mr. Ledvina  
8 were using cocaine together and also handling firearms at  
9 the same time?

10 A. Well, I wasn't the one handling it, but, yes, there  
11 was a time.

12 Q. Would you describe what happened.

13 A. What?

14 Q. Would you describe what happened, please.

15 A. We were hanging out, and then, yes, listening to  
16 music. And he had talked about asking me to come clean  
17 his, like, basement out where he was staying at because  
18 he had a little basement storage spot. And he opens up  
19 the door, and he wasn't even paying attention, shot it  
20 off. Not intentionally. Like, forgot it was, like,  
21 loaded, and it went off in the building.

22 Q. So the gun accidentally discharged?

23 A. Yes, sir.

24 Q. What kind of firearm was it, do you remember?

25 A. I'm not good with names of guns.

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1 Q. I guess, like a --

2 A. It was not a handgun.

3 Q. Okay. So it was bigger than a handgun?

4 A. (Indicated affirmatively.)

5 Q. Is that a yes?

6 A. Yes.

7 MR. VANDER STOEP: I have no further questions,  
8 Your Honor. Thank you.

9 THE COURT: Cross-examination.

10 MR. LAHAMMER: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. LAHAMMER:

13 Q. Good afternoon, Mr. Larimer.

14 A. Good afternoon, sir.

15 Q. Can you hear me okay?

16 A. I can.

17 Q. You talked about your prior offenses. One of them  
18 was a drug tax stamp, right?

19 A. Yes, sir.

20 Q. And you currently are on probation for that,  
21 correct?

22 A. Yes, sir. Yes, I'm on probation for that, and  
23 previous.

24 Q. Okay. What were the drugs associated with your drug  
25 tax stamp?

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1 A. Cocaine, methamphetamines, weed carts, and I believe  
2 clonazepam.

3 Q. And that's based on a traffic stop that happened in  
4 February of this year, right, the latest one?

5 A. Yeah.

6 Q. And then the previous one was a traffic stop about a  
7 year ago last March, right?

8 A. Yeah.

9 Q. And in the car you had clonazepam pills, right?

10 A. Yes.

11 Q. Methamphetamine?

12 A. Yes.

13 Q. Cocaine?

14 A. Yes.

15 Q. Didn't get that cocaine from --

16 A. (Indicated negatively.)

17 Q. -- Mr. Ledvina, correct?

18 A. No, because he was -- he was locked up.

19 Q. You also had marijuana in the car?

20 A. There were weed carts.

21 Q. Marijuana is not your thing though, right?

22 A. I just -- I had them.

23 Q. Were you selling them?

24 A. I was trying to, but clearly I got -- went to jail.

25 I wasn't being the brightest.

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1 Q. And then a year prior you had Tramadol, Adderall as  
2 well, right?

3 A. Yes.

4 Q. And you're claiming you went to school with  
5 Mr. Ledvina, correct?

6 A. Yes.

7 Q. You graduated in 2009 though, didn't you,  
8 Mr. Larimer?

9 A. Yes, I did.

10 Q. He graduated in 2015 from Washington High School.  
11 Were you aware of that?

12 A. I did not know he went to Wash, but, like, the thing  
13 is, when we were younger, I used to take him -- I used to  
14 ride the bus route when I was in Shellsburg, and I picked  
15 up him and his sister on the bus route.

16 Q. You're six years older than him, correct?

17 A. Correct. He's younger than me. But at one point he  
18 did go to high -- he did go to school with me.

19 Q. And you talked about the prior drug tax stamp. You  
20 also had thefts in the past, right?

21 A. I believe so.

22 Q. Convictions, correct?

23 A. Yeah. Those were when I believe I was young, like  
24 18, 19.

25 Q. When you were interviewed with law enforcement in

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1 preparation for today, did they ask you anything about  
2 the source of the drugs you were caught with in February?

3 A. No, they didn't ask the source, none of that.

4 Q. Did they ask where you got the drugs last year when  
5 you got pulled over in March?

6 A. No.

7 Q. And you intended to distribute all those drugs,  
8 didn't you?

9 A. Sadly.

10 Q. And that's pills, meth, marijuana, correct?

11 A. (Indicated affirmatively.)

12 Q. And cocaine, right?

13 A. (Indicated affirmatively.)

14 Q. Thank you, sir.

15 MR. LAHAMMER: Nothing further, Judge.

16 THE COURT: Any further redirect examination?

17 MR. VANDER STOEP: No, Your Honor.

18 THE COURT: All right. Thank you, sir. You  
19 may step down. You are excused as a witness.

20 THE WITNESS: So I can just --

21 THE COURT: You can leave, yep.

22 Any other witnesses?

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Thank you.

25 MR. VANDER STOEP: No, Your Honor.

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1           THE COURT: All right. Mr. Lahammer, any  
2 witnesses you wish to call at this point?

3           MR. LAHAMMER: No, Your Honor.

4           THE COURT: All right. That completes the  
5 evidence in this case. As we noted previously, the issue  
6 in dispute is whether the defendant -- one of the felony  
7 offenses for which the defendant is responsible for, the  
8 4-level enhancement for possessing a firearm in  
9 connection with another felony offense, has to do with  
10 this assault, and so I'll hear argument on that issue,  
11 first from the government, and then from Mr. Lahammer,  
12 I'll rule on that, and then we'll turn to the rest of the  
13 hearing.

14          So, Mr. Vander Stoep.

15          MR. VANDER STOEP: Thank you, Your Honor. I'll  
16 try to be brief regarding this issue and kind of rely  
17 predominantly on the briefing that was filed in this  
18 case. The briefing sets forth the other felony offense  
19 that the defendant is being, I guess, accused of in this  
20 case, the assault while using or displaying a dangerous  
21 weapon under the Iowa Code. In this case, Your Honor has  
22 heard testimony there was also a 9-1-1 call and multiple  
23 body-worn cameras admitted into evidence about  
24 Mr. Ledvina knocking on the door of Mr. Larimer's  
25 residence, Mr. Young and then another individual outside

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1 seeing the commotion, seeing what's happening, where  
2 words are ultimately exchanged between Mr. Ledvina and  
3 those two witnesses, results in Mr. Ledvina pulling out a  
4 firearm and pointing it in the direction of Mr. Young.

5       You can also hear on the 9-1-1 call, as well as the  
6 body-worn camera, and you heard testimony here today from  
7 Mr. Young, that he got partial license plates from that  
8 vehicle, being KYJ or KJY. Today he talked about the  
9 type of vehicle that he thought maybe it was, but he then  
10 reiterated that that was not the predominant focus of  
11 what he was focusing on that day.

12       Notably in this case, the defendant had his  
13 residence and vehicle searched on August 11, 2022, and  
14 the vehicle that was searched was a vehicle that had the  
15 license plate that matched the numbers that Mr. Young  
16 ID'd as the individual whose vehicle was leaving the  
17 scene of that incident back in April of 2022.

18       Additionally, Mr. Larimer told law enforcement back  
19 then, the day the incident happened, and then today,  
20 about why he believed that it was Mr. Ledvina that was  
21 knocking on his residence, about having owed him \$200  
22 cash for fronted cocaine, and also based off of the  
23 description of the vehicle and the person that law  
24 enforcement had. We also went through text messages  
25 today from Mr. Ledvina to Mr. Larimer indicating that

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1 Mr. Ledvina was upset with something. One of the text  
2 messages said he would be upset or in a bad mood if he  
3 had to go to his house. And then the message the day  
4 before the incident, Mr. Ledvina tells Larimer to "Stop  
5 being a piece of shit."

6 Additionally, there's a body-worn camera of a phone  
7 call interview that Officer Kephart had with Mr. Ledvina  
8 on April 30, 2022. Officer Kephart is just trying to get  
9 information from Mr. Ledvina regarding what had happened  
10 that day on April 24th. The two kind of go around and  
11 around regarding potentially setting up a meeting  
12 location. But one of the questions that the defendant  
13 asks is, "Who is Michael Young?" And the answer from the  
14 officer is, "That is the individual who you had the  
15 disturbance with on that date." And the defendant's  
16 response was, "Okay. And that guy, like, started  
17 threatening me," which is informing the officer that he  
18 was aware and knew what she was talking about regarding  
19 the disturbance incident.

20 And then, of course, on January 2, 2023, you heard  
21 testimony today and there's a body-worn camera of  
22 Mr. Young going into the station, being shown a series of  
23 photos, and, then, when he sees the defendant's photo in  
24 the photo lineup, he believes that the defendant's photo  
25 is the individual who was the one who was causing the

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1   altercation and the disturbance back in April. He knows  
2   he's not 100 percent sure, but he says he believes it was  
3   that individual.

4           Your Honor, given all the testimony and the evidence  
5   in this case, the government does believe that the  
6   defendant's possession of the firearm on that date did  
7   facilitate or had the potential of facilitating that  
8   felony offense of assault while using or displaying a  
9   dangerous weapon under the Iowa Code. As such, the  
10   government would argue that the 4-level enhancement under  
11   2K2.1(b)(6)(B) would also apply for that other felony  
12   offense. Thank you, Your Honor.

13           THE COURT: Thank you.

14           Mr. Lahammer.

15           MR. LAHAMMER: Very briefly, Your Honor.  
16   Mr. Young's not credible, number one, because he's got  
17   prior carrying weapons convictions, use or displaying a  
18   weapon, and federal gun charges, but he can't identify  
19   either the color, type, just any general characteristics  
20   of the firearm that he claims that he saw. Further, he  
21   says it was a classic Cutlass, at least that's what he  
22   saw, a blue classic Cutlass, not a gray Impala, and that  
23   makes a difference in this case. It's based -- also, the  
24   government argues "Plus, he provided matched numbers."  
25   Well, he didn't. He provided KHJ or KJH [sic]. He

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1 didn't provide any numbers whatsoever as a partial plate.  
2 What we would submit is Mr. Young is not reliable to  
3 establish any facts that he testified about.

4 As to Mr. Larimer, it's not credible that he went to  
5 school with Mr. Ledvina when he graduated in 2009.  
6 Mr. Ledvina graduated from Washington High School in  
7 2015. And also that Mr. Larimer, in March of '23 and  
8 February of '24, had a number of controlled substances,  
9 pills, meth, cocaine, marijuana, even though marijuana is  
10 not his thing. Clearly, Mr. Larimer is a dealer, a  
11 dealer of a substantial and a wide variety of controlled  
12 substances. And we would submit that that's motivation  
13 to give false testimony against Mr. Ledvina.

14 It's based on those arguments we would ask that the  
15 4-level enhancement for any connection to cocaine  
16 distribution or assault with a firearm be denied, Your  
17 Honor.

18 THE COURT: All right. Thank you,  
19 Mr. Lahammer.

20 As I mentioned at the beginning, the government has  
21 the burden of proving this by a preponderance of the  
22 evidence, meaning it's more likely true than not, and I  
23 find the government has carried that burden. Indeed, if  
24 the burden of proof here was beyond a reasonable doubt, I  
25 would find it beyond a reasonable doubt. My view of the

1 evidence is overwhelming. The defendant was involved on  
2 April 24, 2022, with threatening Mr. Young and another  
3 gentleman at this apartment complex with a firearm.

4 First, we have the 9-1-1 call. And the Rules of  
5 Evidence don't apply in a sentencing hearing. The  
6 lawyers know that. But if they did, that 9-1-1 call  
7 would come in anyway because of the excited utterance  
8 exception. The reason that's an exception to the hearsay  
9 rules is because the very nature of a 9-1-1 call is that  
10 the person who is calling 9-1-1 is in an excited state,  
11 and they're not in a mental state to be thinking through  
12 fabrication. They're talking too quickly, they're too  
13 excited, and so it has indicia of reliability.

14 And here, Mr. Young called 9-1-1, described what  
15 happened, described that a firearm was pulled on him. I  
16 actually find that his history of possessing a firearm  
17 enhances his credibility because he obviously knows what  
18 a firearm looks like. That was corroborated by the  
19 body-worn cameras, by the officers who went to  
20 investigate, when both Mr. Young and another neighbor  
21 described exactly the same conduct committed by the  
22 defendant.

23 The fact that Mr. Young now thinks that the  
24 defendant had a classic Cutlass that day is -- there's  
25 always going to be some inconsistencies in testimony.

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1 That means nothing to me. The odds of Mr. Young out of  
2 the blue deciding to identify -- first of all, what would  
3 be the motivation for him to fabricate this? There is  
4 none. None has been identified. What motive would  
5 Mr. Young and this other neighbor possibly have for  
6 fabricating the idea that somebody pulled a gun on him  
7 and pointed it at him that day? All it does is gets them  
8 in contact with law enforcement officers. And obviously  
9 Mr. Young doesn't have any real love for law enforcement  
10 officers given his history of being arrested, and so  
11 there's absolutely no reason for them to make this stuff  
12 up.

13 They identified the first three letters of the  
14 license plate. It comes back to the defendant's car.  
15 What are the odds that it would come back to the  
16 defendant's car and it not be the defendant.

17 And if that's not enough, then we have additional  
18 corroborating evidence coming from Mr. Ledvina [sic],  
19 from the text messages between the defendant and  
20 Mr. Ledvina [sic], and then from the defendant's own  
21 statements to the police officers captured on the body  
22 camera in which he admits that he was at the scene and  
23 then tries to excuse his conduct there by claiming that  
24 he was threatened by somebody else. It's clear that he  
25 knew that he was at that apartment complex and had been

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1 confronted by these neighbors or at least stared at by  
2 these neighbors, and he comes unglued and pulls a gun on  
3 them and now he's trying to justify his conduct.

4 The fact that Ledvina [sic] is a drug dealer himself  
5 doesn't detract from the credibility of Mr. Ledvina's  
6 [sic] testimony either because it is so heavily  
7 corroborated by the defendant's own admissions, the text  
8 messages with the defendant, and the other circumstantial  
9 evidence here.

10 MR. VANDER STOEP: Your Honor?

11 THE COURT: I'm sorry?

12 MR. VANDER STOEP: I'm sorry. You said  
13 Mr. Ledvina's testimony. I imagine you meant  
14 Mr. Larimer's testimony.

15 THE COURT: I'm sorry, Mr. Larimer's testimony.  
16 Thank you. Mr. Larimer's testimony. And I find both  
17 Mr. Larimer and Mr. Young to be credible witnesses.

18 As far as Mr. Larimer not being credible because he  
19 didn't go to school with the defendant, paragraph 52 of  
20 the presentence report, it reflects the defendant  
21 attended school in the Vinton, Iowa, area, which is the  
22 exact same area that Mr. Larimer described him graduating  
23 from school, and so there's corroboration in the PSR  
24 itself that the defendant went to school, albeit not high  
25 school, apparently, in the same area as Mr. Larimer did,

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1 and corroborates that.

2 So in my view, the evidence is overwhelming that the  
3 defendant pulled a firearm on Mr. Young and another  
4 neighbor on April 25, 2022, a neighbor of Mr. Larimer's,  
5 not the defendant's neighbor. And so I'm overruling the  
6 defendant's objections to paragraph 6, 18, 23, as it  
7 pertains to the assault, and 84.

8 Now, as the parties noted to begin with, that really  
9 doesn't change anything. The defendant wasn't contesting  
10 that he is responsible for a 4-level enhancement for  
11 possession of a firearm in connection with another felony  
12 offense. So we are where we began, and that is with a  
13 total offense level of 24, criminal history category I,  
14 with an advisory guideline range of imprisonment of 51 to  
15 63 months.

16 I believe, Mr. Vander Stoep, that addresses all of  
17 the contested guideline issues. The only thing left  
18 would be the motion for a downward variance and the  
19 ultimate sentence. Do you agree?

20 MR. VANDER STOEP: I agree, Your Honor.

21 THE COURT: And, Mr. Lahammer, do you agree?

22 MR. LAHAMMER: I do, Your Honor.

23 THE COURT: All right. So I'm going to hear  
24 first from the government on this. Although it is the  
25 defense motion for a downward variance, it's my practice

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1 to have the government address a downward variance motion  
2 first, as the lawyers know, because that will then give  
3 Mr. Lahammer an opportunity not only to tell me what he  
4 originally planned on saying but also be able to respond  
5 to anything that Mr. Vander Stoep may say in his  
6 argument.

7 So I'll hear first from Mr. Vander Stoep on the  
8 motion for a downward variance and the sentence he  
9 believes on behalf of the United States is appropriate,  
10 and then I'll hear from Mr. Lahammer on those issues, and  
11 then I'll hear from Mr. Ledvina, if he wishes to say  
12 anything to me, and then I will impose sentence.

13 So, Mr. Vander Stoep, I'm happy to hear from you  
14 first, sir.

15 MR. VANDER STOEP: Thank you, Your Honor. Your  
16 Honor, in this case, the government is recommending a  
17 sentence within the guideline range. As Your Honor is  
18 aware, in this case, the defendant possessed multiple  
19 firearms while being an unlawful user of controlled  
20 substances. Between April of 2018 and February of 2022,  
21 he purchased at least 14 firearms. And on July 29, 2022,  
22 he purchased a firearm from a gun store in the Northern  
23 District of Iowa, and falsely stated that he was not an  
24 unlawful user or addicted to marijuana or controlled  
25 substances.

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1           Then on August 11, 2022, law enforcement executed a  
2 search warrant at the defendant's residence. That  
3 involved the search of Mr. Ledvina himself, his vehicle,  
4 and his residence. Investigators encountered the  
5 defendant as he was returning to his residence in his  
6 vehicle, and they instructed him to show his hands, but  
7 he continued to look and reach down toward the floorboard  
8 near the driver's seat. He eventually exited the  
9 vehicle, but as he got out, he failed to put the vehicle  
10 into park and the vehicle began to roll backwards. This  
11 caused an investigator to have to jump into the vehicle  
12 to put it into park. And on the floorboard, the driver's  
13 side floorboard of that vehicle, investigators located a  
14 loaded firearm.

15           Additionally, in the residence, investigators  
16 located four additional firearms, multiple rounds of  
17 ammunition, and multiple firearm magazines. Two of those  
18 recovered firearms were equipped with large-capacity  
19 magazines. And investigators also located a drum  
20 magazine that had a 100-round capacity inside  
21 Mr. Ledvina's firearm. Additionally, officers found  
22 marijuana and cannabis inside of his residence.

23           Your Honor, in addition to just possessing firearms,  
24 the defendant was also involved in the drug trade.  
25 Specifically, the defendant was involved with

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1 distributing marijuana and selling cocaine. In this  
2 case, the defendant has stipulated that he was  
3 distributing marijuana, and we've also heard testimony  
4 from Jay Larimer detailing Mr. Larimer's prior history  
5 and involvement with purchasing cocaine from Mr. Ledvina.

6 We also heard one of the incidents that Mr. Larimer  
7 testified about, about going to Mr. Ledvina's residence  
8 to do cocaine together, where there was also firearms  
9 present, and there was actually an accidental discharge  
10 with one of those firearms. Your Honor this is an  
11 incredibly dangerous situation, and fortunately no one  
12 was harmed during this occurrence.

13 Then, on April 24th, as this Court has just heard  
14 extensive testimony, Mr. Ledvina, decided he needed to  
15 collect on an outstanding drug debt that was owed to him  
16 by one of his cocaine purchasers, Mr. Larimer. During  
17 that incident, witnesses observed the conduct of  
18 Mr. Ledvina, and he got violent with them, pulled a  
19 firearm and pointed it in their direction before  
20 ultimately taking off and leaving.

21 Your Honor, the government notes in the PSR that the  
22 defendant did not report any employment from 2016 until  
23 July of 2022. Additionally, records from the University  
24 of Iowa reflect that from the fall of 2015 through the  
25 fall of 2017, he was attending classes at the U of I.

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1   However, there is that period of time unaccounted for  
2   between the fall of 2017 and July of 2022. And it's  
3   notable that this is the time period that the defendant  
4   made the purchase of those 14 firearms. Again, Your  
5   Honor, the Court just heard extensive testimony in this  
6   case from Mr. Larimer that Mr. Larimer was purchasing  
7   cocaine from Mr. Ledvina. It's likely that, during this  
8   period of unemployment, that Mr. Ledvina was continuing  
9   to support himself through the sale of controlled  
10   substances, such as marijuana and cocaine.

11       Your Honor, I just want to briefly touch on some of  
12   the cases that were cited in the defense motion for a  
13   downward variance. I note that some of the citations I  
14   was not able to access or find, but some of them I did,  
15   and I was able to get some context for the reasons for  
16   the sentences. The first case was *U.S. versus Walker*.  
17   In that case, the Court noted that there was exceptional  
18   rehabilitation following the post offense -- or following  
19   the offense in that case. And, additionally, the  
20   defendant in that case has an advanced age of 55 years  
21   old, and his probation officer ultimately recommended a  
22   lower sentence for him as well. I was not able to find  
23   any documentation for *U.S. versus Gala* or *U.S. versus*  
24   *Brown*, or *U.S. versus Bean*. I believe *U.S. versus ONeal*  
25   and *U.S. versus Mathis* were both TSR revocation contexts.

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1 And then turning to *U.S. versus Noye*, in that case, the  
2 defendant's criminal history category was I, his total  
3 offense level of 15, and his guideline range was  
4 ultimately 18 to 24 months. And then, as is noted in the  
5 defendant's brief, an ultimate sentence was imposed of  
6 18 months, so it was still a guideline sentence that was  
7 imposed in that case. And then in *Burnside*, again, the  
8 total offense level in that case was a 17, which resulted  
9 in a guideline range of 24 to 30 months, and a final  
10 sentence imposed being 24 months. Again, that is a case  
11 in which the Court sentenced the defendant to a guideline  
12 range sentence.

13 This case is different. There are a number of  
14 guideline enhancements here that result in the  
15 defendant's guideline range being higher than what some  
16 of these other defendants were facing in their cases. So  
17 even though cases have been identified and put forward by  
18 the defendant in their brief, these are not a perfect  
19 match for comparing the defendant's conduct to these  
20 other cases.

21 Your Honor, given the facts and circumstances of  
22 this case, as well as the defendant's history and  
23 characteristics, the government does recommend a sentence  
24 in the guideline range in this case. Such a sentence is  
25 sufficient but not greater than necessary to achieve the

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1 purposes set forth in Title 18 U.S. Code Section 3553(a).

2 Thank you.

3 THE COURT: Thank you.

4 Mr. Lahammer.

5 MR. LAHAMMER: Thank you, Your Honor. For the  
6 most part we're going to rely on our brief that we've  
7 provided to the Court. And I know the Court read the  
8 brief, along with the letters of support, the character  
9 letters. I just want to touch on a few things.

10 First off, the criminal history, all three  
11 violations are curfew violations, and a couple of  
12 disorderly conducts occur at age 18, nearly 10 years ago.

13 Second, we would ask the Court to note that  
14 Mr. Ledvina has been in court -- or in jail more than a  
15 year since his arrest in this case, sitting in county  
16 jails, which is an extra harsh way to do your time,  
17 rather than having the programming and the yard time and  
18 other things available to you in a prison.

19 Third, as the Court has read the PSI, paragraph 39  
20 talks about his juvenile placement at age 16. Kind of an  
21 unconventional upbringing, as set forth in 43, with his  
22 parents' situation, the medical issues with asthma, the  
23 mental with ADHD and Asperger's. He had great employment  
24 up until his arrest, working for the VA, as noted in  
25 paragraph 55.

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1           And it's because of this, the lack of criminal  
2 history, the fact that he wasn't deemed a threat -- even  
3 after his raid, it was 10 months before he was arrested.  
4 If he was such a big threat, you would think he would  
5 have been arrested shortly after the raid and not left  
6 out 10 months.

7           Finally, the letters of support talk about how  
8 valuable Mr. Ledvina is in caring for his mother and, in  
9 relation to his mother's health, how he assists in that  
10 way.

11           And it's based on those reasons we believe a  
12 sentence under the advisory guidelines is appropriate.  
13 Thank you.

14           THE COURT: Thank you, Mr. Lahammer.

15           Mr. Ledvina, this is the time in the hearing when  
16 you have an opportunity to speak to me directly, to tell  
17 me anything you'd like me to take into account in  
18 determining your sentence. Of course, you don't have to  
19 say anything. And if you choose not to say anything, I  
20 won't hold that against you in any way. But if there is  
21 anything you would like to say, now is the time to do so.  
22 Is there anything you would like to say, sir?

23           THE DEFENDANT: Yes, Your Honor. And sorry if  
24 I stutter.

25           THE COURT: Let me just give you some advice.

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1 I see you are about to read from something. And when  
2 we're nervous and we're reading from something, we tend  
3 to go really quickly, and that makes it very hard for the  
4 court reporter to keep up. So just take your time.

5 THE DEFENDANT: Okay. Your Honor, I'd like to  
6 start by saying thank you for the opportunity to say a  
7 few words on my behalf today. You have a reputation of  
8 being just, fair, and wise with those who come before  
9 your court, so I believe you will give what I have to say  
10 just consideration to assist in your decision today.

11 I would like to start by saying I'm sorry to my  
12 community, my country, and most of all my family for the  
13 bad decisions I've made and the company I've kept  
14 throughout my life that led to me standing here before  
15 you today.

16 Over this last year of incarceration, I have had  
17 much time to reflect on my life, my choices, and who I  
18 want to be. I've caused much pain, despair, and hardship  
19 to those I love the most. My parents have been deprived  
20 of being able to see and spend time with their only son.  
21 They are constantly worried about me, and --

22 THE COURT: Just take your time, sir.

23 THE DEFENDANT: They are constantly worried  
24 about me and concerned about my well-being, wondering  
25 when they will get to spend time together as a family

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1 again.

2 My incarceration has been particularly hard on my  
3 mom. As a little background, we have always been a small  
4 and tight-knit family. Four years ago in the month of  
5 June we lost my grandma, who passed away from --

6 COURT REPORTER: I'm sorry, could you slow down  
7 just a little bit. Start with "Four years ago."

8 THE DEFENDANT: Four years ago in the month of  
9 June we lost my grandma, who passed away from failure of  
10 her lungs being able to take in oxygen. So now June, the  
11 month of my mom's birthday, the same day my grandma died,  
12 has been associated with this tragedy. Last year this  
13 happened to be the same month of my arrest, adding to the  
14 depression this month brings her. Just the other day she  
15 told me how she hopes things go well today, so she can  
16 finally hug me again and associate this month as the one  
17 her boy came home rather than as the one he was taken  
18 away.

19 As for my dad, my grandpa on his side -- who shares  
20 my birthday -- passed away before I was born, and we lost  
21 my grandma to cancer in 2013. The only family he has  
22 left is my uncle, my sister, and her kids, who moved to  
23 Massachusetts, and me, his only son. So now he's  
24 deprived of being able to spend time with his best friend  
25 and what little family he has left.

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1           My grandpa has been deprived of being able to spend  
2 time with his only grandson and forced to cope with my  
3 absence, especially on the holidays. He is getting up  
4 there in age and his health is deteriorating. A few  
5 years ago he had a heart attack. He's starting to run  
6 out of breath simply walking from his front door to his  
7 car and has to regularly take heart medications while  
8 doing everyday tasks. It will break my heart to deprive  
9 him of any more time he can spend with me and the  
10 opportunity to make him proud.

11           During my incarceration, my parents have taken over  
12 the responsibility of caring for my dog, Betsy. I don't  
13 have any actual children yet, but as far as I'm  
14 concerned, she is my child. My sister got her for me my  
15 senior year of high school when she was just a puppy. My  
16 oldest niece was the one who named her. And she has been  
17 my pride and joy ever since. Her whole life she was  
18 constantly given love and attention from me. I've taught  
19 her many tricks, and her favorite is to give high fives.  
20 She'll put her paw up herself and initiate it when she's  
21 excited. Anybody who knows her will tell you that she is  
22 one of the sweetest, smartest, and most well-behaved dogs  
23 you'll ever meet. The very first night I got her, she  
24 climbed into bed with me and cuddled up next to me. This  
25 has -- being the standard way of things ever since.

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1           Then, last year, this came to a shocking halt the  
2 night of my arrest. When they first took her in, my  
3 parents told me that -- told me that she was whining and  
4 acting depressed in my absence. They tell me that to  
5 this day, when they let her out, she will stare at my car  
6 when she can -- when she can see it as though she is  
7 waiting for me to step out of it and greet me again.  
8 She, being a larger dog, is also starting to grow old.  
9 It will break my heart to deprive her of being able to  
10 cuddle up with her daddy and abandon her.

11           At this point, I find it prudent to address my  
12 personal growth since this case began. I, unfortunately,  
13 cannot point to any pretrial release, but I can address  
14 the 10 months following the day I was raided and prior to  
15 my incarceration. Prior to my arrest, I was consistently  
16 employed full-time and refrained from criminal activity.  
17 During this time, as you may recall, I was trying to  
18 civilly litigate my case pro se, which entailed coming  
19 into this courthouse in person, knowing full well that  
20 the marshals could take me into custody at any point. In  
21 fact, one time I came to file a brief after work where I  
22 forgot to take off my steel-toe boots. I informed the  
23 marshal's deputy at the detector, and they responded that  
24 it was not a problem, they knew who I was, and that I  
25 would not cause a problem. In one of my filings, I even

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1 voluntarily informed the Court and the government about  
2 the only time I left the state for work, despite being  
3 under no obligation to do so. All the while, I remained  
4 a good worker and attempted to further my career.

5 At Captain Clean -- where I worked in a highly  
6 regulated industry, where I operated dangerous machinery,  
7 handled dangerous chemicals, and worked with much of the  
8 nation's food supply -- I consistently showed up to work,  
9 would volunteer to do overtime, passed every drug test,  
10 and, rather than receiving any reprimands, I excelled in  
11 my performance. In fact, the owner, knowing about my  
12 charges, has said that if I were to be given time served,  
13 he would hire me back and even pay for me to get my CDL  
14 so I can operate their vac trucks.

15 Around April of 2023, I was given the opportunity to  
16 accept a position at the Veterans Affairs Hospital in  
17 Iowa City, as a low-voltage electrician and IT  
18 technician. It was a two-year contract to upgrade their  
19 entire data network. That functioned to start my  
20 career --

21 COURT REPORTER: I'm sorry. Could you slow  
22 down just a little bit further for me.

23 THE DEFENDANT: I'm sorry.

24 COURT REPORTER: "It was a two-year  
25 contract..."

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1           THE DEFENDANT: It was a two-year contract to  
2 upgrade their entire data network. That functioned to  
3 start my career as an electrician and in the field of IT.  
4 The job required both a security clearance and what I was  
5 told was a background check by the FBI. They paid for me  
6 to get OSHA certified, and I began work. At this point,  
7 I further hoped to resolve my case without an indictment,  
8 as I now planned to use this opportunity to get moved  
9 back to Iowa City to finish my degree around the time my  
10 job at the VA would be over, leaving me with endless  
11 career opportunities. Unfortunately, as we know, this  
12 didn't come to pass. All of this came to an end upon my  
13 arrest, and I have since been incarcerated.

14           Since then, despite being surrounded by many  
15 unsavory characters deeply committed to criminality and  
16 bravado, I have continued to be productive, work towards  
17 personal growth, and prepare to succeed when I return to  
18 the world. Over this last year of incarceration, I've  
19 spent time in three different jails and forced to  
20 interact with many different people and get by. This  
21 prompted me to work on my interpersonal skills so I could  
22 avoid and defuse conflicts with others without becoming a  
23 victim. The success of this growth is shown by the fact  
24 that at all of these jails, I've had a total of zero  
25 write-ups, fights, or incidents during my extended period

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1 in custody, despite being surrounded by many hardened  
2 criminals with less care of consequences, high  
3 propensities for violence, and unstable personalities.

4 As you have probably noticed since your first time  
5 seeing me last November, I have grown to take much better  
6 care of my body and improve my physical health that I  
7 intend to continue upon my return to the world. I have  
8 continued and expanded my thirst for knowledge by reading  
9 on such topics as history and philosophy and a newly  
10 found passion for studying law spurred from my experience  
11 in this case, as well as reading training manuals on  
12 trades that I've come across.

13 Throughout the course of this case, you have heard  
14 much about me and the individual that I am. I hope that  
15 today I have helped complete the picture. Your  
16 reputation of being just, compassionate, and fair gives  
17 me faith that today, with the authority and discretion  
18 vested in you by the laws of the United States, you will  
19 judge me as an individual. I hope that today you will  
20 give me mercy and see this as an opportunity to have a  
21 success story come from your court rather than another  
22 statistic lost in the criminal justice system and find  
23 that a sentence of time served with supervised release is  
24 sufficient but not greater than necessary.

25 THE COURT: Thank you, Mr. Ledvina.

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1 All right. In arriving at a sentence that is  
2 sufficient but not greater than necessary to achieve the  
3 goals of sentence, I have considered all the factors at  
4 Title 18 United States Code Section 3553(a), even if I  
5 don't mention each of them in my comments here today.

6 Turning first to the offense conduct, the offense  
7 conduct is kind of multilevel and complex in some ways.  
8 Mr. Ledvina at some period in his life decided he was  
9 going to get involved in the distribution of controlled  
10 substances. That may have been the motivator for him  
11 then to also acquire firearms, or maybe that was just  
12 something that he decided to do about the same time. In  
13 any event, the defendant was both an unlawful user of  
14 controlled substances, a drug dealer, and acquiring  
15 firearms under false pretenses. And, in a sense, he lied  
16 on forms to acquire firearms, and then also acquired  
17 firearms when he was prohibited because he was an  
18 unlawful drug user.

19 The reason Congress concluded that people that are  
20 using drugs illegally should not possess firearms is  
21 because the -- the reasoning is that people on drugs are  
22 not using their heads. Their heads are influenced, their  
23 judgment is influenced by controlled substances, and this  
24 case in some ways I think kind of bears this out. When  
25 Mr. Ledvina went over to collect on a drug debt from

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1 Mr. Larimer, he was hot headed, was not using his head.  
2 Whether he was influenced because he was under the  
3 influence of drugs or not, I don't know, but then he  
4 pulls a gun on two innocent people that had nothing to do  
5 with anything. That was stupid. It was dangerous. It  
6 endangered other people. And it harmed them. Anybody  
7 who has been on the receiving end of a gun barrel knows  
8 how frightening that can be, even for somebody like  
9 Mr. Young who has a past with firearms. It doesn't mean  
10 he's any less immune from being frightened by having a  
11 gun pointed at him.

12 And then, the fact that the defendant accidentally  
13 discharged a firearm when he was using drugs with  
14 Mr. Larimer is another indication of why it is we don't  
15 want to have people that are using drugs have anything to  
16 do with dangerous instrumentalities like firearms, and so  
17 this case in many ways bears witness to it.

18 It also shows why drug dealing and firearms are a  
19 dangerous combination. Firearms are tools of the drug  
20 trade. The drug trade is dangerous. People are getting  
21 robbed, as the defendant is getting robbed, for drugs or  
22 drug proceeds. That's why he arms himself. And then he  
23 also uses a firearm when he goes to collect a drug debt.  
24 And so we have all the combinations of criminal conduct  
25 here that is incredibly dangerous. It's dangerous to

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1 society. It's dangerous to the people involved with the  
2 defendant in using and distributing drugs. And  
3 Mr. Ledvina was going down a path in his life that was  
4 incredibly bad.

5 Part of it too was reflective of an attitude that he  
6 has that shows itself in the conversation he had with the  
7 police officers. When the police officer calls him up to  
8 talk to him about the incident on April 24th, he's lippy  
9 with the police officer. He's yelling at the police  
10 officer for not doing enough to investigate the robbery  
11 of his own house, in which, of course, he won't actually  
12 tell the police what was robbed from his house. And  
13 instead of answering questions, he is -- he was cocky, he  
14 was arrogant, he was self-righteous, he was having the  
15 attitude that he was the victim, and everybody is  
16 victimizing him, and everybody is wrong, and he's right.  
17 And that kind of attitude got him to the point where he  
18 got himself into a lot of trouble.

19 It's -- it's encouraging to me hearing Mr. Ledvina's  
20 allocution, because I see that he is having some internal  
21 reflection. He's thinking about things differently.  
22 This isn't who he was raised to be. This isn't who he  
23 was before. This isn't who he needs to be in the future.  
24 But for a period of time Mr. Ledvina was out of control  
25 and going in a very bad direction.

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1           The one thing that troubles me about where we are  
2 today versus where he was back in 2022 and that time  
3 period is his continued denial of assaulting Mr. Young  
4 and the other neighbor on April 24th. Under guideline  
5 section 3E1.1, the Court can deny a reduction for  
6 acceptance of responsibility when somebody falsely denies  
7 criminal conduct, and the defendant is denying that  
8 conduct here.

9           The government isn't asking for me to not grant him  
10 the reduction, and I'm going to go ahead and still grant  
11 him the reduction for acceptance of responsibility. But  
12 had the government asked me to revoke his reduction for  
13 acceptance of responsibility, I very well may have done  
14 so for falsely denying relevant conduct here, which I  
15 think was, as I said, overwhelmingly proven the defendant  
16 committed that assault. I'm hoping this is just a former  
17 vestige of the attitude that Mr. Ledvina had before and  
18 not who he is today or who he wants to become.

19           Turning to his history and characteristics,  
20 Mr. Ledvina is a young man. He's 27 years old. He did  
21 very well in school. He graduated from high school. His  
22 criminal history, as Mr. Lahammer noted, is not terribly  
23 troubling. A couple disorderly conduct things when he  
24 was 18 years old. I chalk that up to being a young man  
25 again with a young man's attitude, but not troubling

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1 here. He is a zero-point offender, and I think  
2 appropriately so.

3 He has worked in the past, and that is encouraging,  
4 that in 2023, he had gotten back into working hard,  
5 working legitimate jobs, demonstrating that he can work  
6 well. That's reflected in the letters of support as  
7 well.

8 He had a good childhood, although his -- he had --  
9 he came from, I guess, kind of a broken home in a way.  
10 He had good support from both of his parents throughout  
11 that time period, in any event.

12 He has struggled with some attention deficit  
13 hyperactivity disorder, and, obviously, drug use that has  
14 gone on for years. And so we're going to want to make  
15 sure while he's under court supervision that we address  
16 those issues.

17 But the bottom line is what I see in front of me is  
18 somebody who is a bright guy, who had a good upbringing,  
19 who did well in school, who had a lot of potential, and,  
20 then, for whatever reason, decided to blow it and go off  
21 on a bender for several years, to deal drugs and possess  
22 firearms that he had no business possessing.

23 The good news is Mr. Ledvina has all the tools, he  
24 has the intelligence, he has the education, he has the  
25 upbringing, he has the family support, that he knows this

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1 doesn't have to be who he is. Mr. Ledvina is not a bad  
2 man. His acts were bad. What he did was stupid, what he  
3 did was criminal, and he needs to be punished for the  
4 acts he committed. But this is a man with a lot of  
5 potential and a lot of future ahead of him. There is a  
6 requirement that you pay for criminal conduct you engage  
7 in through punishment, and that has to be imposed here to  
8 reflect the seriousness of the offense to make sure we  
9 deter Mr. Ledvina from doing anything like this again in  
10 the future and to deter others.

11 I don't find a lot that's mitigating here. I find a  
12 lot that's promising in the defendant's future, but not  
13 mitigating in the sense that I don't think the offense  
14 conduct that's reflected in the guidelines is in any way  
15 overstated at all. I -- I don't find that his criminal  
16 history has any impact on this at all, and so I don't  
17 find a lot of mitigation in his background.

18 I'm not concerned about the other cases where  
19 there's some issue of perhaps sentencing disparity. The  
20 guidelines and the statute instruct the Court to avoid  
21 unwarranted sentencing disparity. And "unwarranted"  
22 means that you look at each case separately, each case  
23 individually, and you judge the offender and the offense  
24 based on that individual case. There are reasons why  
25 other offenders with similar charges have different

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1 sentences, and the government identified some of those as  
2 well when going through some of the cases the defendant  
3 cited in the brief. And so while I appreciate pointing  
4 out these other cases, they are easily distinguishable  
5 because people are individualized.

6 I am -- to the extent there are any mitigating  
7 factors here identified, I think it's outweighed by the  
8 aggravating factors of the defendant being a drug dealer  
9 and somebody who assaulted other people with a loaded  
10 firearm -- or with a firearm here as well. And I will  
11 tell you, coming into this hearing, I was troubled enough  
12 by the violent conduct involved here that I was initially  
13 thinking top of the guideline range, if not above the top  
14 of the guideline range sentence. But I am encouraged by  
15 the defendant's allocution and the mitigating factors  
16 that Mr. Lahammer has identified and the positive  
17 attributes of the defendant's history to find that a  
18 guideline sentence is appropriate, but a bottom of the  
19 advisory guideline range I believe will be sufficient  
20 here to achieve the goals of sentencing.

21 And so having considered all the factors of 3553(a),  
22 it is the judgment of this Court, Mr. Ledvina, that you  
23 are hereby committed to the custody of the Bureau of  
24 Prisons to be imprisoned for a term of 51 months. This  
25 term consists of 51 months on Counts 1 and 2 to be served

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1 concurrently or at the same time.

2 It is recommended that you be designated to a Bureau  
3 of Prisons facility in close proximity to your family  
4 commensurate with your security and custody  
5 classification needs. I also recommend that you  
6 participate in the Bureau of Prisons 500-hour  
7 Comprehensive Residential Drug Abuse Treatment Program or  
8 an alternate substance abuse treatment program.

9 Upon release from imprisonment, you will be placed  
10 on supervised release for a term of 3 years. This term  
11 consists of 3 years on Count 1 and 3 years on Count 2, to  
12 be served concurrently or at the same time.

13 While on supervised release, you must comply with  
14 the following mandatory conditions: You must not commit  
15 another federal, state, or local crime; you must not  
16 unlawfully use or possess a controlled substance; and you  
17 must cooperate in the collection of a DNA sample as  
18 directed by your probation officer.

19 In addition, you must comply with the standard  
20 conditions of supervision set out in my judgment order,  
21 together with all the special conditions at paragraphs 73  
22 through 77 of the presentence report.

23 It is ordered that you must pay to the United States  
24 a special assessment of \$200, which is due immediately.  
25 You must forfeit to the United States all property set

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1   forth in the preliminary order of forfeiture filed on  
2   January 8th of 2024 at document 70 in the court's file.  
3   I find that you do not have the ability to pay a fine,  
4   and no fine will be imposed.

5           You are hereby remanded to the custody of the United  
6   States Marshal.

7           Mr. Vander Stoep, there are no counts to be  
8   dismissed; is that correct?

9           MR. VANDER STOEP: That's correct, Your Honor.

10          THE COURT: Before I advise the defendant of  
11   his right to appeal, is there anything else on behalf of  
12   the United States?

13          MR. VANDER STOEP: No, Your Honor. Thank you.

14          THE COURT: Officer Clark?

15          PROBATION OFFICER: No, Your Honor. Thank you.

16          THE COURT: Mr. Lahammer?

17          MR. LAHAMMER: No, Your Honor. Thank you.

18          THE COURT: All right. Mr. Ledvina, let me  
19   talk to you about your right to appeal. If you disagree  
20   with the sentence I've just imposed, you have the right  
21   to appeal that sentence to a high court. That court is  
22   called the Eighth Circuit Court of Appeals. To appeal to  
23   that court, you would have to file a written notice of  
24   appeal with the Clerk of Court for the Northern District  
25   of Iowa here in Cedar Rapids within the next 14 days. If

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1 you fail to file a written notice of appeal in the next  
2 14 days, you give up forever your right to appeal the  
3 sentence I've just imposed. Now, if you would like to  
4 appeal but you can't afford the services of an attorney  
5 to do so, I would appoint an attorney to represent you on  
6 appeal at no expense to you. Do you understand your  
7 right to appeal, sir?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you have any questions about  
10 anything we've done here today, sir?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Mr. Ledvina, you are a unique  
13 individual that has a lot of potential. This has been a  
14 hit to you. I know this is not the sentence you were  
15 hoping for. But you can do your time. You can do it  
16 well. You can come out a better person than you went in,  
17 and you can turn around and be the person that your  
18 parents thought you could be, that you knew you could be  
19 before you went down this road. This doesn't have to  
20 define you in any way. You can set your own path after  
21 you get done serving your time, and I think you have a  
22 lot of potential and I hope you live up to it. Good luck  
23 to you, sir.

24 Mr. Lahammer, anything further?

25 MR. LAHAMMER: No, Your Honor. Thank you.

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1 THE COURT: Mr. Vander Stoep?

2 MR. VANDER STOEP: No, Your Honor.

3 THE COURT: Thank you. That concludes this  
4 hearing.

5 (Proceedings concluded at 2:18 p.m.)  
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## C E R T I F I C A T E

I, Patrice A. Murray, a Certified Shorthand Reporter of the State of Iowa, do hereby certify that at the time and place heretofore indicated, a hearing was held before the Honorable C.J. Williams; that I reported in shorthand and transcribed to the best of my ability the proceedings of said hearing; and that the foregoing transcript is a true record of all proceedings had on the taking of said hearing at the above time and place.

I further certify that I am not related to or employed by any of the parties to this action, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand this 8th day of August, 2024.

/s/ Patrice A. Murray

Patrice A. Murray, CSR, RMR, FCRR  
Court Reporter  
PO Box 10541  
Cedar Rapids, Iowa 52410



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<b>\$1,800</b> <sup>[1]</sup> - 38:23 <b>\$100</b> <sup>[5]</sup> - 4:10, 37:22, 37:23, 37:24, 38:5 <b>\$200</b> <sup>[4]</sup> - 4:11, 41:25, 55:21, 84:24 <b>\$250,000</b> <sup>[1]</sup> - 4:7 <b>\$60</b> <sup>[2]</sup> - 38:1, 38:16	<b>2</b> <sup>[13]</sup> - 3:13, 3:17, 3:23, 4:4, 21:12, 35:17, 41:11, 41:14, 41:20, 56:20, 83:25, 84:11 <b>2,000</b> <sup>[1]</sup> - 38:22 <b>2-level</b> <sup>[2]</sup> - 10:12, 11:8 <b>20</b> <sup>[2]</sup> - 4:1, 10:6 <b>200</b> <sup>[1]</sup> - 41:24 <b>2005</b> <sup>[1]</sup> - 17:25 <b>2009</b> <sup>[4]</sup> - 29:10, 31:15, 52:7, 58:5 <b>2013</b> <sup>[1]</sup> - 71:21 <b>2015</b> <sup>[3]</sup> - 52:10, 58:7, 65:24 <b>2016</b> <sup>[1]</sup> - 65:22 <b>2017</b> <sup>[2]</sup> - 65:25, 66:2 <b>2018</b> <sup>[1]</sup> - 63:20 <b>2022</b> <sup>[14]</sup> - 7:24, 18:16, 39:17, 55:13, 55:17, 56:8, 59:2, 62:4, 63:20, 63:21, 64:1, 65:23, 66:2, 80:2 <b>2023</b> <sup>[5]</sup> - 3:12, 22:23, 56:20, 74:15, 81:4 <b>2024</b> <sup>[3]</sup> - 1:17, 85:2, 88:10 <b>21</b> <sup>[1]</sup> - 5:16 <b>23</b> <sup>[3]</sup> - 2:4, 5:18, 62:6 <b>23-CR-36</b> <sup>[2]</sup> - 1:5, 3:4 <b>24</b> <sup>[9]</sup> - 11:12, 11:19, 18:16, 39:16, 59:2, 62:13, 67:4, 67:9, 67:10 <b>24th</b> <sup>[5]</sup> - 7:24, 56:10, 65:13, 79:8, 80:4 <b>25</b> <sup>[1]</sup> - 62:4 <b>26</b> <sup>[2]</sup> - 2:4, 11:4 <b>27</b> <sup>[1]</sup> - 80:20 <b>27th</b> <sup>[1]</sup> - 1:17 <b>28</b> <sup>[1]</sup> - 2:5 <b>29</b> <sup>[1]</sup> - 63:21 <b>2:18</b> <sup>[1]</sup> - 87:5 <b>2K2.1(a)(4)(B)</b> <sup>[1]</sup> - 10:7 <b>2K2.1(b)(1)(A)</b> <sup>[1]</sup> - 10:13 <b>2K2.1(b)(6)(B)</b> <sup>[2]</sup> - 10:18, 57:11	<b>4</b> <sup>[4]</sup> - 7:12, 7:16, 7:20, 44:13 <b>4-15-2022</b> <sup>[2]</sup> - 43:18, 44:22 <b>4-23-22</b> <sup>[1]</sup> - 44:11 <b>4-level</b> <sup>[11]</sup> - 7:21, 7:22, 10:17, 14:11, 14:12, 14:19, 15:12, 54:8, 57:10, 58:15, 62:10 <b>401(1)(d)</b> <sup>[1]</sup> - 11:1 <b>425</b> <sup>[1]</sup> - 1:12 <b>43</b> <sup>[1]</sup> - 68:21	<b>9</b> <sup>[1]</sup> - 5:13 <b>9-1-1</b> <sup>[11]</sup> - 12:5, 18:17, 18:19, 22:9, 54:22, 55:5, 59:4, 59:6, 59:9, 59:10, 59:14 <b>922(g)(3)</b> <sup>[1]</sup> - 3:17 <b>924(a)(1)(A)</b> <sup>[1]</sup> - 3:20 <b>924(a)(8)</b> <sup>[1]</sup> - 3:17 <b>9th</b> <sup>[1]</sup> - 6:23
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*Contact Patrice Murray at PAMurrayReporting@gmail.com*

*for a complete copy of the transcript.*

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*Contact Patrice Murray at [PMurrayReporting@gmail.com](mailto:PMurrayReporting@gmail.com)*

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*Contact Patrice Murray at [PAMurrayReporting@gmail.com](mailto:PAMurrayReporting@gmail.com)*

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*Contact Patrice Murray at PAMurrayReporting@gmail.com*

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*Contact Patrice Murray at [PAMurrayReporting@gmail.com](mailto:PAMurrayReporting@gmail.com)  
 for a complete copy of the transcript.*