

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:11-cr-00042-JMS-DML
)	
TIMOTHY S. DURHAM (01),)	
)	
Defendant.)	

MINUTE ENTRY

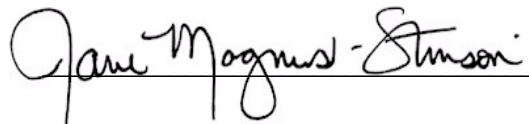
On May 12, 2015, the Defendant Timothy S. Durham appeared by counsel Kenneth Riggins and the Government by Nick Surmacz, Winfield Ong and Bob Wood for a status conference. The Court Reporter was Jean Knepley.

The defendant renewed his motion to continue the sentencing hearing pending resolution of his anticipated petition for writ of certiorari to the United States Supreme Court. For reasons stated on the record, the Court denies the motion and the resentencing remains set for **June 26, 2015 at 1:30 p.m.** in Room 307, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana.

The parties also addressed the scope of the issues to be addressed at sentencing given the limited nature of the remand. The Court advised that Mr. Durham was free to argue how the vacation of the convictions of Counts 2 and 5 affects application of the sentencing factors under 18 U.S.C. §3553(a). The Government stated its intention to object to any argument that could have been raised in the original sentencing as waived. The Court indicated it would rule on each

argument/objection as they are presented at the hearing. The Court did clarify, however, that based on the ruling by the Court of Appeals, the amount of loss has been established as the law of the case, and is not subject to re-litigation. Mr. Durham and the Government shall file a notice with the Court on or before June 19, 2015 to advise as to whether witnesses will testify at the sentencing hearing, as well as the anticipated length of each party's sentencing presentation.

Date: May 12, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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