

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

Criminal Case No. 16-cr-00073-CMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1. JASON TIMOTHY THRONE,

Defendant.

**DEFENDANT THRONE'S OBJECTIONS AND COMMENTS/CORRECTIONS
TO THE PRESENTENCE INVESTIGATION REPORT**

Defendant Jason Timothy Throne, by and through counsel, John Henry Schlie, hereby makes his objections to the Presentence Investigation Report ("Report") dated May 2, 2016 (Docket No. 17) pursuant to Rule 32(f), Federal Rules of Criminal Procedure, and additional comments and corrections as follows:

OBJECTIONS THAT REQUIRE COURT DETERMINATION

1. Page 8, Paragraph 38, Adjustment for Role in the Offense - Mr. Throne joins in the Government's objection to the two-level increase for a role in the offense adjustment for abuse of a position of trust and special skill. As set forth by the Government, the factual circumstances of the offense conduct do not rise to the level of conduct necessary for the adjustment pursuant to U.S.S.G. § 3B1.3.

Without this adjustment, the Adjusted Offense Level for Count 1 should be 25 (Paragraph 43), the Combined Adjusted Offense Level should be 26 (Paragraph 53), the Total Offense Level should be 23 (Paragraph 57) and the guideline imprisonment

range should be 46-57 months (Paragraph 84),¹

COMMENTS/CORRECTIONS THAT DO NOT REQUIRE COURT DETERMINATION

Mr. Throne is not requesting that the Court make any findings on any of the following comments or corrections. These comments or corrections do not affect the advisory sentencing guideline range, are being submitted these only for purposes of explanation, clarification or accuracy and do not require any judicial findings or determinations.

1. Page 11, Paragraph 70 - Mr. Throne is on the title to the home in Maine in name only. The bank that holds the mortgage has changed the locks, pays the property taxes and provides maintenance but for whatever reason has not initiated foreclosure proceedings. The bank has also rejected an offer by Mr. Throne to accept a deed in lieu of foreclosure. As can be seen in the listing of assets and liabilities (Paragraph 80), the outstanding mortgage exceeds the value of the home.

2. Page 13, Paragraph 80, Assets - The 401(k) account belongs to Mrs. Throne, not Mr. Throne, from her previous employment. The checking and savings accounts listed also belong to Mrs. Throne with funds from her current employment. Mr. Throne is paid by Home Depot exclusively by means of a prepaid debit card, which is typically exhausted from the payment of living expenses. The US Bank and MetLife IRA's both

¹It should be noted that the Presentence Investigation Report includes a Specific Offense Characteristic of 2 levels for failure to report or correctly identify the source of income exceeding \$10,000 in any year from criminal activity. While the factual basis for the inclusion of this Specific Offense Characteristic may not be present in this case (because the tax returns reported the source of the income), the increase of 2 levels has no effect on the guideline range calculation under the grouping rules, U.S.S.G. § 3D1.4. Therefore, no objection is being raised for this Specific Offense Characteristic.

belong to Mrs. Throne from previous employment. Only the VOYA IRA belongs to Mr. Throne. The boat, which is jointly owned by Mrs. Throne, is in the process of being sold and after broker's fees is expected to net less than \$10,000. The jewelry is owned by Mrs. Throne and the listed value is mainly from her engagement and wedding rings. The artwork is mostly prints collected over the years with questionable fair market value.

Respectfully submitted this 26th day of June, 2016.

s/ John Henry Schlie

John Henry Schlie

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ATTORNEY FOR DEFENDANT

JASON TIMOTHY THRONE

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2016, I electronically filed the foregoing **DEFENDANT THRONE'S OBJECTIONS AND COMMENTS/CORRECTIONS TO THE PRESENTENCE INVESTIGATION REPORT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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U.S. Probation Officer Matthew J. Gill

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and on by depositing in the United States mail, first-class, postage prepaid to:

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s/ John Henry Schlie
John Henry Schlie