

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:21-cr-101-SPC-NPM

MATTHEW MINK

ORDER

Before the Court are Defendant Matthew Mink's Motion for Two-Level Downward Adjustment for "Zero Point" Offenders (Doc. 75), the Government's opposition (Doc. 80), and Defendant's reply (Doc. 82). Defendant is serving a 51-month sentence for four firearm offenses.¹ Defendant argues, however, that he has the right to the zero-point offender adjustment to his sentence under U.S.S.G. § 4C1.1.

A defendant is entitled to the adjustment only if he meets every criterion in subsections (1) through (10). The parties square off over one criterion: "defendant did not possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense." § 4C1.1(a)(7). The problem for Defendant is that he pleaded guilty to and was adjudicated guilty

¹ Defendant pleaded guilty to Count Four (possession of a firearm silencer not identified by a serial number), Count Six (possession of a machine gun), Count Seven (possession of an unregistered firearm silencer), and Count Eight (possession of a stolen firearm silencer) of the Indictment per a written plea agreement. Defendant's sentence of 51 months applies to each count but runs concurrently.

of possessing a machine gun. Plus, the Offense Conduct section of the Presentence Investigation Report—to which Defendant did not object, says:


[Defendant] is responsible for possessing firearms that are in violation of 26 U.S.C. § 5845(a) which consist of a Heckler & Koch 12-gauge short-barreled shotgun, firearm silencers, and machineguns. He is accountable for possessing stolen firearms, stolen firearm silencers, unmarked firearm silencers, and a stolen firearm with an obliterated serial number. He is accountable for between 25 and 99 firearms, specifically about 50 firearms consisting of the following: 14 firearms and 2 firearm silencers seized from NGA by the ATF on December 7, 2020; 26 firearms and 2 firearm silencers stolen from NGA (which includes a recovered firearm silencer); and 3 firearms and 3 firearm silencers seized from the defendant's residence on October 25, 2021. [Defendant] also sold firearms unlawfully, manufactured firearms unlawfully, falsified documents, committed identity theft, and forged signatures.

(Doc. 49 at 12). So the record is clear that Defendant had a firearm in connection with the offense of which he was convicted. Defendant does not qualify for § 4C1.1's zero-point reduction. The Court thus denies the motion.

Accordingly, it is **ORDERED**:

Defendant Matthew Mink's Motion for Two-Level Downward Adjustment for "Zero Point" Offenders (Doc. 75) is **DENIED**.

DONE and ORDERED in Fort Myers, Florida on May 28, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All parties of record