

COURT MINUTES OF SENTENCING HEARING

UNITED STATES of AMERICA,

v.

CASE NO. 23-CR-78-JPS

JACK DALY.

HON. J. P. STADTMUELLER PRESIDING

DATE: December 15, 2023

TIME SCHEDULED: 8:30 a.m.

COURT DEPUTY/CLERK: Annie Stanford

TIME CALLED: 8:30 a.m.

COURT REPORTER: Sue Armbruster

TIME FINISHED: 10:37 a.m.

GOVERNMENT BY: Kevin Knight, Benjamin Taibleson; CASE AGENT: Eric Burns

DEFENDANT BY: Matthew Krueger, Jason Cowley, Roy Dixon

PROBATION BY: Jennifer Garstka

Notes:

- 8:30: Appearances; Court puts background of case on record, including Defendant's having pled guilty to Count One of the Information; Court notes it has reviewed presentence report
- 8:33: Parties have reviewed presentence report; Defense counsel comments on factual objections and when they will be addressed; Government comments the same as Defense counsel; Court adopts the facts as stated in the presentence report subject to these comments
- 8:36: Court notes preliminary matters to be addressed; Court grants motion at ECF No. 42; Court grants motion at ECF No. 43
- 8:37: Court notes applicable Guidelines:
Total Offense Level: 10
Criminal History Category: I
6 to 12 months imprisonment
1 to 3 years supervised release
\$4,000.00 to \$40,000.00 fine
\$69,978.37 restitution (PAID)
\$100.00 special assessment
- 8:39: Defense counsel accepts these Guidelines; comments on loss amount; Government objects to calculation of loss amount and presents argument
- 8:42: Defense counsel responds to Government's argument

8:45: Government replies to Defense counsel's response

8:46: Court addresses calculation of loss amount; Court rules that Probation has correctly calculated Guidelines as to calculation of loss amount; parties have no further objections to Guidelines; Court will therefore adopt for purposes of considering Defendant's sentence

8:55: Court comments on submissions from Defendant

8:59: Defense counsel makes a statement on Defendant's behalf; requests sentence of 24 months of probation

9:22: Defendant makes a statement on his own behalf

9:24: Government makes a statement; requests custodial sentence

9:42: Defense counsel makes further statement on Defendant's behalf

9:44: Court notes that it previously circulated proposed conditions of supervised release; parties have reviewed them and have no objections thereto

9:45: Court discusses statements of the parties, facts of the case, and facts as presented in presentence report

10:29: Court imposes the following formal sentence:

- 4 months of imprisonment as to Count One
- 2 years of supervised release as to Count One
- \$20,000.00 fine
- \$100.00 special assessment
- \$69,978.37 restitution (PAID)
- Defendant remains on bond and will voluntarily surrender on or after Thursday, February 1, 2024

10:32: Court advises Defendant of his right of appeal

10:35: Court notes that designation to FCI or residential re-entry center is within the discretion of the Bureau of Prisons, but that Court will include Defense counsel's recommendation in the judgment

10:36: Defense counsel comments as to appeal waiver provision

10:37: Court stands in recess