

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

CENTRAL DIVISION DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s)

vs.

THOMAS RAY DILLAVOU,

Defendant(s)

HEARING MINUTES

Case No.: CR 07-3022-MWB-1

Presiding Judge: Mark W. Bennett

Deputy Clerk: /s/ Nicholas Herbold

Court Reporter: Shelly Semmler Contract? No

(If yes, send copy to financial)

Date:	09/08/2008	Start:	11:01 a.m.	Adjourn:	12:15 a.m.	Time in Chambers:	(none)
Recesses:	(none)					Telephonic?	No
Appearances:	Plaintiff(s):	Kandice Wilcox					
	Defendant(s):	Scott Rhinehart					
	U.S. Probation:	Jay Jackson					
	Interpreter:	None	Language:	na	Certified:	na	Phone n
TYPE OF PROCEEDING:	IS THE HEARING	Contested?	Yes	Continued from a previous date?	No		
SENTENCING:							
Objections to PSIR:					Ruling:		
Motions to vary/depart:	1. D's (written) Motion for Variance (Doc. No. 36).				Ruling:	1. Granted, varied down to 12 months and 1 day.	
Total Offense Level	15	Criminal History Category:	I	Count(s) dismissed:	2, 3, 5		
Guidelines range:	18-24 months						
Sentence (See J & C):	12 months, 1 day (concurrent on counts 1 and 4)			Guideline		Non-Guideline	X
Fine:	None		Special assessment:	\$200			
Supervised Release:	1 year on each count.						
Court's recommendations (if any):	Imprisonment at Yankton, SD and ct notes no objection to half-way house on work release if available at some point.						
Defendant is	not detained		and shall report	self-report to designated BOP location.			
Witness/Exhibit List is	Exhibits A-AA entered into evidence.						
Miscellaneous:	Defendant claims \$15,000 was provided to the IRS (not part of the order but only reflected in the record). Defendant must file corrected tax returns for the years in question.						