

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA**

v.

**SENTENCING MINUTES**

**DIANNE L. MCLESTER-HEIM**

Case No. 20-CR-243

HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: June 10, 2021  
Deputy Clerk: Mara

Time Called: 1:32 p.m.  
Time Concluded: 1:56 p.m.  
Tape: 061021 Zoom Video

**Appearances:**

UNITED STATES OF AMERICA by: Andrew J. Maier  
DIANNE MCLESTER-HEIM via video and by: Shane Brabazon  
US PROBATION OFFICE by: Brian Koehler

☒ Defendant consents to appear and proceed by video conference. The Court makes findings to hold the hearing via video and specific findings to this case/defendant that further delay would seriously impair the interest of justice in this matter.

☒ The parties have no objections to the factual statements in the PSR ☐ The parties have no objections to the application of the guidelines in the PSR

☐ Objections/corrections to factual statements in PSR by ☐ Plaintiff ☐ Defendant ☒ Objections/corrections to application of guidelines by ☐ Plaintiff ☒ Defendant  
Defendant objects to paragraph 29 of the PSR regarding a 2-level increase for abusing a position of public/private trust or use of special skill.  
Defendant also believes the defendant's municipal ordinances overstate the criminal history category.

☒ The court adopts the factual statements and guideline application as set forth in the PSR. ☐ The court adopts the factual statements and guideline application with these changes:

The Court finds the defendant was in an appropriate position of trust and finds that the 2-level enhancement applies.

☒ The government presents sentencing argument: Joint recommendation of probation and payment of restitution. ☒ The defendant presents sentencing argument: Joint recommendation of probation and payment of restitution.

☒ Defendant exercises right of allocution. ☒ The court imposes sentence.  
☐ The government dismisses count(s) \_\_\_\_\_. ☒ Defendant advised of appeal rights.

The Court and parties state the total amount of restitution owed by the defendant is \$12,509.59, but she submitted a \$4,000.00 restitution payment on 5/25/2021 resulting in a remaining balance of **\$8,509.59**.

**SENTENCE IMPOSED:**

**Imprisonment:** \_\_\_\_\_ as to Count(s) \_\_\_\_\_  
of the \_\_\_\_\_  
\_\_\_\_\_ as to Count(s) \_\_\_\_\_  
of the \_\_\_\_\_

Imprisonment term for each count to be served ☐ concurrently ☐ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: \_\_\_\_\_ months.

☐ This term of imprisonment is to be served (☐ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving.

**Probation:** \_\_\_\_\_ 3 years \_\_\_\_\_ as to Count(s) \_\_\_\_\_ 1  
of the Indictment

**Supervised Release:** \_\_\_\_\_ as to Count(s) \_\_\_\_\_  
of the \_\_\_\_\_  
\_\_\_\_\_ as to Count(s) \_\_\_\_\_  
of the \_\_\_\_\_

**MONETARY PENALTIES**

**Special Assessment:** \$ 100.00 due immediately

**Fine:** \$ \_\_\_\_\_ ☒ fine waived

**Restitution:** \$ 8,509.59 ☐ determination deferred

**JOINT AND SEVERAL PAYMENTS**

☐ Fine and/or ☐ Restitution is **joint and several** with \_\_\_\_\_.

☐ Repayment of Buy Money is **joint and several** with \_\_\_\_\_.

**FORFEITURE**

☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

**RECOMMENDATIONS**

☐ The court recommends the defendant's placement at \_\_\_\_\_.

☐ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.

☐ Other: \_\_\_\_\_.

**CUSTODY**

☐ The defendant is remanded to the custody of the U.S. Marshal Service.

☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after \_\_\_\_\_.

## CONDITIONS OF SUPERVISED RELEASE/PROBATION

- ☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- ☒ The defendant waives reading of the conditions of supervised release.
- ☒ **Mandatory Conditions of Supervision** imposed.
- ☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes: The Court adds a condition that the defendant be placed on home confinement/electronic monitoring for 4 months.