

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

**UNITED STATES OF AMERICA**

v.

**SENTENCING MINUTES**

**GERALD B. DIAMOND II**

Case No. 23-CR-87

HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: December 7, 2023  
Deputy Clerk: Kyle

Time Called: 11:18 a.m.  
Time Concluded: 11:40 a.m.  
Tape: 120723

**Appearances:**

UNITED STATES OF AMERICA by:	Andrew Maier
GERALD B. DIAMOND II by:	Krista Halla-Valdes
US PROBATION OFFICE by:	Mitchell Farra

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR   | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR                                    |
| <input type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR                         | <input type="checkbox"/> The court adopts the factual statements and guideline application with these changes:  |

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> The government presents sentencing argument: joint recommendation for 12 years, adjusted for the 9 months in tribal custody. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: 135 months, recommendations for drug treatment program and placement as close to home as possible. |
| <input type="checkbox"/> Defendant exercises right of allocution.  | <input checked="" type="checkbox"/> The court imposes sentence.  |
| <input checked="" type="checkbox"/> The government dismisses count(s) two.   | <input checked="" type="checkbox"/> Defendant advised of appeal rights.  |

Ms. Halla-Valdes advises the court that there is currently a DOC hold regarding Sawyer County Case No. 18CF235. It was her understanding that hold would be removed, but out of an abundance of caution she requests the court run the sentence concurrent with any state court sentence.

**SENTENCE IMPOSED:**

**Imprisonment:** 135 months as to counts one and three of the indictment.

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

**TOTAL TERM OF IMPRISONMENT IMPOSED: 135 months.**

☒ This term of imprisonment is to be served (☒ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving, namely Sawyer County Case No. 18CF235.

**Probation:**

**Supervised Release:** 3 years as to each count, concurrent.

**MONETARY PENALTIES**

**Special Assessment:** \$ 200.00 due immediately

**Fine:** \$ \_\_\_\_\_ ☒ fine waived

**Restitution:** \$ \_\_\_\_\_ ☐ 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 a facility as close to home as possible.

☒ 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: