

United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v

(For Offenses Committed On or After November 1, 1987)

Darin Diana

Case Number: S1-4:01CR1 JCH

Nick Zotos
Defendant's Attorney

FILED
JUN 8 2001

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

THE DEFENDANT:

- pleaded guilty to count(s) 1
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18USC1343	Wire Fraud.	7/1/96 - 9/30/98	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) 2,3,4,5 are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendants Soc. Sec. No.: 144-74-6095

June 8, 2001

Defendant's Date of Birth: 9/17/73

Date of Imposition of Judgment

Defendant's USM No.: 28001-044

Defendant's Residence Address:

2309 Wallis Ave.

St. Louis, MO 63114

Jean C Hamilton
Signature of Judicial Officer

Honorable Jean C. Hamilton

United States District Judge

Name & Title of Judicial Officer

Defendant's Mailing Address:

Same As Above

June 8, 2001

Date

#20

DEFENDANT: Darin DianaCASE NUMBER: S1-4:01CR1 JCH**PROBATION**The defendant is hereby placed on probation for a term of 5 years.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Darin Diana

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ADDITIONAL PROBATION TERMS

1. The defendant shall refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter for use of a controlled substance.
2. The defendant shall pay the restitution as previously ordered by the court.
3. The defendant shall provide the probation officer access to any requested financial information.
4. The defendant shall be prohibited from incurring new credit charges or opening additional lines of credit without the approval of the probation office, so long as there is a balance on the restitution amount imposed.

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Count One	<u>\$100.00</u>	<u> </u>	<u>\$204,922.00</u>
	<u>due immediately</u>	<u> </u>	<u> </u>
	<u> </u>	<u> </u>	<u> </u>
Totals:	<u>\$100.00</u>	<u> </u>	<u>\$204,922.00</u>

If applicable, restitution amount ordered pursuant to plea agreement -----

FINE

The above fine includes costs of incarceration and/or supervision in the amount of _____.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - The interest requirement is waived.
 - The interest requirement is modified as follows:

RESTITUTION

The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case will be entered after such a determination.

The defendant shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Option One Mortgage Corporation		\$204,922.00	

Totals: _____ \$204,922.00

* Findings for the total amount of losses are required under Chapters 1 09A, 1 10, 1 10A, and 11 3A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: Darin DianaCASE NUMBER: S1-4:01CR1 JCH**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

It is further ordered that the defendant shall make restitution to: Option One Mortgage Corporation, Attn: Legal Counsel, Debra Jameson, 3 Ada, Irvine, California 92618, in the amount of \$204,922.00. Payments of restitution are to be made to the clerk of the court for transfer to the victim. The restitution shall be paid in equal monthly installments of at least \$854.00, with the first payment due no later than 30 days after the defendant's release from custody, and all subsequent payments shall be paid by the 15th day of each month. The defendant shall notify the U.S. Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the sum remains unpaid.

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STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: _____

Criminal History Category: _____

Imprisonment Range: _____ to _____ months

Supervised Release Range: _____ to _____ years

Fine Range: _____ to _____

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: _____

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 1 09A, 110, 110A, and 11 3A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range:

upon motion of the government, as a result of defendant's substantial assistance.

for the following specific reason(s):

UNITED STATES DISTRICT COURT -- EASTERN MISSOURI
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4:01cr1 USA vs Diana

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SCANNED & FAXED BY:

JUN 11 2001

MJM