

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Argued May 18, 2022
Decided June 17, 2022

Before

DAVID F. HAMILTON, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-2672

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Southern District of Indiana,
Indianapolis Division.

v.

No. 1:11-CR-26

GEOFFRIE DILL,
Defendant-Appellant.

Tanya Walton Pratt,
Chief Judge.

ORDER

Geoffrie Dill argues that he's entitled to a second resentencing hearing for his 2012 drug and firearm convictions. We disagree and thus affirm.

In early 2011, Dill was arrested while driving a vehicle that contained 20.88 grams of a methamphetamine mixture, 13.27 grams of pure methamphetamine, \$1,608 in cash, bags consistent with drug distribution, and a notebook documenting

methamphetamine deals. A grand jury later indicted Dill on three counts: Count 1 for possession with intent to distribute five or more grams of methamphetamine in violation of 21 U.S.C. § 841(a)(1); Count 2 for possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1); and Count 3 for possession of a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). A jury found Dill guilty on each count, and the district court sentenced Dill to 420 months' imprisonment: 360 months on Count 1, 180 concurrent months on Count 3, and 60 consecutive months on Count 2. We affirmed on direct appeal. See *United States v. Dill*, 712 F.3d 347 (7th Cir. 2013).

Dill timely sought collateral relief under 28 U.S.C. § 2255. In an effort to resolve Dill's petition, the parties jointly moved to lower his sentence on Count 1 from 360 to 240 months' imprisonment. Before a new judgment could be entered to that effect, the parties also moved to lower Dill's Count 3 sentence from 180 to 120 months because the Supreme Court had announced a new substantive rule applicable to his case. See *Welch v. United States*, 578 U.S. 120, 135 (2016) (holding that the rule announced in *Johnson v. United States*, 576 U.S. 591 (2015) applies retroactively). But the proposed judgment filed by the parties and entered by the district court omitted the agreed change for Count 3.

Nearly five years later, in early 2021, Dill moved for relief from the judgment based on this clerical error and requested a resentencing hearing. The district court granted his motion, scheduled a hearing for Dill to "be resentenced on Count 3," and directed that he would not be "preclude[d] ... from presenting any appropriate challenge" at the hearing.

Before the hearing, Dill filed a sentencing memorandum arguing that he was not a "career offender" under the Sentencing Guidelines. In Dill's view, his two prior Indiana convictions for dealing methamphetamine could not support a career-offender enhancement because Indiana employed a categorically broader definition of methamphetamine than the federal definition. Dill reiterated this argument at the sentencing hearing and also contended that the district court should reconsider his sentence for all counts, not just Count 3.

The district court rejected Dill's career-offender argument based on our decision in *United States v. Ruth*, 966 F.3d 642 (7th Cir. 2020). Yet it agreed to reconsider Dill's sentence for all counts. After doing so, the court lowered his sentence on Count 1 by another 20 months, to 220 months' imprisonment (three and a half years below the bottom of the Guidelines' range). It also reduced Dill's concurrent Count 3 sentence from 180 to 120 months and left his consecutive sentence on Count 2 unchanged at 60

No. 21-2672

Page 3

months. So Dill now has a total sentence of 280 months' imprisonment (220 months on Counts 1 and 3, and 60 consecutive months on Count 2).

In this second appeal, Dill makes two arguments. First, he invites us to overrule *Ruth*. We decline to do so. See *Wilson v. Cook Cty.*, 937 F.3d 1028, 1035 (7th Cir. 2019) (per curiam) ("We have stated repeatedly, and recently, that, absent a compelling reason, we will not overturn circuit precedent.").

Second, he contends that the district court denied him the opportunity to properly comment on matters related to an appropriate sentence as required by Federal Rule of Criminal Procedure 32. The parties agree that Dill did not raise this issue below, so we review only for plain error. See *United States v. Hidalgo-Sanchez*, 29 F.4th 915, 931 (7th Cir. 2022) (describing plain-error standard).

As relevant here, a district judge must "permit the defendant to speak or present any information to mitigate the sentence" and "allow the parties' attorneys to comment on ... matters relating to an appropriate sentence[.]" Fed. R. Crim. P. 32(i)(1)(C) & (i)(4)(A)(ii). Dill contends that the district court plainly erred under Rule 32 because: (1) the parties were confused on the scope of the resentencing hearing and (2) he did not have a chance to fully explain his sentencing recommendation.

To his first point, Dill *asked* the district court to expand the scope of the resentencing hearing. Although the court agreed to his request, it had no obligation to resentence him on anything but Count 3. Dill cannot complain of any alleged confusion he created, especially when the court's flexibility led to a 20-month reduction of his sentence. Cf. *Black v. Wrigley*, 997 F.3d 702, 709 (7th Cir. 2021) (noting that a party cannot generally complain of "invited" errors). We commend the district court's patient and flexible handling of Dill's requests.

To his second contention, the court did not cut off Dill or his counsel at the resentencing hearing, and we don't see what went unexplained. After Dill's counsel argued that the career-offender enhancement should not apply (an argument also made in his sentencing memorandum), the district judge asked, "Didn't you read *Ruth*?" and added that she didn't see how to "get to" the sentence suggested by Dill based on *Ruth*. That was a (correct) rejection on the merits, not a denial of a fair opportunity to be heard.

AFFIRMED

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

June 17, 2022

Before

DAVID F. HAMILTON, *Circuit Judge*
MICHAEL B. BRENNAN, *Circuit Judge*
THOMAS L. KIRSCH II, *Circuit Judge*

No. 21-2672	UNITED STATES OF AMERICA, Plaintiff - Appellee v. GEOFFRIE ALLEN LEE DILL, Defendant - Appellant
-------------	--

Originating Case Information:

District Court No: 1:11-cr-00026-TWP-DML-1
Southern District of Indiana, Indianapolis Division
District Judge Tanya Walton Pratt

The judgment of the District Court is **AFFIRMED** in accordance with the decision of this court entered on this date.

Clerk of Court

form name: **c7_FinalJudgment** (form ID: 132)

UNITED STATES DISTRICT COURT
Southern District of Indiana

UNITED STATES OF AMERICA

v.

GEOFFRIE ALLEN LEE DILL

Date of Original Judgment: 5/6/2016
(Or Date of Last Amended Judgment)

SECOND AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 1:11CR00026-001
 USM Number: 09906-028

Terry Wayne Tolliver
 Defendant's Attorney

THE DEFENDANT:

pleaded guilty to counts
 pleaded nolo contendere to count(s) which was accepted by the court.
 was found guilty on Counts 1, 2, and 3 after a plea of not guilty

The defendant is adjudicated guilty of these offense(s):

Title & Section	Nature of Offense	Offense Ended	Count
21§ 841(a)(1)*	Possession with Intent to Distribute 5 Grams or More of Methamphetamine	1/25/2011	1
18§ 924(c)(1)(A)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime.	1/25/2011	2
18§ 922(g)(1)	Felon in Possession of a Firearm	1/25/2011	3

The defendant is sentenced as provided in pages 2 through 7 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) dismissed on the motion of the United States.

IT IS 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. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

9/9/2021

Date of Imposition of Sentence:

Tanya Walton Pratt

Hon. Tanya Walton Pratt, Chief Judge
 United States District Court
 Southern District of Indiana

Date: 9/13/2021

A CERTIFIED TRUE COPY

Roger A.G. Sharpe, Clerk
 U.S. District Court
 Southern District of Indiana



By Jessica R. Henis
 Deputy Clerk

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 280 months.* (220 months* on Count 1; 120 months* on Count 3, concurrent; and 60 months on Count 2, consecutive to Counts 1 and 3, and concurrent to the sentence imposed in Hancock county.)

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be returned to FCC Forrest City, Arkansas.*

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant was delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

BY: _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.* (5 years* on Count 1; 5 years on Count 2; and 3 years on Count 3, all concurrent)

MANDATORY CONDITIONS

1. You shall not commit another federal, state, or local crime.
2. You shall not unlawfully possess a controlled substance.
3. You shall refrain from any unlawful use of a controlled substance. You shall submit to one drug test within 15 days of release from imprisonment and at least two periodic least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You shall make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You shall cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You shall participate in an approved program for domestic violence. *(check if applicable)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the conditions listed below.

CONDITIONS OF SUPERVISION*

1. You shall report to the probation office in the federal judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the federal judicial district where you are being supervised without the permission of the supervising officer/ court.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
12. You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.
13. You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.
14. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
15. You shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, Spice, glue, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.
16. You shall participate in a mental health treatment program, as approved by the probation officer, and abide by the rules and regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, modality, duration, intensity, etc.). You shall take all mental health medications that are prescribed by your treating physician. The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.
17. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.
18. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.
19. You shall pay the costs associated with the following imposed conditions of supervised release, to the extent you are financially able to pay: mental health treatment. The probation officer shall determine your ability to pay and any schedule of payment.

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

I understand that I and/or the probation officer may petition the Court to modify these conditions, and the final decision to modify these terms lies with the Court. If I believe these conditions are being enforced unreasonably, I may petition the Court for relief or clarification; however, I shall comply with the directions of my probation officer unless or until the Court directs otherwise. Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

Defendant

Date

U.S. Probation Officer/Designated Witness

Date

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$300.00			

The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Totals			

Restitution amount ordered pursuant to plea agreement \$

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, 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 for the fine restitution

the interest requirement for the fine restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Geoffrie Allen Lee Dill

CASE NUMBER: 1:11CR00026-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A** Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B** Payment to begin immediately (may be combined with C, D, F or G below); or
- C** Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D** Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E** Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G** Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s): _____
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

DEFENDANT: Geoffrie Allen Lee Dill
CASE NUMBER: 1:11CR00026-001
DISTRICT: Indiana Southern

Reason for Amendment:
(Not for Public Disclosure)

- Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
- Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
- Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
- Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
- Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
- Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
- Direct Motion to District Court Pursuant 28 U.S.C. § 2255 or 18 U.S.C. § 3559(c)(7)
- Modification of Restitution Order (18 U.S.C. § 3664)

DEFENDANT: Geoffrie Allen Lee Dill
CASE NUMBER: 1:11CR00026-001
DISTRICT: Indiana Southern

STATEMENT OF REASONS

(Not for Public Disclosure)

Sections I, II, III, IV, and VII of the Statement of Reasons form must be completed in all felony and Class A misdemeanor cases.

I. COURT FINDINGS ON PRESENTENCE INVESTIGATION REPORT

A. The court adopts the presentence investigation report without change.

B. The court adopts the presentence investigation report with the following changes: (Use Section VIII if necessary)
(Check all that apply and specify court determination, findings, or comments, referencing paragraph numbers in the presentence report)

1. Chapter Two of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: (briefly summarize the changes, including changes to base offense level, or specific offense characteristics)
2. Chapter Three of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: (briefly summarize the changes, including changes to victim-related adjustments, role in the offense, obstruction of justice, multiple counts, or acceptance of responsibility)
3. Chapter Four of the United States Sentencing Commission [Guidelines Manual](#) determinations by court: (briefly summarize the changes, including changes to criminal history category or scores, career offender status, or criminal livelihood determinations)
The enhancement pursuant to 21 U.S.C. § 851 no longer applies; therefore, the statutory maximum term of imprisonment for Count 1 is 40 years. The Chapter Four Enhancement in Paragraph 40 results in a level 34. USSG §4B1.1(b)(2).
4. Additional Comments or Findings: (include comments or factual findings concerning any information in the presentence report, including information that the Federal Bureau of Prisons may rely on when it makes inmate classification, designation, or programming decisions; any other rulings on disputed portions of the presentence investigation report; identification of those portions of the report in dispute but for which a court determination is unnecessary because the matter will not affect sentencing or the court will not consider it)

Due to resentencing on all counts, the 21 USC § 851 enhancements no longer apply due to the *De La Torre* decision, and the statutory terms for Count 1 is 5-40 years imprisonment; NLT 4 years TSR; and \$5,000,000 fine.

Paragraph 97 – The defendant believes he has completed 200 hours of correspondence courses, not 20 hours as provided by the BOP. The Court accepted this information.

C. The record establishes no need for a presentence investigation report pursuant to Fed.R.Crim.P. 32.
Applicable Sentencing Guideline: (if more than one guideline applies, list the guideline producing the highest offense level) _____

II. COURT FINDINGS ON MANDATORY MINIMUM SENTENCE (Check all that apply)

A. One or more counts of conviction carry a mandatory minimum term of imprisonment and the sentence imposed is at or above the applicable mandatory minimum term.

B. One or more counts of conviction carry a mandatory minimum term of imprisonment, but the sentence imposed is below the mandatory minimum term because the court has determined that the mandatory minimum term does not apply based on:
 findings of fact in this case: (Specify) _____
 substantial assistance (18 U.S.C. § 3553(e))
 the statutory safety valve (18 U.S.C. § 3553(f))

C. No count of conviction carries a mandatory minimum sentence.

III. COURT DETERMINATION OF GUIDELINE RANGE: (BEFORE DEPARTURES OR VARIANCES)

Total Offense Level: 34

Criminal History Category: VI

Guideline Range: (after application of §5G1.1 and §5G1.2) 262 to 327 months, plus 60 months consecutive on Count 2

Supervised Release Range: 4 to 5 years

Fine Range: \$ 35,000.00 to \$ 5,000,000.00

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

Pet. App. 13a

DEFENDANT: Geoffrie Allen Lee Dill
CASE NUMBER: 1:11CR00026-001
DISTRICT: Indiana Southern

STATEMENT OF REASONS

IV. GUIDELINE SENTENCING DETERMINATION (Check all that apply)

- A. The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range does not exceed 24 months.
- B. The sentence is within the guideline range and the difference between the maximum and minimum of the guideline range exceeds 24 months, and the specific sentence is imposed for these reasons: (Use Section VIII if necessary).
- C. The court departs from the guideline range for one or more reasons provided in the [Guidelines Manual](#).
(Also complete Section V)
- D. The court imposed a sentence otherwise outside the sentencing guideline system (i.e., a variance). (Also complete Section VI)

V. DEPARTURES PURSUANT TO THE GUIDELINES MANUAL (If applicable)

A. The sentence imposed departs: (Check only one)

- above the guideline range
- below the guideline range

B. Motion for departure before the court pursuant to: (Check all that apply and specify reason(s) in sections C and D)

1. **Plea Agreement**
 - binding plea agreement for departure accepted by the court
 - plea agreement for departure, which the court finds to be reasonable
 - plea agreement that states that the government will not oppose a defense departure motion
2. **Motion Not Addressed in a Plea Agreement**
 - government motion for departure
 - defense motion for departure to which the government did not object
 - defense motion for departure to which the government objected
 - joint motion by both parties
3. **Other**
 - Other than a plea agreement or motion by the parties for departure

C. Reasons for departure: (Check all that apply)

<input type="checkbox"/> 4A1.3 Criminal History Inadequacy	<input type="checkbox"/> 5K2.1 Death	<input type="checkbox"/> 5K2.12 Coercion and Duress
<input type="checkbox"/> 5H1.1 Age	<input type="checkbox"/> 5K2.2 Physical Injury	<input type="checkbox"/> 5K2.13 Diminished Capacity
<input type="checkbox"/> 5H1.2 Education and Vocational Skills	<input type="checkbox"/> 5K2.3 Extreme Psychological Injury	<input type="checkbox"/> 5K2.14 Public Welfare
<input type="checkbox"/> 5H1.3 Mental and Emotional Condition	<input type="checkbox"/> 5K2.4 Abduction or Unlawful Restraint	<input type="checkbox"/> 5K2.16 Voluntary Disclosure of Offense
<input type="checkbox"/> 5H1.4 Physical Condition	<input type="checkbox"/> 5K2.5 Property Damage or Loss	<input type="checkbox"/> 5K2.17 High-Capacity Semiautomatic Weapon
<input type="checkbox"/> 5H1.5 Employment Record	<input type="checkbox"/> 5K2.6 Weapon	<input type="checkbox"/> 5K2.18 Violent Street Gang
<input type="checkbox"/> 5H1.6 Family Ties and Responsibilities	<input type="checkbox"/> 5K2.7 Disruption of Government Function	<input type="checkbox"/> 5K2.20 Aberrant Behavior
<input type="checkbox"/> 5H1.11 Military Service	<input type="checkbox"/> 5K2.8 Extreme Conduct	<input type="checkbox"/> 5K2.21 Dismissed and Uncharged Conduct
<input type="checkbox"/> 5H1.11 Charitable Service/Good Works	<input type="checkbox"/> 5K2.9 Criminal Purpose	<input type="checkbox"/> 5K2.22 Sex Offender Characteristics
<input type="checkbox"/> 5K1.1 Substantial Assistance	<input type="checkbox"/> 5K2.10 Victim's Conduct	<input type="checkbox"/> 5K2.23 Discharged Terms of Imprisonment
<input type="checkbox"/> 5K2.0 Aggravating/Mitigating Circumstances	<input type="checkbox"/> 5K2.11 Lesser Harm	<input type="checkbox"/> 5K2.24 Unauthorized Insignia
<input type="checkbox"/> Other Guideline Reason(s) for Departure, to include departures pursuant to the commentary in the Guidelines Manual : (see "List of Departure Provisions" following the Index in the Guidelines Manual.) (Please specify)		

D. State the basis for the departure. (Use Section VIII if necessary)

DEFENDANT: Geoffrie Allen Lee Dill
CASE NUMBER: 1:11CR00026-001
DISTRICT: Indiana Southern

STATEMENT OF REASONS

VI. COURT DETERMINATION FOR A VARIANCE *(If applicable)*

A. The sentence imposed is: (Check only one)

- above the guideline range
- below the guideline range

B. Motion for a variance before the court pursuant to: (Check all that apply and specify reason(s) in sections C and D)

1. Plea Agreement

- binding plea agreement for a variance accepted by the court
- plea agreement for a variance, which the court finds to be reasonable
- plea agreement that states that the government will not oppose a defense motion for a variance

2. Motion Not Addressed in a Plea Agreement

- government motion for a variance
- defense motion for a variance to which the government did not object
- defense motion for a variance to which the government objected
- joint motion by both parties

3. Other

Other than a plea agreement or motion by the parties for a variance

C. 18 U.S.C. § 3553(a) and other reason(s) for a variance (Check all that apply)

The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1):

Aberrant Behavior Lack of Youthful Guidance
 Age at Commission of Offense Mental and Emotional Condition
 Charitable Service/Good Works Military Service
 Community Ties Non-Violent Offender
 Diminished Capacity Physical Condition
 Drug or Alcohol Dependence Pre-sentence Rehabilitation
 Employment Record Remorse: this is the first time the defendant has expressed remorse
 Family Ties and Responsibilities Other: _____

Issues with Criminal History: *(Specify)* _____

To reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense (18 U.S.C. § 3553(a)(2)(A))

To afford adequate deterrence to criminal conduct (18 U.S.C. § 3553(a)(2)(B))

To protect the public from further crimes of the defendant (18 U.S.C. § 3553(a)(2)(C))

To provide the defendant with needed educational or vocational training (18 U.S.C. § 3553(a)(2)(D))

To provide the defendant with medical care (18 U.S.C. § 3553(a)(2)(D))

To provide the defendant with other correctional treatment in the most effective manner (18 U.S.C. § 3553(a)(2)(D))

To avoid unwarranted sentencing disparities among defendants (18 U.S.C. § 3553(a)(6)) *(Specify in section D)*

To provide restitution to any victims of the offense (18 U.S.C. § 3553(a)(7))

Acceptance of Responsibility Conduct Pre-trial/On Bond Cooperation Without Government Motion for Departure

Early Plea Agreement Global Plea Agreement

Time Served (*not counted in sentence*) Waiver of Indictment Waiver of Appeal

Policy Disagreement with the Guidelines (*Kimbrough v. U.S.*, 552 U.S. 85 (2007)): *(Specify)* _____

Other: (Specify) The career offender guideline range

DEFENDANT: Geoffrie Allen Lee Dill
 CASE NUMBER: 1:11CR00026-001
 DISTRICT: Indiana Southern

STATEMENT OF REASONS

VII. COURT DETERMINATIONS OF RESTITUTION

A. Restitution not applicable.

B. Total amount of restitution: \$ _____

C. Restitution not ordered: (Check only one)

1. For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because the number of identifiable victims is so large as to make restitution impracticable under 18 U.S.C. § 3663A(c)(3)(A).
2. For offenses for which restitution is otherwise mandatory under 18 U.S.C. § 3663A, restitution is not ordered because determining complex issues of fact and relating them to the cause or amount of the victims' losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim would be outweighed by the burden on the sentencing process under 18 U.S.C. § 3663A(c)(3)(B).
3. For other offenses for which restitution is authorized under 18 U.S.C. § 3663 and/or required by the sentencing guidelines, restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweigh the need to provide restitution to any victims under 18 U.S.C. § 3663(a)(1)(B)(ii).
4. For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s)'s losses were not ascertainable (18 U.S.C. § 3664(d)(5)).
5. For offenses for which restitution is otherwise mandatory under 18 U.S.C. §§ 1593, 2248, 2259, 2264, 2327 or 3663A, restitution is not ordered because the victim(s) elected to not participate in any phase of determining the restitution order (18 U.S.C. § 3664(g)(1)).
6. Restitution is not ordered for other reasons: (Explain) _____

D. Partial restitution is ordered for these reasons: (18 U.S.C. § 3553(c))

VIII. ADDITIONAL BASIS FOR THE SENTENCE IN THIS CASE (If applicable)

Defendant's Soc. Sec. No.: 317-08-6458

Date of Imposition of Judgment: 9/09/2021



Hon. Tanya Walton Pratt, Chief Judge
 United States District Court
 Southern District of Indiana

Date: 9/13/2021

Defendant's Residence Address: FCI Forrest City Medium
 1400 Dale Bumpers Road
 Forrest City, Arkansas 72335

Defendant's Mailing Address: FCI Forrest City Medium
 1400 Dale Bumpers Road
 Forrest City, Arkansas 72335

A CERTIFIED TRUE COPY

Roger A.G. Sharpe, Clerk
 U.S. District Court
 Southern District of Indiana



By 
 Deputy Clerk