

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )
vs. ) No. CR NO. 05-324
MAMADOU DIALLO, )
Defendant. )

HEARING ON - SENTENCING

Before Judge Nora Barry Fischer

Paul E. Hull, AUSA

Thomas Livingston, AFPD

Appear for USA

Appear for Defendant

Probation - Vonita Baldt
Agent in charge: Sara Seidman

Hearing begun 8/16/07 at 10:08 am
Hearing recesses 8/16/07 at 12:45 pm
Hearing reconvenes 8/16/07 at 4:19 pm
Hearing concluded 8/16/07 at 4:50 pm

Hearing adjourned to
Stenographer P. Sherman
Clerk: J. Galovich

WITNESSES:

For USA

For Defendant

- 1) Mamadou Diallo (8/16/07)
2) Moneka Diallo (8/16/07)

Counsel enters their appearance; Court reviews history of matter; Court marks & admits letters received on defendant's behalf as Court Exhibits 1-3; Oath administered to Defendant; Court asks various questions of defendant; Re: Additional Corrections/Clarifications: Deft has clarification- Last Sentence of Paragraph 45: Defendant's wife has continued to work; Govt: No objections to PSR, but has objections to Court's Tentative Findings in re: \$ amount of infringing items/bank deposits & the question of defendant's acceptance of responsibility; Court hears argument; Ct. accepts PSR as accurate, as amended in Court's Tentative Findings; Defendant presents Exhibits A1, A2, & B, newspaper articles (admitted, to the Court to demonstrate customer bases' of real items are different from those for fake items & measure of harm (Zone A vs. Zone B vs. Zone C sentences); AUSA argues against defendant's position & Court's Findings (arguing that infringing items value is the value of the infringed items, that infringing items are not discernable from infringed items); Defendant takes witness stand to testify re: (1) LaCoste shirts & (2) \$65,000.00 in deposits; Oath administered to Moneeka Diallo; Re: Lacoste items, Court hears argument; Court hears from Moneeka Diallo; After recess: Court amends its Findings on the record; Sentence imposed: 3 years' Probation w/6 months' home detention w/electronic monitoring (with exceptions noted or record); standard & additional conditions; Fine waived; \$100.00 Special Assessment; Restitution ordered in the amount of \$2,600.00 (details more fully stated in Judgment). Court states its reasons for imposition of sentence; Defendant advised of appeal rights.