

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	CASE NO. <u>CR 08-1323-1</u>
Plaintiff,	:	
vs.	:	Hon. Linda Reade
	:	Chief Judge
LAURA ALTHOUSE,	:	
Defendant.	:	

DEFENDANT’S MOTION FOR SENTENCING VARIANCE

COMES NOW the Defendant by and through the undersigned, and pursuant to LCrR 32(a)(1), hereby moves the Court to pronounce a sentence that varies from the guideline and range, and in support thereof states:

1. As part of the plea agreement in this case, the Defendant entered a guilty plea to Count 1, Conspiracy to Harbor Undocumented Aliens for Financial gain, a Class C felony carrying up to ten years imprisonment, with no statutory minimum.
2. A preliminary calculation of the sentencing guidelines applicable to Count I indicates a term of imprisonment.
3. As part of the plea bargain in this case, the Defendant entered a guilty plea to one count of Aggravated Identity Theft, which carries a statutory minimum prison sentence of two years, which must be imposed and which also must be run consecutively to any other prison sentence.
4. The Court should vary from the guideline range, and not impose a period of imprisonment on Count 1, as the two-year statutory minimum the Defendant will

receive with regard to Count 2 is sufficient but not greater than necessary to accomplish the sentencing goals enumerated in 18 U.S.C. §3553(a)(2).

5. The Defendant is contemporaneously herewith filing a Sentencing Memorandum in support thereof.

Respectfully submitted,

/s/

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ORIGINAL FILED.

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**I hereby certify that on April 29, 2009,
I electronically filed the foregoing with
the Clerk of Court using the ECF system
which will send notification of such
filing to the following:**

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By: /s/ Dawn Poppens