

IN THE IOWA DISTRICT COURT FOR HARDIN COUNTY

<p>STATE OF IOWA, Plaintiff, v. DEAN EDWARD HILPIPRE, Defendant.</p>	<p>Case No. FECR310703 DEFENDANT'S SENTENCING MEMORANDUM</p>
---	--

COMES NOW the Defendant, Dean Edward Hilpipre, by and through his attorney, George W. Appleby, and hereby submits the following proposed sentence pursuant to §901.2:

1. On August 24, 2017, a Trial Information was filed charging the Defendant with two counts of sexual abuse in the second degree in violation of §§709.1, 709.3(1)(b) and 903B.1, Class B felonies.

2. On or about November 17, 2017, the Defendant entered into a contract with Tracy Thomas Ph.D, ABPP, a board certified forensic psychologist, to perform a psycho-sexual evaluation of the Defendant. The State approved the choice of Dr. Thomas.

3. The psycho-sexual analysis included an initial battery of tests administered by Dr. Jason Smith, a psychologist, and a polygraph examination.

4. On December 18, 2017, Dr. Thomas gave an oral report of her conclusions individually to Susan Krisko, Assistant Attorney General, and to the undersigned. Written report to follow. The heart of Dr. Thomas' report is that the Defendant is in the lowest 1.3 percentile of likely recidivism. He received the lowest score possible, a minus 3, which makes him a "very low risk"; his likelihood of future offending is .9% over 5 years.

5. On December 20, 2017, the State made the following plea offer: The State would amend the charge to Lascivious Acts with a Child, in violation of §709.8(1)(a), a Class

C felony, and dismiss Counts 1 and 2; Defendant would enter a guilty plea to Lascivious Acts with a Child; both parties would recommend a probation sentence; the State would agree to a minimum fine; the Defendant would be subject to a condition of probation of no alcohol and would agree to undergo sex offender treatment; the Defendant would also be subject to a Special Sentence pursuant to §903B.1, involving lifetime parole, and agree to submit a DNA sample, register as a sex offender, and submit to being annually photographed by the Sheriff; the Defendant would also agree to a continuation of the no-contact order with the minor victim for five years.

6. On December 27, 2017, the Defendant accepted the State's plea proposal.

7. Pursuant to §902.9, a Class C felon shall be confined for no more than 10 years and be fined at least \$1,000.

8. Pursuant to §§901.5(3) and 907.5 and 907.7, the Court may suspend the sentence and order the Defendant to be on probation for up to 5 years.

9. Pursuant to the requirement of §907.5 that the Court consider several factors in determining whether to order a suspended sentence and probation, the Defendant will be prepared to testify at sentencing that: (i) he is 60 years old; (ii) he has been continuously employed by ILC Resources in Alton, Iowa for 42 years as of January 4, 2018, as a calcium drier/operator; (iii) he has no criminal convictions and no deferments of judgment; (iv) he resides in Alton, Iowa, with his wife, Marlys of 42 years.

10. The Defendant requests that the no-contact order be amended so as to allow him to have unlimited contact with his adult son, Dale Hilpipre.

WHEREFORE, the Defendant requests the Court to suspend the sentence, accept the recommendations of the parties to order probation and to amend the no-contact order as above requested.

Respectfully submitted,
CARNEY & APPLEBY, P.L.C.

/s/ George W. Appleby

GEORGE W. APPLEBY (AT0000555)
303 Locust Street, Suite 400
Des Moines IA 50309-1770
Telephone: 515-282-6803
Facsimile: 515-282-4700
E-mail: appleby@carneyappleby.com
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2017,
I electronically filed this document with
the Clerk of Court using the EDMS system,
which will serve it on the appropriate parties,
or by mail.

/s/George W. Appleby

Copy to:
Denise Patters, Asst Hardin County Attorney
Susan Krisko, Asst Attorney General