

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER JOHN BOLT,

Defendant.

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ORDER

00-CR-05-S-01

Petition for revocation of defendant's supervised release came on to be heard before the Court in the above entitled matter on October 1, 2007, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Robert A. Anderson, Assistant United States Attorney; the defendant in person and by Michael Lieberman. Honorable John C. Shabaz, District Judge, presided.

From the record, the Court makes the following findings of fact.

Defendant was sentenced in the United States District Court for the Western District of Wisconsin on January 24, 2003 following his conviction under Docket No. 00-CR-5-S-01 for felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)1 and 924(a)(2), a Class C felony, and failure to appear in violation of 18 U.S.C. 3146(a)(1), a Class D felony. He was also convicted under Docket No. 01-CR-12-S-01 for possession of an identification document with intent to use the document to defraud the United

States in violation of 18 U.S.C. § 1028(a)(4), a Class C felony, and making a false statement of material fact in an application for social security benefits in violation of 42 U.S.C. § 408(2), a Class D felony. He was committed to the custody of the Bureau of Prisons for a term of imprisonment of 84 months custody, consisting of 63 months under Docket No. 00-CR-5-S-01 and a consecutive 21-month term of imprisonment under Docket No. 01-CR-12-S-01. He was also ordered to serve three years supervised release in both cases. Restitution in the amount of \$232,802.18 was also ordered in Docket No. 01-CR-12-S-01.

Defendant began both terms of supervised release on January 9, 2007.

The Court finds that defendant violated Standard Condition No. 3 which required him to follow the instructions of the probation officer. On January 26, 2007 defendant left his last known residence at Porchlight's Drop-In Shelter. The Court finds that defendant violated Standard Condition No. 6 which required him to notify the probation officer of any change in residence. On January 29, 2007 defendant was instructed to meet with his supervising probation officer at Hospitality House. He failed to report for this required meeting.

Defendant's conduct falls into the category of Grade C violations as defined by §7B1.1(a)(3)(B) of the sentencing guidelines policy statement for violations of supervised release. In addressing such violations, the Court has the discretion to

revoke supervised release, extend it or modify the conditions of release. The Court notes that defendant testified that he was denied medical care. However, defendant forfeited his opportunity to receive medical care by departing from this district without any authorization whatsoever.

The Court has determined that defendant's violations warrant revocation. Defendant absconded from supervision. It is apparent that he is unable to successfully complete a term of supervised release. Accordingly, the supervised release imposed in both cases on January 24, 2003 will be revoked.

Defendant's criminal history category is VI. A Grade C violation and a Criminal History Category VI result in a guideline range of 8 to 14 months imprisonment. The statutory maximum to which the defendant can be sentenced upon revocation is 24 months pursuant to 18 U.S.C. § 3583(e)(3) which provides that a person whose term of supervised release is revoked may not be required to serve more than two years if the offense for which the defendant was sentenced previously was a Class C or D felony. The Court determines that a sentence above the guideline range is reasonable and necessary to address the risk defendant poses to the community as evidenced by his lifetime of crime and his continued failure to accept authority.

#### ORDER

IT IS ORDERED that the period of supervised release imposed on defendant is REVOKED and he is committed to the custody of the

Bureau of Prisons for a term of 24 months in Docket Nos. 00-CR-5-S-01 and 01-CR-12-S-01, the terms to run concurrently. The Court recommends that defendant serve the last 60 days of his confinement in a federally approved community corrections center, with work release privileges but without home confinement. No term of supervised release shall follow. Defendant is to be registered with local law enforcement agencies and the state attorney general before his release from confinement. The Court-ordered criminal assessment penalty of \$400 and restitution of \$232,802.18 are affirmed.

The Court recommends that defendant's place of confinement be at an institution with medical facilities readily available to provide for his medical care as determined by the Bureau of Prisons.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration.

Entered this 1st day of October, 2007.

BY THE COURT:

/S/

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JOHN C. SHABAZ  
District Judge