

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONNIE L. WOODARD,

Defendant.

ORDER

00-CR-87-C-01

A hearing on the revocation of Ronnie L. Woodard's supervised release was held in this case on August 3, 2006, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Rita Rumbelow. Defendant was present in person and by counsel, Sandra Glowdowski. Also present was United States Probation Officer William T. Badger, Jr.

From the record and defendant's stipulation, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on March 8, 2001, following his conviction for felon in possession of a firearm, in violation of 18 U.S.C. §

922(g)(1). This crime is a a Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 57 months, with a three-year term of supervised release to follow. As a standard condition of supervised release, defendant was required to follow the instructions of the probation officer.

Defendant began his first term of supervised release on January 26, 2005. He violated his supervised release by absconding from supervision and his first term of supervised release was revoked on December 16, 2005. Defendant was sentenced to 7 months' imprisonment to be followed by two years' supervised release. As a special condition of supervised release, he was ordered to reside at Rock Valley Community Programs for 90 to 120 days. His two-year term of supervised release began on June 27, 2006. Defendant failed to report to Rock Valley Community Programs upon his release from imprisonment.

Defendant's conduct falls into the category of a Grade C violation, as defined by § 7B1.1(a)(3)(B) of the sentencing guidelines policy statement for violations of supervised release. Upon a finding of a Grade C violation, the Court may revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant refused to follow the orders of the Court. Defendant failed to take advantage of the opportunity afforded him. It appears as though he is not taking his

supervised release seriously.

Defendant's original criminal history category was V. A Grade C violation paired with a criminal history category of V results in a guideline range of 7 to 13 months. The statutory maximum term of imprisonment to which defendant can be sentenced upon revocation is two years, 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 he was sentenced previously was a Class C felony.

I am revoking defendant's supervised release. After reviewing the non-binding policy statements in Chapter 7 of the sentencing guidelines, I have selected a sentence at the top of the guideline range. This sentence is necessary to hold defendant accountable for his behavior, deter others from similar conduct, protect the community and impress upon defendant the seriousness of complying with his court-ordered conditions.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on December 16, 2005, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 13 months. No term of supervised release shall follow.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration. Execution of this sentence is to begin immediately. I recommend that

defendant be afforded the opportunity to participate in drug counseling and treatment while he is confined.

Entered this 3d day of August 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

Chief District Judge