

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

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

01-CR-119-C-01

THOMAS D. IVERSON,

Defendant.  
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A hearing on the revocation of Thomas D. Iverson's supervised release was held in this case on August 10, 2006, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Timothy O'Shea. Defendant was present in person and by counsel, Erika Bierma. Also present was Senior United States Probation Officer Helen Healy Raatz.

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 April 12, 2002, following his conviction for use of the telephone to make a threat, in violation of 18 U.S.C.

§ 844(e). This crime is classified as a Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 27 months, with a three-year term of supervised release to follow.

As a general condition of supervised release, defendant was prohibited from committing another federal, state or local crime. Additionally, as a standard condition of supervised release, defendant was directed to notify the probation officer at least ten days before any change in residence.

Defendant began his term of supervised release on October 4, 2005. Shortly thereafter, he began drinking and the conditions of his release were amended to require him to reside at Rock Valley Community Programs for 120 days and complete an alcohol treatment program. Defendant completed the program but soon afterward violated his supervised release when he engaged in new criminal behavior: issuing four worthless checks totaling \$180 with the intent to defraud Shockley's Bar in Illinois and when he failed to inform his probation officer of his whereabouts.

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

## CONCLUSIONS

Defendant's violations require revocation. Defendant has not benefited from community-based alcohol treatment and has refused to follow the orders of the court.

Defendant's original criminal history category was VI. A Grade C violation paired with a criminal history category VI results in an advisory guideline range of 8 to 14 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.

After reviewing the advisory policy statements in Chapter 7 of the sentencing guideline, I have selected a sentence above the guideline range for the purpose of providing defendant treatment to address his alcoholism. This sentence will protect the community, and impress upon defendant the seriousness of complying with his court-ordered conditions.

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## ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on April 12, 2002, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 18 months. No term of supervised release shall follow. Defendant shall be afforded the opportunity to participate in the 500-hour comprehensive drug treatment

program offered by the Bureau of Prisons.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration. Execution of this sentence begins immediately.

Entered this 10th day of August.

BY THE COURT:

/s/

BARBARA B. CRABB

Chief District Judge