

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY MAJZER,

Defendant.

ORDER

02-CR-142-S-01

Petition for revocation of defendant's supervised release came on to be heard before the Court in the above entitled matter on September 26, 2006, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Daniel J. Graber, Assistant United States Attorney; the defendant in person and by Reed Cornia. Honorable John C. Shabaz, District Judge, presided.

From the record and defendant's stipulation, the Court makes the following findings of fact.

Defendant was sentenced in the United States District Court for the Western District of Wisconsin on April 10, 2003 following his conviction for felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), a Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 37 months with a three-year term of supervised release to follow. As a mandatory condition of supervised release defendant was ordered not to commit another federal, state or local

crime. As a standard condition of supervised release defendant was required to follow the instructions of the probation officer.

Defendant began his term of supervised release on December 23, 2005.

Defendant has stipulated that he is in violation of the mandatory condition of supervised release when on August 8, 2006 he falsely reported to the Eau Claire police department and State Farm Insurance that his laptop computer and his home theater system were stolen when, in fact, both items had been returned to the store where they had been purchased.

Defendant's conduct falls into the category of Grade B violation as defined by §7B1.1(a)(2) of the sentencing guidelines policy statement for violations of supervised release because the conduct committed by the defendant constituted an offense punishable by a term of imprisonment exceeding one year. Upon a finding of a Grade B violation, the court shall revoke supervised release pursuant to §7B1.3(a)(1).

Defendant's violation requires revocation. Accordingly, the 36-month term of supervised release imposed on defendant on April 10, 2003 will be revoked.

Defendant's original criminal history category was V. A Grade B violation and a Criminal History Category V result in a restricted guideline range of 18 to 24 months. The statutory maximum period of imprisonment that may be imposed is 24 months. Pursuant to 18 U.S.C. § 3583(e)(3) 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 felony.

After reviewing the non-binding policy statements of Chapter 7 of the sentencing guidelines, the Court determines that a sentence at the top of the guideline range is reasonable and necessary. The intent of this sentence is to impress upon defendant the seriousness of repeated violations of the law and to protect the community from his continued costly fraudulent conduct.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on April 10, 2003 is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 24 months. It is recommended that defendant be designated to a federal medical center to facilitate continued psychiatric treatment along with biweekly injections of Risperdal. No term of supervised release shall follow.

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

Entered this 26th day of September, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge