

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN P. STROJNY,

Defendant.

ORDER

04-CR-0065-C-01

An evidentiary hearing was held on defendant John P. Strojny's request for a stay of execution of his sentence of imprisonment pending his appeal from his sentence. The United States appeared by John Vaudreuil, Assistant United States Attorney. Defendant was present in person and by counsel, Peter Morin.

After hearing the evidence and the parties' arguments, I denied defendant's request for his failure to show all of the prerequisites of 18 U.S.C. § 3143(d)(1)(A) and (B). Although I found that defendant is not likely to flee or pose a danger to the community if his imprisonment is stayed, he has not shown that his appeal raises a substantial question of law or fact likely to result in reversal, a sentence that does not require a term of imprisonment or a reduced sentence to a term of imprisonment less than the expected

duration of the appeal process. It is likely that defendant will serve his full term of imprisonment before the court of appeals has an opportunity to rule on his appeal but it is wholly unlikely that the court will reverse or reduce his sentence for this court's failure to give sufficient consideration to defendant's health. Defendant's medical condition is not so severe that the Bureau of Prisons cannot manage it. It is probably not nearly so severe as defendant makes it out to be. Even if it is, he can serve his sentence without serious risk to his health.

ORDER

IT IS ORDERED that defendant John P. Strojny's request for a stay of execution of his sentence of imprisonment is DENIED. Defendant is directed to report to an institution to be designated by further court order on March 10, 2005, between the hours of noon and 2:00 pm. The present release conditions are continued until March 10, 2005.

Entered this 17th day of February, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge