

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD PETERSON,

Defendant.

- - - - -

ORDER

07-CR-035-C-01

A hearing on the revocation of Ronald Peterson's probation was held in this case on June 22, 2007, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Laura A. Przybylinski Finn. Defendant was present in person and by counsel, Kelly Welsh. Also present was Senior United States Probation Officer Michael D. Harper.

From the record, I make the following findings of fact.

FACTS

Defendant was sentenced in the Northern District of California on November 10, 2003, following his conviction for conspiracy and mail fraud in violation of 18 U.S.C. §§ 371

and 1341. These crimes are Class D felonies. He was sentenced to a five-year term of probation.

As a statutory condition of probation, defendant was prohibited from committing another federal, state or local crime. As standard conditions he was prohibited from frequenting places where controlled substances are illegally sold, used, distributed or administered and from associating with persons engaged in criminal activity.

Defendant began his term of probation on November 10, 2003. On March 12, 2007, jurisdiction in this case was transferred to the Western District of Wisconsin.

On February 6, 2007, a search conducted at defendant's residence revealed five firearms and a large quantity of live ammunition, paraphernalia for ingesting crack cocaine, several stolen televisions and a stolen computer. Defendant admitted to a law enforcement officer that he knew that the firearms and ammunition were in the residence and that he was prohibited from possessing them because of his felony convictions. Defendant also admitted he knew that his live-in girlfriend was abusing cocaine and was involved in the theft of electronic equipment.

On April 23, 2007, a petition for warrant or summons was filed by the probation office. On that same date, I ordered that a summons be issued for defendant's appearance to show cause why his probation should not be revoked.

Defendant has stipulated that he violated the statutory condition prohibiting him

from committing another federal, state or local crime, when he illegally possessed five firearms and hundreds of rounds of live ammunition as a convicted felon. He has stipulated that, in living in the same residence with his girlfriend, who was using and administering cocaine, he violated the standard condition prohibiting him from frequenting places where controlled substances are illegally sold, used, distributed or administered, Defendant also stipulated that he violated the standard condition prohibiting him from associating with any persons engaged in criminal activity, when he continued to live with his girlfriend despite his knowledge that she was stealing electronic products and storing them in their residence.

Defendant's conduct falls into the category of Grade B violations, as defined by § 7B1.1(a)(2) of the sentencing guidelines policy statement for violations of probation. In addressing such violations, § 7B1.3(a)(1) suggests the court shall revoke probation.

CONCLUSIONS

Defendant's violations require revocation. Accordingly, the five-year term of probation imposed on defendant on November 10, 2003 will be revoked.

Defendant's criminal history category is III. With a Grade B violation and a criminal history category of III, defendant has a guideline range of 8 to 14 months' imprisonment. When probation is revoked, he may be resentenced under 18 U.S.C. subchapter A to a sentence that includes a term of imprisonment. A maximum term of not more than five years of imprisonment may be imposed on each count because defendant was convicted

under 18 U.S.C. §§ 371 and 1341. Pursuant to subchapter A and 18 U.S.C. § 3583(b), a term of not more than three years of supervised release is authorized if a defendant is sentenced to a term of imprisonment.

After reviewing the non-binding policy statements of Chapter 7 of the sentencing guidelines, I have selected a sentence within the guideline range. The intent of this sentence is to impress upon defendant the seriousness of possessing firearms and live ammunition as a convicted felon and to protect the community.

ORDER

IT IS ORDERED that the period of probation imposed on defendant Ronald Peterson on November 10, 2003, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 14 months. A three-year term of supervised release shall follow the sentence of imprisonment with the same conditions as imposed on him when he was placed on probation. Defendant does not have the financial means or earning capacity to pay the cost of incarceration. Defendant is neither a flight risk nor a danger to the community. Accordingly, execution of the sentence of imprisonment is stayed until July 24, 2007, between the hours of noon and 2:00 p.m., when defendant is to report to an institution to be designated by further court order. The conditions of probation imposed

by the United States District Court for the Northern District of California on November 10, 2003 remain in effect until 2:00 p.m., July 24, 2007.

Entered this 22d day of June 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

Chief District Judge