

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

07-cr-0021-bbc-01

THOMAS E. WILLIAMS

Defendant.

A hearing on the probation office's petition for judicial review of Thomas E. Williams' supervised release was held on October 7, 2011, before U. S. District Judge Barbara B. Crabb. The government appeared by Assistant U. S. Attorney David J. Reinhard. Defendant was present in person and by Attorney Erika L. Bierma. Also present was U. S. Probation Officer Michael D. Harper.

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

FACTS

Defendant was sentenced in the Western District of Wisconsin on July 24, 2007, following his conviction for operating a motor vehicle under the influence of an intoxicant, 5th offense, in violation of Wis. Stat. § 346.63(1)(a), assimilated by 18 U.S.C. § 13. This offense is a Class D felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 18 months, with a 36-month term of supervised

release to follow. He was also ordered to pay an \$1,800 fine.

Defendant began his term of supervised release on December 4, 2008.

Defendant violated the special condition of supervision requiring him to make monthly fine payments when he failed to remit fine payments in January 2009, April 2009, June through November 2009, January through July 2010, September through December 2010 and reduced payments in March, July, and August 2011.

Defendant violated Standard Condition No. 2 requiring him to submit a truthful and complete written report within the first five days of the month by submitting his monthly report forms late in the months of April through May 2009, July through October 2009, February through March 2010, May 2010, July 2010, October through November 2010, February through March 2011, and May through July 2011.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the court may revoke supervised release, extend the term of supervised release or modify the conditions of supervision upon a finding of a Grade C violation. In this case, however, I do not believe that any of these actions are necessary.

CONCLUSIONS

Although defendant's violations show a disregard for the conditions of his supervised release, they do not warrant revocation. Defendant has worked hard to overcome his addiction to alcohol, which has been the root cause of his past criminal conduct. His success in that area outweighs his failure to comply with the requirements to make his fine payments

and file monthly reports, particularly now that he has paid his fine in full.

ORDER

IT IS ORDERED that defendant is to continue on supervised release until expiration of the term of supervised release and is to comply with all the conditions of supervised release.

Entered this 11th day of October 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
Chief District Judge