

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

08-cr-123-bbc-1

AMANDA FERCH,

Defendant.

A hearing on the probation office's petition for judicial review of Amanda Ferch's supervised release was held on March 6, 2014, before U. S. District Judge Barbara B. Crabb. The government appeared by Assistant U. S. Attorney Daniel J. Graber. Defendant was present in person and by counsel, Erika L. Bierma. Also present was Assistant Deputy Chief U.S. Probation Officer Tracy Russom.

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

FACTS

Defendant was sentenced in the Western District of Wisconsin on January 6, 2009, following her conviction for conspiracy to make, utter and possess counterfeit securities of an organization with intent to deceive, in violation of 18 U.S.C. §§ 513(a), 371 and 2.

This offense is a Class D felony. She was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 33 months, with a three-year term of supervised release to follow, and ordered to pay restitution in the amount of \$347,190.99.

On December 23, 2010, defendant began her first term of supervised release in the Eastern District of Wisconsin. Her supervision was revoked on September 21, 2011, after she violated the terms of her supervision by leaving the district without permission, failing to notify her probation officer within 72 hours of being arrested or questioned by law enforcement, failing to report to the probation officer as directed, failing to report a change in residence and failing to participate in substance abuse treatment as directed. Defendant was sentenced to four months' imprisonment with 24 months' supervised release to follow. Additionally, she was ordered to reside in a residential transitional living center for five months.

On December 21, 2011, defendant began her second term of supervised release in the Western District of Wisconsin. She violated the terms of her supervised release by failing to reside in a residential transitional living center for a period of five months. She walked away from the facility on January 16, 2012, and as a result, her supervised release was revoked on February 17, 2012. She was sentenced to another four months' imprisonment with 24 months' supervised release to follow.

On May 17, 2012, defendant began her current term of supervised release in the Western District of Wisconsin. She violated Special Condition No. 7 of her conditions of

supervised release requiring her to abstain from the use of alcohol and submit to drug testing. On June 21, October 27 and December 24, 2013; and on January 3, January 10 and January 15, 2014, defendant tested positive for alcohol. On January 10 and January 14, 2014, she failed to test as required.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.1(a)(3)(B) of the advisory guidelines provides that the court has the discretion to revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's violations warrant revocation. Her criminal history category is II. With a Grade C violation she has an advisory guideline term of imprisonment of 4 to 10 months. Under 18 U.S.C. § 3583(e), the statutory maximum to which defendant can be sentenced upon revocation is 24 months. 18 U.S.C. § 3583(h) authorizes another term of supervised release to follow imprisonment. Because she has previously been sentenced to a total of eight months' imprisonment for previous revocations, the court is authorized to reimpose a term of 16 months' supervised release (minus whatever term of imprisonment is imposed for her current violations).

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on February 17, 2012, is REVOKED and defendant is committed to the custody of the Bureau

of Prisons for a term of 18 months, with no supervised release to follow.

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

Entered this 6th day of March, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge