

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MELISSA CHRISTIANSEN,

Defendant.  
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ORDER

08-cr-135-bbc

Defendant Melissa Christiansen has moved pursuant to 18 U.S.C. § 3143(b) for a stay of execution of the sentence imposed on her on April 1, 2009 to allow her to remain free on her own recognizance pending resolution of her appeal. Defendant maintains that she is not a flight risk or a present danger to the community and that the issues she wishes to raise on appeal are substantial. The government agrees that defendant is not a flight risk or danger but disputes her characterization of the issues.

Although I remain convinced that it was proper to give defendant sentencing enhancements for mass marketing and for vulnerable victims, the decision to do so was one that could very well be decided the other way. United States v. Eaken, 995 F.2d 740, 741 (7th Cir. 1993). Moreover, defendant's sentence is only four months. It is improbable that

she could obtain a decision on her appeal within four months, given the time necessary for briefing and scheduling oral argument. Thus, she comes within subsection (iv) of 18 U.S.C. 1343(b), which permits a sentencing judge to order release pending appeal for a defendant raising a substantial question likely to result in a reduced sentence “less than the total of the time already served plus the expected duration of the appeal process.”

#### ORDER

IT IS ORDERED that defendant Melissa Christiansen’s motion for a stay of execution of her sentence pending resolution of her appeal is GRANTED. Defendant may remain free on her own recognizance, subject to the conditions of release imposed on her by the United States Magistrate Judge.

Entered this 5th day of May, 2009.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge