

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FAITH SMITH,

Defendant.

ORDER

08-cr-142-bbc

Defendant Faith Smith has written to the court to ask for a reduction in her sentence to allow her to serve a 60-day term of confinement at the Fahrman Center in Eau Claire, Wisconsin. At present she is serving a 90-day sentence imposed upon her on October 23, 2012, after she was found to have violated the conditions of her probation.

The motion will be denied. Even if I agreed with defendant that her sentence should be shorter, I have no authority to reduce a sentence once it is imposed, except in specific circumstances that do not exist in this case. In any event, I do not agree. Until faced with the possibility of revocation, defendant ignored her responsibility to make restitution to the government for the money she stole from a program receiving federal funds. Instead, she spent her money on gifts for her family, traditional feasts, dog treats, bird feed and other non-essential items. Only when revocation seemed a possibility did she make any restitution payments.

No doubt defendant's absence from her family and her work for the Lac Courtes Oreilles tribe will create difficulties for others. This is unfortunate, but it is the consequence of her own refusal to work with her probation officer, take her restitution obligation seriously and face up to her past criminal conduct.

ORDER

IT IS ORDERED that defendant Faith Smith's motion for a reduction in her 90-day term of imprisonment is DENIED.

Entered this 18th day of December, 2012.

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