

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

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

12-cr-44-bbc-1

CHRISTOPHER J. JOSE,

Defendant.  
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A hearing on the probation office's petition for judicial review of Christopher J. Jose's supervised release was held on April 24, 2014, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Rita M. Rumbelow. Defendant was present in person and by counsel Erika K. Bierma. Also present was Senior U.S. Probation Officer Michael J. Nolan.

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

FACTS

Defendant was sentenced in the Western District of Wisconsin on October 2, 2012, following his conviction for failure to update the sex offender registry, in violation of 18 U.S.C. § 2250. This offense is a Class C felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 14 months, with a three-year term of supervised release to follow. Defendant began his initial term of supervised release on April

15, 2013. On June 6, 2013, his term of supervision was revoked. He was committed to the custody of the Bureau of Prison to serve a term of imprisonment of 9 months, with a 27-month term of supervised release to follow.

Defendant began his second term of supervised release on February 24, 2014. Within two months he had violated Special Condition No. 13, which requires that he spend 180 days in a residential reentry center, when he was discharged on April 9, 2014, from the reentry center before completing his 180-day placement. By that time, defendant had been the subject of seven incident reports.

Defendant's conduct falls into the category of Grade C violations. Section 7B1.3(a)(2) of the advisory guidelines gives the court the discretion to revoke supervised release, extend it or modify the conditions of release.

## CONCLUSIONS

Defendant's violations warrant revocation. Defendant's criminal history category is II. With a Grade C violation, his advisory guideline range of imprisonment is four to ten months. Under 18 U.S.C. § 3583(e)(3), the statutory maximum term of imprisonment to which he can be sentenced upon revocation is 15 months because he has a conviction for a Class C felony and a previous revocation sentence of nine months' incarceration.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence in the middle of the guideline range to hold defendant accountable for his violations and to protect the community.

## ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on June 6, 2013, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of eight months with a 19-month term of supervised release to follow. All previous standard and special conditions of supervised release shall remain in effect. Despite defendant's previous unsuccessful transitions through residential reentry centers there are still resources and services available to him. Therefore, the following Special Condition is added:

Spend 180 days in a residential reentry center, as approved by the supervising U.S. probation officer, with admission upon the first available vacancy. Defendant may be absent from the center for employment purposes, for mental health counseling and treatment and for passes consistent with program rules. Defendant is to pay his own medical expenses, if any, and is to pay 25% of his gross income toward the daily cost of residence. Defendant may be discharged early from the facility upon the approval of both the facility administrator and the supervising U.S. probation officer.

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

I recommend also that defendant be housed at an institution other than FCI Elkton or FCI Milan for security purposes.

Defendant is to be registered with local law enforcement agencies and the state

attorney general before release from imprisonment.

Entered this 24th day of April 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

U.S. District Judge