

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANG T. DANH,

Defendant.

ORDER

11-cr-21-bbc-02

Plaintiff United States of America has moved for *in absentia* sentencing of defendant Sang T. Danh on the ground that defendant's four-year absence from this jurisdiction is a voluntary decision on his part. Defendant left this district in 2012 after he was found guilty by a jury in this court on February 11, 2012 of six counts, alleging various illegal acts, including bank fraud (aiding and abetting) in violation of 18 U.S.C. § 1344 and 2; possession of 15 or more unauthorized access devices with intent to defraud in violation of 18 U.S.C. § 1029(A)(3) and 2; and trafficking in unauthorized access devices and obtaining more than \$1000 during a one-year period, in violation of 18 U.S.C. §§ 1029(a) and 2.

Defendant was released pending sentencing and remained on pretrial release in the Central District of California. According to the presentence report prepared for defendant's sentence, a Central District probation officer scheduled a home visit with defendant for February 27, 1012, but was unable to locate defendant. His sister informed the officer that defendant had left the residence to begin serving his sentence. Defendant's whereabouts are

still unknown, although a warrant was issued for his arrest. At this time, there is no reason to believe that defendant's failure to appear is anything but voluntary. Accordingly, I will grant the government's motion for *in absentia* sentencing. United States v. Achbani, 507 F.3d 598, 602 (7th Cir. 2007) (although Fed. R. Crim. P. 43 guarantees defendant right to be present for sentencing as well as for trial, it allows *in absentia* sentencing when defendant flees voluntarily before sentencing).

ORDER

IT IS ORDERED that the government's motion for *in absentia* sentencing of defendant Sang T. Danh is GRANTED. Assistant United States Attorney Timothy O'Shea is to consult with defendant's counsel and the clerk's office to schedule a date and time for sentencing.

Entered this 12th day of October, 2016.

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