

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADRIAN S. COLLINS,

Defendant.

ORDER

95-CR-079-S-02

Petition for revocation of defendant's supervised release came on to be heard before the Court in the above entitled matter on August 9, 2006, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by Meredith Duchemin, Assistant United States Attorney; the defendant in person and by Lawrence Bensky. Honorable John C. Shabaz, District Judge, presided.

From the record and testimony the court makes the following findings of fact.

Defendant was sentenced in the United States District Court for the Western District of Wisconsin on April 9, 1996 following his conviction for conspiracy to import cocaine and marijuana in violation of 21 U.S.C. § 846, a Class B felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 87 months with a 60-month term of supervised release to follow.

As special conditions of supervised release defendant was required to register with local law enforcement including the attorney general as directed by the supervising probation officer and to abstain from alcohol and illegal drug use and participate in substance abuse testing and treatment.

Defendant began his term of supervised release on January 15, 2003.

The Court determines that defendant violated standard condition #1 by traveling without permission from Madison, Wisconsin to Indianapolis, Indiana on April 2, 2005. He is in further violation of standard condition #11 by not reporting police contact with the city of Indianapolis, Indiana on April 2, 2005 when he was charged with obstructing emergency fire department personnel and by not reporting a police contact as required when he was cited for disorderly conduct by the city of Madison police on September 23, 2005. Finally, he violated this condition a third time when he failed to report a police contact when he was cited by a Madison police officer for speeding within fixed limits on December 12, 2005. His conduct falls into the category of Grade C violations as defined by § 7B1.1(a)(3)(B) of the sentencing guidelines policy statement for violations of supervised release. In addressing such violations the court has the discretion to revoke supervised release, extend it or modify the conditions of release.

Defendant has continued to violate his conditions of supervised release by traveling outside the Western District of Wisconsin on April 2, 2005 without permission and for his repeated failures to report police contacts as ordered. Accordingly, the five-year term of supervised release imposed on the defendant on April 9, 1996 will be revoked.

Defendant's original criminal history category was IV. A Grade C violation and a criminal history category IV result in a guideline range of 6-12 months. The statutory maximum to which the defendant can be sentenced upon revocation is 36 months pursuant to 18 U.S.C. 3583(e)(3) which provides that a person whose term of supervised release is revoked may not be required to serve more than three years if the offense for which the defendant was sentenced previously was a Class B felony. The Court has selected a sentence near the middle of the guideline range because of his repeated failures to conform to his conditions of release, demonstrating by his testimony and actions that he will continue to violate in the future. This sentence is necessary, reasonable and sufficient to provide specific and general deterrence and protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 9 months. The Court recommends that the defendant serve the last 30 days of his confinement in a

federally approved residential re-entry center with work release privileges but without home confinement. A two-year period of supervised release shall follow. As special conditions of supervised release the defendant is to: 1) abstain from alcohol and illegal drug use and from association with drug users and sellers and participate in a program of substance abuse testing and counseling; 2) submit his person, residence, office or vehicle to a search conducted by a U.S. probation officer at a reasonable time and in a reasonable manner when the probation officer has reasonable suspicion of contraband or of a violation of a condition of release; failure to submit to a search is grounds for revocation; defendant shall advise other residents that the premises he is occupying may be subject to searches pursuant to this condition; 3) provide financial information to the supervising probation officer as requested; 4) pay all applicable child support orders and not violate his conditions of release. Defendant is to be registered with local law enforcement agencies and the state attorney general before his release from confinement.

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

The sentence of imprisonment is to commence immediately and defendant is remanded to the custody of the United States Marshal.

Entered this 10th day of August, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge