

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONNIE L. WOODARD,

Defendant.

ORDER

00-CR-87-C-01

A hearing on the revocation of Ronnie L. Woodard's supervised release was held in this case on December 16, 2005, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Rita Rumbelow. Defendant was present in person and by counsel, Sandra Glowdowski. Also present was United States Probation Officer William T. Badger, Jr.

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

FACTS

Defendant was sentenced in the Western District of Wisconsin on March 8, 2001, following his conviction for felon in possession of a firearm, a Class C Felony, in violation

of 18 U.S.C. § 922(g)(1). He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 57 months, with a three-year term of supervised release to follow. As a standard condition of supervised release, defendant is required to follow the instructions of the probation officer.

Defendant began his term of supervised release on January 26, 2005. Defendant stipulates that on November 8, 2005, he was directed to return to the Western District of Wisconsin after his request to transfer to the Northern District of Illinois was denied. Defendant failed to return to Wisconsin and then failed to inform the probation officer of his whereabouts.

Defendant's conduct falls into the category of a Grade C violations, as defined by § 7B1.1(a)(3)(B) of the sentencing guidelines policy statement for violations of supervised release. Upon a finding of a Grade C violation, the Court may revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's violation requires revocation. Defendant refused to follow the instructions of the probation officer whose intent was to provide a structured environment in the community to help the defendant find a job and a place to live. Defendant failed to take advantage of the opportunity afforded him. It appears as though he is not taking his

supervised release seriously.

Defendant's original criminal history category was V. A Grade C violation paired with a criminal history category of V results in a guideline range of 7 to 13 months. The statutory maximum term of imprisonment to which defendant can be sentenced upon revocation is two years, 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 two years if the offense for which he was sentenced previously was a Class C felony.

After reviewing the non-binding policy statements in Chapter 7 of the sentencing guidelines, I have selected a sentence at the bottom of the guideline range. This sentence is necessary to hold defendant accountable for his behavior, deter others from similar conduct, protect the community and impress upon defendant the seriousness of complying with his court-ordered conditions.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on March 8, 2001, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of seven months. A two-year term of supervised release shall follow. All conditions previously ordered shall remain in effect. In addition the defendant is required to follow the following special condition of supervised release:

Defendant is to reside not less than 90 days or more than 120 days in a federally approved community corrections center, specifically, Rock Valley Community Programs, 203 W. Sunnyside Road, Janesville, Wisconsin. Defendant is responsible for his own medical care. Defendant is allowed passes in accordance with the rules and regulations of the facility. Defendant will contribute 25 percent of his net income toward subsistence. Defendant can be released from the facility after 90 days with the approval of the program director and the supervising probation officer.

Defendant does not have the financial means or earning capacity to pay the cost of incarceration. Execution of this sentence begins immediately.

Entered this 19th day of December 2005.

BY THE COURT:

/s/

BARBARA B. CRABB

Chief District Judge