

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALONZO L. WILSON,

Defendant.

ORDER

01-cr-41-bbc-1

A hearing on the probation office's petition for judicial review of Alonzo L. Wilson's supervised release was held on May 15, 2013, before U. S. District Judge Barbara B. Crabb. The government appeared by Assistant U. S. Attorney Laura A. Przybylinski Finn. Defendant was present in person and by Supervisory Associate Federal Defender Michael W. Lieberman. Also present was U. S. Probation Officer Shawn P. Robinson.

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 September 26, 2001, following his conviction for distribution of cocaine base in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, a Class C felony. He was committed to the custody of the

Bureau of Prisons to serve a term of imprisonment of 203 months, with a 36-month term of supervised release to follow. On May 16, 2008, this sentence was amended to a term of imprisonment of 138 months, with a 36-month term of supervised release to follow.

On January 10, 2011, I modified the conditions of defendant's release by adding Special Condition No. 6, requiring defendant to spend up to 120 days in a residential reentry center. This placement was in response to his removal from a Bureau of Prisons' placement at the Fahrman Center after his arrest for sexual assault. The allegations were ultimately determined to be unfounded, but defendant lied during the course of the investigation and was convicted of obstruction. Defendant began his term of supervised release on January 14, 2011.

From August 4, 2012, to September 17, 2012, defendant violated the statutory condition of supervision prohibiting him from committing another federal, state or local crime when he delivered federally controlled substances on three occasions. This offense resulted in his conviction in the Circuit Court of Dickinson County, Michigan, case no. 12-004754-FC-C for controlled substance delivery with a habitual offender modifier.

Defendant's conduct falls into the category of a Grade A violation. Section 7B1.1(a)(1) of the advisory guidelines provides that the court shall revoke supervised release upon a finding of a Grade A violation.

CONCLUSIONS

Defendant's violations require revocation. The statutory maximum sentence of revocation is 24 months under 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 a defendant was sentenced previously was a Class C felony.

Defendant's criminal history category is IV. With a Grade A violation, his advisory guideline term of imprisonment would be 24 to 30 months if not for the statutory maximum of 24 months.

After reviewing the non-binding policy statements of chapter 7 of the Sentencing Guidelines, I am imposing the statutory maximum sentence. The purpose of this sentence is to hold defendant accountable for his actions and protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on September 26, 2001, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 24 months to run concurrently with the term of imprisonment imposed in the Circuit Court of Dickinson County, Michigan in case no. 12-004754-FC-C. No term of supervised release shall follow.

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

Entered this 15th day of May 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

U.S. District Judge