

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN P. FRAVEL,

Defendant.

ORDER

02-CR-050-S-01

Petition for revocation of defendant's supervised release came on to be heard before the Court in the above entitled matter on September 6, 2007, the government having appeared by Erik C. Peterson, United States Attorney for the Western District of Wisconsin, by John W. Vaudreuil, Assistant United States Attorney; the defendant in person and by David Geier. Honorable John C. Shabaz, District Judge, presided.

From the record the Court makes the following findings of fact.

Defendant was sentenced in the United States District Court for the Western District of Wisconsin on August 6, 2003 following his conviction for fraud and related activity in connection with identification documents and information in violation of 18 U.S.C. §§ 1028(a)(7) and (b)(2)(B), a Class E felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 36 months with a one-year term of supervised

release to follow and ordered to pay restitution in the amount of \$21,323.95.

As a standard condition of supervised release, defendant was required to report to the probation office in the district to which he was released within 72 hours of release from the custody of the Bureau of Prisons.

Defendant began his term of supervised release on March 30, 2007. Defendant has violated the general condition requiring him to report to the probation office in the district to which he was released within 72 hours of release from the custody of the Bureau of Prisons. 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 may revoke supervised release or modify the conditions of supervised release.

Defendant's violation warrants revocation. Accordingly, the one-year term of supervised release imposed on defendant on August 6, 2003 will be revoked.

Defendant's criminal history category is VI. A Grade C violation and a Criminal History Category VI result in a guideline imprisonment range of 8 to 12 months. The statutory maximum to which defendant can be sentenced upon revocation is 12 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 one year if the offense for which the defendant was sentenced previously was a Class E felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, the Court has selected a sentence at the top end of the guideline range to deter defendant from future criminal acts and to protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant is REVOKED and he is committed to the custody of the Bureau of Prisons for a term of one year. No term of supervised release is ordered to follow imprisonment. It is the Court's understanding that defendant will be given credit for his prior custody pursuant to 18 U.S.C. § 3585(b). Defendant is to be registered with local law enforcement agencies and the state attorney general before his release from confinement. The restitution obligation of \$21,323.95 remains in effect.

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

Entered this 6th day of September, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge