

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID A. DENNIS,

Defendant.

ORDER

04-CR-113-S-02

The government's motion for reduction of sentence pursuant to Rule 35(b), Federal Rules of Criminal Procedure, came on to be heard before the Court in the above entitled matter on June 29, 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; defendant having waived personal appearance, appeared by William Jones. Honorable John C. Shabaz, District Judge, presided.

The Court finds the defendant has provided substantial assistance as represented by the Government. Accordingly, the Government's motion for a reduction of sentence is granted. Defendant's offense level is reduced to a total offense level of 25. Pairing a total offense level of 25 with a criminal history category II results in an advisory guideline imprisonment range of 63 to 78 months.

A sentence near the upper-middle of the reduced range remains necessary to reflect the seriousness of the offense, provide

individual and general deterrence and achieve parity with others sentenced for their roles in providing drugs in the Lac Courte Oreilles community. A six-year term of imprisonment coupled with a three-year term of supervised release remains reasonable and necessary to accomplish these statutory sentencing purposes set forth in 18 U.S.C. § 3553(a).

ORDER

IT IS ORDERED that the judgment entered on December 8, 2004 is AMENDED to provide that defendant is committed to the custody of the Bureau of Prisons for a term of 72 months. In addition, modification of the condition of supervised release addressing drug and alcohol testing is warranted pursuant to recent Seventh Circuit Court of Appeals remands in cases that lack a specific drug testing schedule.

Special condition #3 of supervised release shall read that defendant is to:

Abstain from the use of alcohol and illegal drugs and from association with drug users and sellers and participate in substance abuse treatment. Defendant shall submit to drug testing commencing within 15 days of release and 60 drug tests annually thereafter. The probation office may utilize the Administrative Office of the U.S. Courts' phased collection process.

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In all other respects, the judgment remains as entered on
December 8, 2004.

Entered this 29th day of June, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge