

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK F. BRUMMITT,

Defendant.

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ORDER

04-cr-127-bbc

Defendant Mark F. Brummitt has filed a motion to transfer jurisdiction of his supervised release to the Central District of California when he is released from custody. Dkt. #53. In support of his motion, defendant states that he no longer owns any property in Wisconsin and fears for his life if he resides here. He says that he will have better employment opportunities as well as community and family support if his supervised release is transferred to California. Defendant's motion will be DENIED.

18 U.S.C. § 3605 states:

A court, after imposing a sentence, may transfer jurisdiction over a probationer or person on supervised release to any other district to which the person is required to proceed as a condition of his probation or release, or is permitted to proceed, with the concurrence of such court. A later transfer of jurisdiction may be made in the same manner. A court to which jurisdiction is transferred under this section is authorized to exercise all powers over the probationer or releasee that are permitted by this subchapter or subchapter B or D of chapter 227.

This court has authority to initiate a transfer jurisdiction to the Central District of

California if it believes it is appropriate to do so and if the other district agrees to accept jurisdiction over the defendant. I do not believe it is appropriate to initiate a transfer of jurisdiction of defendant's supervised release at this time.

Defendant was born and raised in Wisconsin. When the probation office prepared his presentence investigation, defendant reported that he had lived in other states at various times, but had resided in Wisconsin continuously for the four years preceding the conviction in this court.

Defendant told the probation officer preparing his presentence investigation report that he did not want to return to Wisconsin upon his release from custody. PSR, ¶ 66. When asked why, defendant explained he wanted to live in a state that would not require him to register as a sex offender. This statement casts doubt on the defendant's motivation for transfer out of this district.

Of further concern, is defendant's January 12, 2013, Inmate Request to Staff in which he says he is unwilling to serve his term of supervised release in Wisconsin and that he will "go somewhere else and after an appropriate amount of time turn myself in." Defendant should know that he is expected to comply with the conditions of his supervised release as previously imposed by this court. If does not, he risks having his supervised release revoked and being sent back to prison.

## ORDER

Defendant's motion to transfer jurisdiction of his supervised release to the Central

District of California, dkt. #53, is DENIED.

Entered this 18th day of October, 2013.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge