

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JON D. SHAW,

Defendant.

ORDER

04-CR-146-S-01

The government's motion for reduction of sentence for substantial assistance came on to be heard before the Court in the above entitled matter on September 23, the government having appeared by Stephen P. Sinnot, Acting United States Attorney for the Western District of Wisconsin, by Meredith P. Duchemin, Assistant United States Attorney; defendant in person and by Michael Lieberman. Honorable John C. Shabaz, District Judge, presided.

The Court recognizes the substantial assistance provided by defendant and the difficulties he is facing thereafter. Nonetheless, his previous criminal conduct and continued participation in criminal activities suggests that the sentence should be reasonable and responsible balancing his criminal conduct since he was 16 years of age to the present. Accordingly, the Court will reduce the defendant's offense level by two levels to a total offense level of 21. Pairing offense level 21 with criminal history category V results in an advisory guideline imprisonment

range of 70 to 87 months. A sentence near the middle of the range is sufficient to hold defendant accountable for his criminal conduct, protect the community and recognize the substantial assistance that he has previously provided. The reasons for his initial sentence in this Court are also incorporated as though more fully set forth herein.

ORDER

IT IS ORDERED that the government's motion for a reduction of sentence for substantial assistance is GRANTED.

IT IS FURTHER ORDERED that the judgment entered on February 8, 2005 is AMENDED to provide that the defendant is committed to the custody of the Bureau of Prisons for a term of 77 months. The Court recommends that based upon the threats the defendant is facing at his present place of confinement the Bureau of Prisons redesignate defendant to a place of confinement other than FCI-Pekin where the threats against defendant will be eliminated or at least reduced in nature. In all other respects the judgment remains as entered on February 8, 2005.

Entered this 23rd day of September, 2005.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge