

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

04-cr-88-bbc-1

LEE ANWAR WILSON,

Defendant.

A hearing on the probation office's petition for judicial review of Lee Anwar Wilson's supervised release was held on June 5, 2015, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Timothy M. O'Shea. Defendant was present in person and by counsel, Robert Ruth. Also present was Senior U.S. Probation Officer Nicholas Tuma.

From the record and the defendant's stipulation, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on November 17, 2004, following his conviction for being a felon in possession of ammunition, in violation of 18 U.S.C. § 922(g), which is a class C felony. He was committed to the custody of the Bureau of Prisons to serve a 120-month term of imprisonment to be followed by a five-year term of supervised release. Defendant began his term of supervised release on August 30, 2013.

On March 3, 2015, March 12, 2015 and again on March 18, 2015, defendant violated the mandatory conditions of his supervised release prohibiting him from committing another federal, state or local crime and from illegally possessing a controlled substance, as well as Standard Condition No. 7, prohibiting him from purchasing, using, distributing or administering any narcotic or other controlled substance except as prescribed by a physician and Special Condition No. 9, prohibiting him from associating with any person convicted of a felony unless granted permission to do so by his supervising probation officer. He did so on March 3, when he sold 0.1 grams of heroin to a confidential source who was cooperating with the Janesville, Wisconsin police department in an ongoing criminal investigation. He did so again on March 12, 2015, when he sold 0.3 grams of heroin to a cooperating source, and on March 18, when he set up a heroin sale and instructed Kingston Robertson, another convicted felon on active supervision in the Western District of Wisconsin, to complete the transaction. Kingston sold 0.2 grams of heroin to the cooperating source. Defendant had not been given permission to associate with Kingston Robertson.

Defendant's conduct falls into the category of Grade A violations. Under §7B1.3(a)(1), the court shall revoke the term of supervised release upon a finding of a Grade A violation.

CONCLUSIONS

Defendant's violations are serious and warrant revocation. He chose to disregard the conditions of his supervised release and resume criminal activities. Defendant's criminal history category is V. With a Grade A violation, he has an advisory guideline term of imprisonment of 30-37 months. Under 18 U.S.C. § 3583(e)(3), the statutory maximum to which defendant can be sentenced upon revocation is two years because his underlying offense is a Class C felony. Another term of supervised release to follow imprisonment would be permissible under 18 U.S.C. § 3583(h) unless the statutory maximum term of imprisonment is imposed.

After reviewing the non-binding policy statements of Chapter 7 of the Guidelines Manual, I have selected a sentence below the advisory guideline range but at the statutory maximum to hold defendant accountable for his violations, protect the community, promote respect for the law and achieve parity with the cases against Antoine Deal and Kingston Robertson.

The court recommends that the defendant be housed as close as possible to south central Wisconsin.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant Lee Anwar Wilson on November 17, 2004 is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of imprisonment of 24 months, with no supervision to follow.

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

Entered this 5th day of June, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge