

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

05-CR-006-C-01

RANDY LEE BOLSTAD,

Defendant.

A hearing on the revocation of Randy Lee Bolstad's supervised release was held in this case on April 10, 2007, before United States District Judge Barbara B. Crabb. The government appeared by Assistant United States Attorney Daniel J. Graber. Defendant was present in person and by counsel, William R. Jones. Also present was United States Probation Officer Michael D. Harper.

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

FACTS

Defendant was sentenced in the United States District Court for the Western District of Missouri, on July 29, 2004, following his conviction for passing counterfeit obligations, in violation of 18 U.S.C. § 472. His crime is a Class C felony. He was committed to the custody of the Bureau of Prisons for a term of imprisonment of 24

months, with a 36-month term of supervised release to follow. On January 12, 2005, jurisdiction of defendant's case was transferred to the Western District of Wisconsin.

On October 25, 2005, defendant began his term of supervised release.

Defendant stipulates that he violated the statutory condition that he not commit another federal, state or local crime, and special condition no. 3, prohibiting him from consuming or possessing any alcoholic beverages. On December 1, 2005, defendant was operating a motor vehicle when he had a breath alcohol content of .14. The car left the road, rolled over and landed in a ditch, injuring a passenger in the vehicle. Defendant's operating privileges were revoked at the time of the accident.

Defendant's conduct falls into the category of a Grade B violation, as defined by §7B1.1(a)(3) of the sentencing guidelines policy statement for violations of supervised release. Upon a finding of a Grade B violation, I must revoke the term of supervised release.

CONCLUSIONS

Defendant's violations warrant revocation. Accordingly, the three-year term of supervised release imposed on defendant on July 29, 2004, will be revoked.

Defendant's criminal history category is VI. With a grade B violation and a criminal history category of VI, defendant has an advisory guideline term of imprisonment of 21 to 24 months. The statutory maximum to which he can be sentenced upon revocation is 24 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 two years if the offense for which he was sentenced previously was a Class C felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence at the top of the advisory guideline range. The intent of this sentence is to provide defendant an alcohol-free structured setting, to encourage him to address his lengthy history of alcohol abuse and to protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant Randy Lee Bolstad on July 29, 2004, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of two years. This term of imprisonment shall be served consecutively to the sentence imposed by the Circuit Court for Monroe County, Wisconsin, in case no. 2005CF515. No term of supervised release shall follow.

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

Entered this 11th day of April, 2007.

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