

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

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STATE OF WISCONSIN,

Plaintiff,

ORDER

v.

06-CR-120-S

AMY JO KRUEGER,

Defendant.

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Presently pending before the Court in the above entitled matter is defendant's motion for stay of incarceration pending appeal.

On August 30, 2006 defendant Amy Jo Krueger was sentenced by this Court to a period of imprisonment of 18 months and provided a brief stay until September 15, 2006 when she is to report to an institution to be designated by further court order which has now been determined to be FPC Alderson. At the offset it is important to note that defendant has not provided any information to suggest that a substantial question of law or fact likely to result in reversal, an order for a new trial, a sentence that does not include a term of imprisonment or a reduced sentence as defined in § 3143(b). Her only suggestion is that she believes her appeal will raise a substantial issue of law and fact that may result in a sentence that does not include a term of imprisonment. This allegation is certainly not based on any authority or facts which are required by a Court in making this determination. As stated by

the government, no determination can be made whether the question is substantial based on defendant's blanket statement with no supporting facts or legal authority.

Although the Court is able to determine by clear and convincing evidence that defendant is not likely to flee or pose a danger to the safety of any person or the community, it is persuaded that the appeal is for the purpose of delay, having woefully failed to raise a substantial question of law or fact as aforesaid.

In its sentence, the Court stated as follows:

Beginning in 1992 defendant has multiple convictions involving either worthless checks or theft resulting in either supervision or incarceration. Neither have impressed upon her the significance of changing her ways and she has a high risk of recidivism. Although the offense of conviction happened in 2003, defendant engaged in similar behavior as recently as last year. Defendant has multiple criminal convictions along with numerous small claims cases spread over 15 years and has an employment history where she has been terminated for engaging in inappropriate and sometimes criminal behavior. A clear pattern has been established and although the monetary amount for this offense was minimal, the potential for more significant damage was established when defendant accessed personal information from a situation where trust should be expected.

After taking all factors into consideration, the Court balances defendant's criminal conduct against her responsibilities to her family and those health concerns which have been brought to the Court's attention and determines that a sentence at the middle of the advisory guideline range, 18 months, is reasonable, responsible, relevant and necessary to hold the defendant accountable for her criminal conduct, protect the community and provide specific and general deterrence. The Court declines to sentence defendant below the advisory guideline range as suggested by defendant, the advisory guidelines appearing to be reasonably sufficient.

The Court affirms the sentence previously imposed for those reasons stated above and further determines that defendant's motion for a stay of incarceration must be denied so that she may report to FPC Alderson not later than September 15, 2006 between the hours of noon and 2:00 p.m. Defendant's extensive criminal history (category IV) and her continued criminal activity suggests her sentence is reasonable and necessary to deter her from further criminal activity.

Accordingly,

ORDER

IT IS ORDERED that defendant's motion for stay of incarceration pending appeal is DENIED.

Entered this 14th day of September, 2006.

BY THE COURT:

s/  
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JOHN C. SHABAZ  
District Judge