

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-cr-179-bbc

RALPH SHANNON,

Defendant.

A hearing was held on July 30, 2015 on the probation office's petition for judicial review of defendant Ralph Shannon's supervised release. The government appeared by Assistant U.S. Attorney Laura Przybylinski Finn. Defendant was present in person and by counsel, Anthony Delyea. Also present was Senior U.S. Probation Officer Kristin E. Kiel.

From the record, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on July 17, 2007, following his conviction for possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4), a Class C felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 46 months, with a life term of supervised release to follow.

On August 20, 2010, defendant began his first term of supervised release. That term of supervised release was revoked on November 28, 2011, after defendant was found in possession of an Internet web camera without authorization. He was sentenced to 28 days' imprisonment with a life term of supervised release to follow.

On December 28, 2011, defendant began his second term of supervised release. At a hearing on May 29, 2014, the court eliminated Special Condition No. 10 from defendant's conditions of supervision and affirmed Special Condition No. 3, which prohibits defendant from possessing any materials depicting or describing child pornography as defined in 18 U.S.C. § 2256(2).

On April 23, 2015, the probation office conducted a search of defendant's home based on reasonable suspicion that he had violated the condition of his supervised release requiring him to cooperate with computer monitoring. He was found to have used encryption, removable external media and "scrubbing"-type systems, all of which make it more difficult for his computer to be monitored. This use violated Special Condition No. 2, because these programs made it more difficult to monitor his computer use. However, I am not persuaded that it requires revocation of his supervised release at this time. Defendant is warned, however, that further use of prohibited technologies will result in revocation.

ORDER

IT IS ORDERED that defendant Ralph Shannon's supervised release will not be revoked at this time.

Entered this 31st day of July, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

U.S. District Judge