

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-cr-214-bbc-2

IBN ALI WILLIAMS,

Defendant.

A hearing on the probation office's petition for judicial review of Ibn Ali Williams' supervised release was held on April 10, 2013, 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 T. Ruth. Also present was U.S. Probation Officer Shawn P. Robinson.

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

FACTS

Defendant was sentenced in the Western District of Wisconsin on May 30, 2007, following his conviction for possession with intent to distribute 5 grams or more of crack cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1) and 18

U.S.C. § 2. This offense is a Class B felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 108 months, with a 48-month term of supervised release to follow. On November 18, 2008, the term of imprisonment was reduced from 108 months to 72 months in light of the Supreme Court's decision in *Kimbrough v. United States*, 128 S. Ct. 558 (2007). The 48-month term of supervised release to follow imprisonment was affirmed. On October 17, 2011, the term of imprisonment was reduced to time-served to be effective November 1, 2011. The 48-month term of supervised release to follow imprisonment was affirmed.

Defendant began his term of supervised release on November 1, 2011. Defendant violated Special Condition No. 5, prohibiting him from the use of illegal drugs and requiring his participation in substance abuse treatment and testing, when he used marijuana on February 19 and February 25, 2013, failed to report for required substance abuse tests on December 3, 2012, January 3, January 11, January 16, January 24, March 4, March 15 and March 18, 2013 and failed to attend required counseling sessions on January 24, February 14, and March 7, 2013. Defendant also tested positive for marijuana on March 13, 2013.

Defendant violated Standard Condition No. 2, requiring him to report to the probation office as directed by the probation officer when he failed to report to the probation officer on March 28 and April 1, 2013.

Defendant's conduct falls into the category of Grade C violations. Section

7B1.3(a)(2) of the advisory guidelines provides that the court has the discretion to revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's violations warrant revocation. Accordingly, the 48-month term of supervised release imposed on May 30, 2007 and affirmed on November 18, 2008 and October 17, 2011 will be revoked.

Defendant's criminal history category is I. With a Grade C violation, he has an advisory guideline term of imprisonment of 3 to 9 months. Under 18 U.S.C. § 3583(e)(3), the statutory maximum to which he can be sentenced upon revocation is 36 months because this offense is a Class B felony.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence within the advisory guideline range. The intent of this sentence is to hold defendant accountable for his violations and to protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on May 30, 2007 and affirmed on November 18, 2008 and October 17, 2011, is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of six months,

with no term of supervised release to follow.

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

Defendant is to report to the U.S. Marshals Service no later than noon on April 11, 2013 to begin service of his sentence.

Entered this 10th day of April, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

U.S. District Judge