

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN VALERY,

Defendant.

ORDER

07-057M-X

On September 20, 2007, defendant John Valery appeared for a change of plea and sentencing in this transferred drunk driving petty offense prosecution. Valery was accompanied by his attorney, Michael Lieberman. The government was represented by Assistant United States Attorney Robert Anderson.

We proceeded on the charge of operating a motor vehicle with a prohibited blood alcohol content at the government's choice. After accepting Valery's guilty plea on the charge, we moved directly to sentencing. As discussed at the hearing, the military already has imposed a relatively severe punishment on Valery for this same offense: the equivalent of a \$1,500.00 fine by means of a salary reduction, 45 days of barracks restriction, suspending his driving privileges on federal territorial and maritime jurisdiction for 12 months, a reduction in rank, and a less-than-honorable discharge. Additionally, Valery already has served straight time in jail on the underlying arrest warrant in this case. In essence, Valery already has received the level of punishment this court ordinarily would

impose in a prosecution of this nature. In the absence of any signs of ongoing alcohol abuse by Valery, I concluded there was no reason to impose a sentence of probation.

Accordingly, it is ORDERED that defendant John Valery shall pay a fine of \$100 not later than October 19, 2007, and shall pay the mandatory \$10 assessment forthwith. The government shall notify the State of Wisconsin's Department of Motor Vehicles of the already-existing federal license suspension.

Entered this 21st day of September, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge