

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

JEFFREY L. LORANGER,

07-CR-082-S

Defendant.

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Defendant Jeffrey L. Loranger was indicted on the charge of unlawful possession of a firearm. Defendant moves to suppress the shotgun recovered from his residence during a warrantless search authorized by his state parole officer.

On August 9, 2007 the Honorable Stephen L. Crocker, United States Magistrate Judge, held an evidentiary hearing. On August 30, 2007 he recommended that defendant's motion to suppress evidence be denied.

On September 10, 2007 defendant's counsel filed objections to the report and recommendation. Specifically, he objects to the Magistrate Judge's finding that there was reasonable grounds to search defendant's residence. He contends that the Department of Corrections should have done more to assess the reliability of the informant.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court reviews the report and recommendation and finds as follows.

## FACTS

In January 2007, Jeffery Loranger, then 59 years old, was serving a Wisconsin state sentence of parole arising from 1999 state convictions involving drugs, guns and a 2003 bail jumping conviction. Loranger's parole officer was John Weinheimer. Pursuant to state regulations a parolee may not possess firearms, see Wis. Admin. Code § DOC 328.044(3)(j), and must make himself available for searches of his residence and property upon order of his parole officer, *id.* at § DOC 328.044(3)(k). A parole officer may search a parolee's residence only "if there are reasonable grounds to believe that the quarters or property contain contraband." *Id.* at § DOC 328.21(3).

Loranger was living at 215 South Bedford Street in Madison, less than three blocks from the Greyhound Bus Station at 2 South Bedford. Loranger had a 23 year old son, Eliah Dinur-Loranger, and a 21 year old daughter, Gabriel Dinur-Loranger. Loranger's criminal record included a 1975 federal conviction in Arizona for assaulting a federal officer with a deadly weapon.

Also in January 2007, a man named Travis T. Walsh was serving a Wisconsin state sentence of probation. His probation officer was Mary Jones. On January 30, 2007 P.O. Jones received a telephone call from the Montana Highway Patrol (MHP) reporting that on January 29, 2007 troopers had arrested Walsh for transporting ten pounds of marijuana and that he was providing information about recipients in Madison. P.O. Jones passed this information to Detective Steve Wegner on the county's drug task force.

Detective Wegner telephoned MHP Trooper Glenn Quinnell who reported that Walsh had described a large marijuana growing operation on Coffee Creek Road in Ferndale, California and two participants who were a brother and sister named Eliah and Gab. Walsh had told Trooper Quinnell that Eliah and Gab's dad was an older man named Jeff who lived in Madison near the bus station at West Washington and Bedford, and could not leave the state of Wisconsin. Walsh reported that Jeff had served time for shooting a police officer several years ago. According to Walsh, Jeff had a shotgun that he kept at his residence behind a door.

Detective Wegner researched this information in police data bases and triangulated "Jeff" "Eliah" and "Gab," deducing that Jeffery Loranger was the man Walsh was talking about in Madison. Detective Wegner telephoned defendant's parole officer who advised him that Loranger's address on Bedford was near the bus station and that he had an 1975 conviction for shooting a DEA agent in Tucson. Detective Wegner passed along Walsh's report that Loranger kept a shotgun in his residence.

P.O. Weinheimer requested and received from his supervisor permission to search Loranger's home for a shotgun. He then summoned Loranger downtown and advised him that his residence would be searched that afternoon. Loranger told P.O. Weinheimer that there would be "a little bit" of marijuana at his residence.

Defendant's apartment was searched. In the apartment over two ounces of marijuana buds, loose marijuana, paraphernalia and other indicia of marijuana use and sales were found. In the basement they found a 12 gauge shotgun and shells in a hard case.

MEMORANDUM

Parole officers may conduct warrantless searches whenever they have reasonable suspicion that a parolee subject to a search condition is engaged in criminal conduct. United States v. Hagenow, 423 F.3d 638, 642 (7<sup>th</sup> Cir. 2005). The question in this case is whether the defendant's parole officer had reasonable suspicion to engage in the search.

Defendant argues that in determining reasonable suspicion the Department of Corrections did not make a sufficient determination of the reliability of the underlying informant. Walsh's detailed recollection of Loranger's criminal history, apartment near the bus station, and possession of a shotgun were sufficiently believable to establish reasonable suspicion to search, particularly since the police were able to corroborate points (1) and (2) about the shooting and the apartment. The information provided to the Department of Corrections that was obtained from Walsh was sufficient to provide reasonable suspicion that defendant had engaged in criminal conduct by possessing a firearm as a felon.

In addition before the search began, Loranger admitted that the officers would find marijuana at his place. Defendant volunteered probable cause to believe that evidence of a crime would be found on the premises.

There was reasonable suspicion for the search of defendant's residence and his Fourth Amendment rights were not violated. Accordingly, the Court adopts the Magistrate's report and recommendation to deny the defendant's motion to suppress evidence. Defendant's motion to suppress evidence will be denied.

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ORDER

IT IS ORDERED that the recommendation of the Magistrate Judge to deny defendant's motion to suppress evidence is ADOPTED.

IT IS FURTHER ORDERED that defendant's motion to suppress evidence is DENIED.

Entered this 11th day of September, 2007.

BY THE COURT:

/s/

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JOHN C. SHABAZ  
District Judge