

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-CR-167-bbc-01 (Indictment)
07-CR-009-bbc-01 (Information)

SHAVON CASSON,

Defendant.

A hearing on the probation office's petition for judicial review of Shavon Casson's supervised release was held on April 17, 2013, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Rita M. Rumbelow. Defendant was present in person and by counsel, Erika L. Bierma. Also present was Senior U.S. Probation Officer Helen Healy Raatz.

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 April 4, 2007, following her convictions on count 1 of the indictment and counts 1 and 2 of the information. Count 1 of the indictment charged obtaining student loan by false and

fraudulent statements, in violation of 20 U.S.C. § 1097(a), a Class D felony. Count 1 of the information charged false representation of social security number, in violation of 42 U.S.C. § 408(a)(7)(B), and count 2 charged aggravated identity theft, in violation of 18 U.S.C. § 1028A. These offenses are Class D and E felonies, respectively. Defendant was committed to the custody of the Bureau of Prisons to serve a term of 41 months on count 1 of the indictment and count 1 of the information, with the terms to run concurrently, followed by three years' supervised release. Defendant was committed to a two-year consecutive custody sentence on count 2 of the information to run consecutively to the 41-month term, to be followed by a one-year term of supervised release.

On June 17, 2011, defendant began her term of supervised release. On January 19, 2013, defendant violated Standard Condition No. 3, requiring her to answer truthfully all inquiries of the probation officer, when she provided false information to the probation office stating in an email that \$18,000 owed to the U.S. Department of Education and \$4,000 owed to the Illinois Student Assistance Corporation had been paid, knowing she had not made a single restitution payment while under supervision. In a letter dated February 7, 2013, defendant stated that "\$18,002.54 should have been removed." Defendant violated this condition again when she told the probation office that her employment at What-a-Burger ended during the week of February 24, 2013, when she was terminated effective December 21, 2012.

Defendant violated Standard Condition No. 6, requiring her to notify the probation officer at least ten days prior to any change in residence or employment, when she failed to notify the probation officer until January 16, 2013 of her change in employment in December 2012 and when she moved on December 1, 2012 from one Pensacola, Florida residence to another Pensacola residence. Defendant further violated Standard Condition No. 6 in February 2013 when she relocated from Pensacola, Florida to Detroit, Michigan without permission and without providing at least ten days' notice to the probation office.

Defendant violated the mandatory condition requiring her to pay nominal payments of a minimum of \$300 a month within 30 days after her release from custody. Defendant made no payments during her term of supervised release.

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 terms of supervised release imposed on defendant on June 17, 2011, will be revoked.

Defendant's criminal history category is VI. With Grade C violations, defendant has an advisory guideline imprisonment range of 8 to 14 months. Under 18 U.S.C. § 3583(e)(3), the statutory maximum to which defendant can be sentenced upon revocation is 60 months because her convictions were for a Class D felony on the indictment and Class D and E felonies on the information.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence in the middle of the guideline range. The intent of this sentence is to hold defendant accountable for her violations.

ORDER

IT IS ORDERED that the periods of supervised release imposed on defendant on June 17, 2011, are REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 12 months, on each count to run concurrently with each other. I recommend that defendant be housed as close as possible to her family in Detroit, Michigan.

Defendant is neither a flight risk nor a danger to the community. Accordingly, execution of the sentence of imprisonment only is stayed until May 1, 2013, when defendant is to report between the hours of noon and 2:00 p.m., to the office of the United States Marshal in Detroit, Michigan. The present release conditions are continued until May 1, 2013.

A 12-month term of supervised release is to follow on count 1 of the indictment and count 1 of the information to run concurrently with each other. No term of supervised release is to follow on count 2 of the information. All standard and special conditions of supervised release previously imposed shall remain in effect

Defendant does not have the financial means or earning capacity to pay the cost of her incarceration and supervision. Defendant is to be registered with local law enforcement agencies and the state attorney general before her release from confinement.

Entered this 18th day of April, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge