

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTIFER SONNENBERG,

Defendant.

ORDER

08-cr-159-bbc-7

A hearing on the probation office's petition for judicial review of Christifer Sonnenberg's supervised release was held on May 9, 2013, before United States District Judge Barbara B. Crabb. The government appeared by United States Attorney John W. Vaudreuil. Defendant was present in person and by defense counsel Mark P. Maciolek. Also present was Senior United States Probation Officer Michael D. Harper.

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 8, 2009, following his conviction for possession with intent to distribute cocaine base (crack cocaine), a Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1). This offense is a

Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 65 months, with a three-year term of supervised release to follow.

Defendant began his term of supervised release on September 14, 2012. Defendant violated Standard Condition No. 2, which requires him to submit a written report within the first five days of each month, when he failed to submit written monthly reports for the months of November and December 2012 and January 2013. Defendant violated Standard Condition No. 6, which requires him to notify the probation officer at least ten days prior to any change in residence, when he left his approved residence in Luck, Wisconsin, on or before December 19, 2012, without notifying the U.S. probation office.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that when the Court finds that a defendant has committed a Grade C violation, it may revoke supervised release, extend the term of supervised release or modify the conditions of supervision.

CONCLUSIONS

Defendant's violations warrant revocation. His criminal history category is III. With a Grade C violation, he has an advisory guideline range of imprisonment of 5 to 11 months. The statutory maximum to which defendant can be sentenced upon revocation is 24 months under 18 U.S.C. § 3583(e)(3), which provides that a person whose term of supervised release

is revoked may not be required to serve more than two years if the offense for which the person was sentenced previously was a Class C felony.

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

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on May 8, 2009, is REVOKED and defendant is sentenced to the custody of the Bureau of Prisons for a term of three months. A 30-month term of supervised release shall follow with the addition of the following condition:

Special Condition No. 9: Spend up to 180 days in a residential reentry center, as approved by the supervising U.S. probation officer. Defendant may be absent from the center for employment purposes, for mental health counseling and treatment and for passes consistent with program rules. Defendant is to pay his own medical expenses, if any, and is to pay 25% of his gross income toward the daily cost of residence.

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

Execution of this sentence will begin immediately.

Entered this 9th day of May, 2013.

BY THE COURT:

/s/

Barbara B. Crabb

U.S. District Judge