

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

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

09-cr-17-bbc-1

KARL STAUFFACHER,

Defendant.

A hearing on the probation office's petition for judicial review of Karl Stauffacher's term of supervised release was held on August 27, 2015, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Jeffrey Anderson. Defendant was present in person and by defense counsel, Morris Berman. Also present was Probation Officer Michael Bell.

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 14, 2009, following his conviction for attempt to possess with intent to distribute a mixture or substance containing marijuana, a Schedule I controlled substance, in violation of 21 U.S.C.

§§ 841(a)(1) and 846. This offense is a Class C felony. He was sentenced to 37 months' imprisonment to be followed by an eight-year term of supervised release. His term of supervised release began on May 27, 2011.

Defendant violated the mandatory condition that he not commit another federal, state or local crime and the mandatory condition that he not possess a controlled substance. On March 6, 2015, defendant entered a plea of guilty to possession with intent to deliver THC and maintaining a drug trafficking place, as charged in the Circuit Court for Milwaukee County, Wisconsin, Circuit Court Case No. 2014CF3980. On March 9, 2015, defendant entered a plea of guilty in the Circuit Court for Ozaukee County, Wisconsin, in case no. 2014CF120, for possession of a narcotic drug.

Defendant violated Standard Condition No. 2, requiring him to report to the probation officer as directed, when he failed to respond to his probation officer's telephone calls and messages and his whereabouts were unknown.

Defendant's most serious conduct falls into the category of a Grade A violation. Section § 7B1.3(a)(1) of the advisory guidelines provides that the court shall revoke supervised release upon finding a Grade A violation.

CONCLUSIONS

Defendant's violations warrant revocation. His criminal history category is IV. With a Grade A violation, he has an advisory guideline imprisonment range of 24 to 30 months.

The statutory maximum to which he can be sentenced upon revocation is 24 months because the original offense of conviction was a Class C felony. 18 U.S.C. § 3583(e)(3).

After reviewing the non-binding policy statements of Chapter 7 of the Guidelines Manual, I have selected a sentence below the advisory guideline range. Although this sentence is lower than the guidelines, I believe it will be sufficient to deter defendant from committing similar illegal acts in the future and to protect the community. 18 U.S.C. § 3553(a).

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant Karl Stauffacher on May 14, 2009, is REVOKED. Defendant is committed to the custody of the Bureau of Prisons for a term of 18 months to run concurrently with the sentences already imposed on defendant in the Circuit Courts for Milwaukee, Ozaukee and La Crosse Counties. Defendant will be supervised by the Wisconsin Department of Corrections- Division of Community Corrections upon his release to the community; therefore, no term of supervised release is to follow the term of imprisonment imposed by this court.

Entered this 27th day of August, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge