

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DEMOND WILSON,

Defendant.  
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ORDER

10-cr-128-bbc

Defendant Demond Wilson has written to ask why the Bureau of Prisons has not given him credit for jail time he believes was to be credited against his federal sentence. I will construe his letter as a request for a retroactive concurrent designation back to January 12, 2011, the date on which he was sentenced in this case. At the time of sentencing, the United States Supreme Court had not decided Setser v. United States, 132 S. Ct. 1463 (2012), in which it held that federal courts have discretion at sentencing to order that a defendant's sentence run concurrently with or consecutively to anticipated sentences in cases pending in other courts.

Defendant would like credit for the time he served from the date of his arrest on January 13, 2010 until he entered federal custody on March 30, 2011. However, the time he served before coming into federal custody was credited toward other sentences that are not considered related to the federal offense. Under 18 U.S.C. § 3585(b), the court may not

give a defendant give credit toward the service of a term of imprisonment for “any time he has spent in official detention prior to the date the sentence commences” if that time has been credited against another sentence.

After reviewing defendant’s record and the sentences he has received in courts in the states of Wisconsin and Minnesota, I believe that it would be appropriate for the Bureau of Prisons to grant defendant a retroactive concurrent designation effective as of January 12, 2011. If the Bureau adopts this recommendation, it would mean that defendant’s sentence will be deemed to have commenced on January 12, 2011. Defendant should be aware that because much of the time he has served has been credited to his state sentences, he will receive credit for only the time he served between January 12, 2011 and March 30, 2011.

#### ORDER

IT IS ORDERED that defendant Demond Wilson’s request for a recommendation to the Bureau of Prisons for a retroactive concurrent designation back to January 12, 2011 is GRANTED.

Entered this 14th day of December, 2015.

BY THE COURT:

/s/  
BARBARA B. CRABB  
District Judge