

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES SIEGLER,

Defendant.

ORDER

94-cr-08-wmc-1

A sentencing hearing following revocation of Charles L. Siegler's supervised release was held on July 2, 2014, before U.S. District Judge William M. Conley. The government appeared by Assistant U.S. Attorney Timothy M. O'Shea. The defendant was present in person and by counsel. Also present was Deputy Chief U. S. Probation Officer Tracy Russom.

BACKGROUND

A hearing on the probation office's petition for judicial review of Charles L. Siegler's supervised release was held on April 16, 2014. From the record at that time, the court found that Siegler had used methamphetamine and associated with drug dealers in direct violation of the terms of his supervised release. The defendant further violated the terms of his release requiring him to refrain from committing any new criminal behavior by using methamphetamine while under a \$2,000 cash bond signed on December 26, 2012, in Barron County, Wisconsin, Circuit Court (Case No. 2012CF411), charging him with burglary of a building or dwelling. Siegler's increasingly aberrant behavior also extended to the apparent immediate possession and control of a large knife during an unscheduled home contact, which was sufficiently concerning to the Probation Officer that she confiscated the knife.

As a result of all of this misconduct, Siegler's supervised release was revoked on April 16th, but sentencing was delayed after Siegler invoked his Fifth Amendment right because of an impending trial on the state burglary charge, preventing any allocution or colloquy with the court regarding his profound, renewed drug use. (Dkt. #50.)

As the court set forth in its April 18th revocation order, the defendant's criminal history category is VI. With a Grade B violation, the defendant has an advisory guideline term of imprisonment of 21 to 27 months. The statutory maximum to which the defendant can be sentenced upon revocation is 60 months, pursuant to 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 five years if the offense for which the defendant was sentenced previously was a Class A felony.

While the court is now aware that the defendant subsequently pled guilty to the burglary charge, I will not consider that conviction for purposes of sentencing. What the court *will* consider is: the defendant's age (now 49); his multiple convictions for burglary and armed robbery; the repeated opportunities he had been given to address his mental health needs and addictions since his release, including this court's authorization of additional time in a residential reentry center following the December 2012 state charge for burglary; the diminishing prospects of his honestly confronting the problems that underlay his mental health and treatment needs; and the likelihood that given his history, he will remain a danger to himself and others upon release.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, the Court has selected a sentence below the guideline range pursuant to § 5K2.0. The purpose of this sentence is to hold the defendant accountable for his behavior and

provide a specific deterrent, while recognizing that he had already served a lengthy sentence and probationary period.

ORDER

IT IS ORDERED that the period of supervised release imposed on the defendant on August 10, 1994, is REVOKED and the defendant is committed to the custody of the Bureau of Prisons for a term of 18 months with no supervised release to follow. Because I have not considered defendant's most recent burglary conviction, I would think it appropriate that any sentence for that crime be consecutive to this court's sentence, but will ultimately leave that determination to the state court judge.

The defendant does not have the financial means or earning capacity to pay the cost of his incarceration.

Entered this 2nd day of July, 2014.

BY THE COURT:

/s/

William M. Conley
U.S. District Judge