

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

SENTENCING MINUTES

JAY L. FUSS

Case No. 17-CR-92

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: January 3, 2018
Deputy Clerk: Lori

Time Called: 2:50 pm
Time Concluded: 3: 50 pm
Tape: 010318

Appearances:

UNITED STATES OF AMERICA by:	William J. Roach
JAY L. FUSS, in person and by:	Thomas E. Phillip
US PROBATION OFFICE by:	Brian Koehler
INTERPRETER: None	<input type="checkbox"/> Interpreter Sworn

- | | |
|--|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR | <input type="checkbox"/> The court adopts the factual statements and guideline application with these changes: |

Mr. Phillip filed Objections to the PSR, objecting to the inclusion to the PSR of the statements and attachments submitted by DD. Mr. Roach responds. The Court finds DD does not qualify as a victim as defined by statute and grants Defendant's motion to exclude- the statements and attachments will not be part of the PSR.

- | | |
|--|---|
| <input checked="" type="checkbox"/> The government presents sentencing argument: within the guideline range 10-16 months with 3 yr SR and restitution of \$5810.10 | <input checked="" type="checkbox"/> The defendant presents sentencing argument: probation with \$5810.10 Restitution, if the Court would impose a prison sentence, defendant requests to self-surrender |
| <input type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input checked="" type="checkbox"/> The government dismisses count(s) indictment. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

SENTENCE IMPOSED:

Imprisonment: _____ Months as to Count(s) _____ of the _____.
_____ Months as to Count(s) _____ of the _____.
_____ Months as to Count(s) _____ of the _____.

Imprisonment term for each count to be served concurrently consecutively.
TOTAL TERM OF IMPRISONMENT IMPOSED: _____ months.

This term of imprisonment is to be served (concurrently with or consecutively to) any state court sentence the defendant is currently serving.

Probation: _____ 4 _____ Years as to Count(s) _____ 1s _____ of the information.

Supervised Release: _____ Years as to Count(s) _____ of the _____.
_____ Years as to Count(s) _____ of the _____.

MONETARY PENALTIES

Special Assessment: \$ 100.00 due immediately

Fine: \$ _____ fine waived

Restitution: \$ 5,810.10 determination deferred

JOINT AND SEVERAL PAYMENTS

- Fine and/or Restitution is **joint and several** with _____.
- Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

- The court recommends the defendant's placement at _____.
- The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
- Other: _____.

CUSTODY

- The defendant is remanded to the custody of the U.S. Marshal Service.
- The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

Mandatory Conditions

- Report (within 72 hours/to USPO as directed)
- Not commit another federal, state, local crime
- Not illegally possess any controlled substance
- Not to possess any firearms
- Cooperate in the collection of DNA
- Comply with requirements of SORNA
- Participate in approved domestic violence program

Standard Conditions

- Not leave State of Wisconsin without permission
- Answer inquiries truthfully/follow instructions
- Use best efforts to support dependents
- Use best efforts to find/maintain employment
- Provide 10-day notice of change of address
- Not purchase, possess drug paraphernalia
- Not go to places where drugs unlawfully used
- Not associate-persons engaged in criminal activity
- Permit USPO visits and confiscation of contraband
- Provide 72-hour notice of police contact
- Not act as informer/special agent without approval
-

Special Conditions

- Drug Testing – Special Condition
- Drug Testing – Standard Condition
- Drug Testing – Waived
- Monthly Restitution Payment: \$ 100.00
- Monthly Fine Payment: \$ _____
- Repay Buy Money – Total: \$ _____
- Repay Buy Money: \$ _____/month
- No New Lines of Credit
- Financial Disclosure
- Submit to search by USPO
- No tavern employment or patronization
- No employment with fiduciary responsibilities
- No gambling
- No transfer of assets in excess of \$500.00
- No possession/use of computer – on-line access
- No possession/use of data encryption/erasure
- Provide computer passwords and logons
- Consent to computer searches
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- Home Confinement for 6 months with electronic monitoring
- Home Confinement with Alcohol Testing for _____ days
- Community Correctional Center: _____ days
- Residential Re-Entry Center: _____ days
- Cooperate with Bureau of Immigration/Customs
- Cooperate with IRS
- Cooperate with Child Support
- Participate in mental health treatment program
- Participate in sex offender assessment/treatment
- Waive confidentiality – sex offender treatment
- No sexually-explicit materials w/minors
- No possession/viewing of pornography or erotica
- Obtain GED or HSED
- No contact – unrelated children under 18
- No contact with victim(s)
- No contact with gang members
- Perform community service: _____ hours
- No contact or indirect with DD or JD

The Court adopts the rationale for the conditions as set forth in the presentence investigation report. The conditions were read on the record.