

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

**UNITED STATES OF AMERICA**

v.

**SENTENCING MINUTES**

**FRANCISCO MARTINEZ**

Case No. 19CR151

HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: April 22, 2021  
Deputy Clerk: Lori

Time Called: 1:34 pm  
Time Concluded: 2:01 pm  
Tape: Zoom  
042221

**Appearances:**

UNITED STATES OF AMERICA by: William J. Roach

FRANCISCO MARTINEZ via video and by: Edward J. Hunt

US PROBATION OFFICE by: Mitch Farra

INTERPRETER: None ☐ Interpreter Sworn

☒ Defendant consents to appear and proceed by video conference from the Brown County Jail. The Court makes findings to hold the hearing via videoconference. The Court makes further findings that to delay would seriously impair the interest of justice.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR   | <input 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 type="checkbox"/> Defendant | <input checked="" type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant<br>See below. |
| <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:  |

Defendant objects to points pertaining to prior revocation on charges that were dismissed. Counsel finds this to be unfair when the charges were dismissed. The Court addresses the motion for variance. The Court overrules defendant's objections. The Court finds defendant is not eligible for safety valve the way the law currently stands.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> The government presents sentencing argument: mandatory minimum term | <input checked="" type="checkbox"/> The defendant presents sentencing argument: 9 yrs, 8 months and 26 days (gives credit for state time ) |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution.                            | <input checked="" type="checkbox"/> The court imposes sentence.  |
| <input type="checkbox"/> The government dismisses count(s) _____.                                       | <input checked="" type="checkbox"/> Defendant advised of appeal rights.  |

**SENTENCE IMPOSED:**

116  
Months  
and 26

1

Superseding Indictment

**Imprisonment:** days 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: **116 months and 26 days.**

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

**Probation:** \_\_\_\_\_ Years as to Count(s) \_\_\_\_\_ of the \_\_\_\_\_

**Supervised** 5 Years as to Count(s) 1 of the Superseding  
**Release:** \_\_\_\_\_ Years as to Count(s) \_\_\_\_\_ of the \_\_\_\_\_

**MONETARY PENALTIES**

**Special Assessment:** \$ 100.00 due immediately

**Fine:** \$ \_\_\_\_\_ ☒ fine waived

**Restitution:** \$ \_\_\_\_\_ ☐ 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 as close to his home as possible in Rochelle, Illinois.

☒ 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

- ☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- ☒ The defendant waives reading of the conditions of supervised release.
- ☒ **Mandatory Conditions of Supervision** imposed.
- ☒ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☒ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes:

**The Court adopts the rationale for the conditions as set forth in the PSR.**