

UNITED STATES DISTRICT COURT

Western District of Wisconsin
120 North Henry Street
Post Office Box 591
Madison, Wisconsin 53701
February 5, 1998

Chambers of
John C. Shabaz
Chief Judge

Hon. Richard P. Conaboy, Chairman
United States Sentencing Commission
One Columbus Circle, N.E.
Suite 2-500, South Lobby
Washington, D.C. 20002-8002

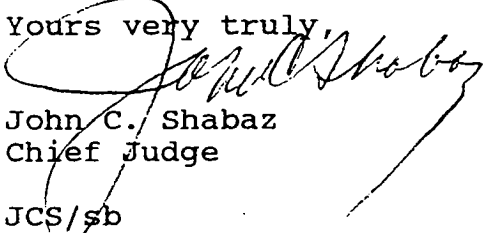
Dear Judge Conaboy:

In the January 1998 issue of Guide Lines it is noted that the Commission seeks public comment concerning proposals to revise the loss tables in the fraud and theft guidelines to substantially increase penalties for high-dollar loses.

This revision should be a number one priority. Enclosed you will please find an excerpt from a case involving the embezzlement of \$507,000 with a top guideline for imprisonment of 24 months. This certainly sends an adverse message to not only the general public but to those who are to be deterred.

Hopefully the guidelines will be substantially increased to avoid this inequity in the future. Numerous additional examples are available upon request.

Yours very truly,


John C. Shabaz
Chief Judge

JCS/sb

STATEMENT OF REASONS

The Court accepts the plea agreement on the grounds that it adequately reflects defendant's criminal conduct and does not undermine the sentencing guidelines or statutory purpose of sentencing. The court accepts the guideline calculations proposed by the Probation Office which are based in the Guidelines Manual effective November 1, 1994. These calculations take into account all the defendant's relevant conduct, pursuant to §1B1.3(a)(1) and (2). The defendant's offense level is 15 and her Criminal History Category is I, resulting in a guideline imprisonment range of 18 to 24 months. A sentence at the top of the guideline range, combined with a long period of supervised release, is sufficient to provide general and specific deterrence and accountability for defendant who embezzled 1/2 million dollars. Specifically the defendant embezzled \$498,972.94 and attempted to embezzle another \$7,995.16 for a total intended loss to Companies in the amount of \$506,968.10. She embezzled 521 claims checks for the period August, 1993 to March, 1995. There is no justification for the defendant's criminal activity nor does she attempt to justify her conduct with anything reasonable.

Guideline Range Determined by the Court:

Total Offense Level: 15

Criminal History Category: I

Imprisonment Range: 18 to 24 months

Supervised Release Range: 2 to 3 years

Fine Range: \$4,000 to \$40,000

Restitution: \$498,972.94

[90]