

>>> <John\_Olive@wyp.uscourts.gov> 2/18/2011 5:17 PM >>>

Regarding the question about imposing supervised release on Illegal Re-Entry cases, I would suggest another option. Handling supervised release revocations simultaneously with new prosecutions involves a considerable investment of time and energy for very little in return. Many times, jurisdiction has to be transferred on short notice, a petition filed, revocation documents filled out by presentence writers (we are not usually adept at supervised release revocation paperwork), and at the end of the day, the defendant might get another eight months in custody or so.

The process is very cumbersome. On the other hand, it is perhaps a bit more of a deterrent to have additional consequences for a rapid illegal re-entry, and every other supervised releasee would face a TSR revocation in addition to any new prosecution for an offense committed while on supervision.

Another option would be to discourage imposition of supervised release on Illegal Re-Entry cases, but encourage a sentence at the high end of the guideline range for any illegal alien who is found in the United States less than one year after their deportation following a conviction for which supervised release would otherwise have been imposed. This would obviate the need for cumbersome paperwork, yet provide a mechanism for some additional punishment in cases of a rapid illegal re-entry.

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