

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:98-cr-00153-TWP-MJD
)
 WILLIAM B. CONNOR,)
)
 Defendant.)

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On November 10, 2015, the Court held a hearing on allegations that Defendant William B. Connor violated the terms of his supervised release. Connor appeared in person with appointed counsel, Gwendolyn M. Beitz, Assistant Federal Community Defender. The United States appeared by James M. Warden, Assistant United States Attorney. U. S. Parole and Probation appeared by James Thomas, U. S. Parole and Probation officer.

The Court conducted the following procedures in accordance with Rule 32.1(b)(2), Fed. R. Crim. P. and Title 18 U.S.C. ' 3583:

1. Connor was advised of the nature of the violations alleged against him and acknowledged receipt of the notices of said allegations. Connor waived preliminary examination and probable cause was found.
2. Connor stipulated that he committed Violations 1 and 1a, as set forth in the Petitions, filed with the Court as follows:

Violation Number Nature of Noncompliance

1. "The defendant shall refrain from any unlawful use of a controlled substance" The offender tested positive for methamphetamines on six different occasions: August 20 and 24, 2015, as well as September 3, 10, 17, and 21, 2015. In addition, at least two of the above noted incidences of use occurred after the offender was placed in Residential Reentry Center (RRC) on September 9, 2015
- 1a. "The defendant shall refrain from any unlawful use of a controlled substance." The offender tested positive for methamphetamine on five different occasions: September 24, 28, October 8, 22, and 27, 2015. All noted drug tests were rendered while the offender resided at the RRC and was engaged in Intensive Outpatient therapy. On October 21, 2015, the offender admitted using methamphetamine.
3. The highest grade of these violations is a Grade B violation, pursuant to U.S.S.G. ' 7B1.1(a).
4. Connor's criminal history category is V.
5. The term of imprisonment applicable upon revocation of Connor's supervised release, therefore, is 18 – 24 months= imprisonment. See, U.S.S.G. ' 7B1.4(a).
6. Connor admitted to the Court that he violated the terms of his supervised release as delineated above. The parties presented an agreed upon recommendation to the Court concerning the appropriate disposition of the case, which is as follows:

- a. The terms of the Defendant's supervised release will be modified by extending the period of supervision an additional six months, to July 5, 2016.
 - b. All of the previously imposed terms of supervision will remain in place for the extended term of supervision. Specifically, the Defendant will continue to reside at the Volunteers of America residential reentry center and will observe all rules of that facility. Any and all passes to leave the VOA for any purpose must be approved in advance by the United States Probation Office.
 - c. The disposition of violation number 2 is withheld pending a hearing on this matter which is set for July 5, 2016 at 1:30 p.m.
7. For the reasons more fully set forth on the record, the Court adopts the agreed upon recommendation of the parties and orders that Connor's term of supervision be modified consistent with that modification.

Counsel for the parties and the Defendant entered the above stipulations after being notified by the undersigned Magistrate Judge that the District Court may refuse to accept the stipulations and conduct a revocation hearing pursuant to Title 18 U.S.C. ' 3561 *et seq.* and Rule 32.1 of the *Federal Rules of Criminal Procedure* and may reconsider the Magistrate Judge's Report and Recommendation, including making a *de novo* determination of any portion of the Report or specified proposed findings or recommendation upon which the Court may reconsider.

WHEREFORE, the U. S. Magistrate Judge **RECOMMENDS** the Court adopt the above report and recommendation modifying Connor's supervised release.

Date: 12/1/2015

Handwritten signature of Tim A. Baker in black ink, consisting of a stylized 'T' followed by 'A. Baker'.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution:

James M. Warden
Assistant United States Attorney

Gwendolyn M. Beitz
Indiana Community Federal Defender

U. S. Parole and Probation

U. S. Marshal