

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Cause No. 1:00-cr-0132-JMS-DML
)
LANTHERN SMITH,) - 01
)
Defendant.)

REPORT AND RECOMMENDATION

On April 4, 2016 and December 9, 2016, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on March 16, 2016. Defendant Smtih appeared in person with his appointed counsel Michael Donahoe. The government appeared by Matthew Lasher, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Timothy Hardy.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Smith of his rights and provided him with a copy of the petition. Defendant Smtih waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Smith admitted violations 1, and 2.

[Docket No. 2.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

Violation
Number **Nature of Noncompliance**

1 **“The defendant shall not commit another federal, state, or local crime.”**

On March 10, 2016, Lantherm Smith was arrested and charged with Dealing in Marijuana and Possession of Marijuana (felonies) in Marion County Superior Court 20, under cause number 49G20-1603-F5-009898. The offender was arrested by IMPD Narcotics and Gang Criminal Investigation Division as a result of a search conducted by the U.S. Probation Office on the same date. As a result of the search, contraband was found and seized from the offender’s reported residence. Contraband included: Illegal drugs (marijuana and suspected cocaine); \$12,000 in U.S. currency; and Documents (vehicle purchases, citations, tickets, cell phones, cell phone receipts, inmate correspondence received from the BOP and IDOC).

Mr. Smith was arrested by local authorities and charged with drug possession. On March 11, 2016, the offender was released on a \$500 cash bond. His next court appearance is scheduled for March 15, 2016.

2 **“The defendant shall not illegally possess a controlled substance.”**

On March 10, 2016, during a search of the offender’s residence, approximately 5.5 ounces of marijuana and a small amount of suspected cocaine was found.

4. The government orally moved to dismiss violations 3, and 4 and the Court granted the same.

5. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

6. The parties jointly recommended a sentence of 14 months in the Federal Bureau of Prisons with no supervised release to follow. The defendant, without objection by the

government, orally moved to self-surrender upon designation and to be housed in the lowest security facility at FCC Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 14 months with no supervised release to follow. The Defendant is to self-surrender upon designation. Defendant is placed on current condition of supervised release pending the District Judge's action on this Report and Recommendation and designation by the BOP. The Court will make a recommendation of placement at the lowest security facility at FCC Terre Haute.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 12/13/2016



Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

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