

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:05-cr-0080-SEB-DKL-3
)
 JACKIE L. PATTON,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On April 1, 2016, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 10, 2016. Defendant Patton appeared in person with his appointed counsel William Dazey. The government appeared by Doris Pyror, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jay 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 Patton of his rights and provided him with a copy of the petition. Defendant Patton waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Patton admitted violations 1, and 2.
[Docket No. 6.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On December 1, 2015, the offender submitted a urine sample which tested positive for cannabinoids. He admitted to the probation officer he smoked marijuana over the Thanksgiving holiday. On January 6, 2016, the offender submitted a urine sample which tested positive for both amphetamines and cannabinoids. He admitted to the probation officer he had used methamphetamine and smoked marijuana. On March 1, 2016, the offender submitted a urine sample which tested positive for amphetamines. He admitted to the probation officer he used illegal drugs and admitted to the treatment provider he used methamphetamine.

- 2 **“The defendant shall participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment in accordance with his ability to pay.”**

On March 3, 2016, the treatment provider reported the offender did not see any use in treatment because he did not believe he is an addict. After several attempts to discuss this with the offender, he put the responsibility onto others stating “it would not have been a problem if I had not been drug tested.”

4. The parties stipulated that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant’s criminal history category is V.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

5. The parties jointly recommended a modification to Defendant's current conditions of supervised release to include residing at a Residential Reentry Center for up to 180 days and participate in a cognitive behavioral program such as Moral Reconciliation Therapy.

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 modified as follows:

1. The defendant shall reside for a period of up to 180 days at a Residential Reentry Center (RRC) as directed by the probation officer and shall observe the rules of the facility; and,
2. The defendant shall participate in a cognitive behavior program, such as Moral Reconciliation Therapy (MRT), at the direction of the probation officer and abide by the rules of the program.

The defendant will self-surrender upon designation by the Federal Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: April 1, 2016



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

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