

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:10-cr-0003-SEB-TAB-13
)
 SHANON GAMMONS,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On January 26, 2016, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on January 7, 2016. Defendant Gammons appeared in person with her appointed counsel, Michael Donahoe. The government appeared by Brad Blackington, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Chris Dougherty.

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 Gammons of her rights and provided her with a copy of the petition. Defendant Gammons waived her right to a preliminary hearing.
2. The Court held an evidentiary hearing. The Government moved to enter the petition for warrant or summons for offender under supervised release dated January 7, 2016 into evidence, with no objection by the defendant, and the Court granted the same. Defendant Gammons did not contest the Government's evidence and did not present any evidence.

3. The Court found, based on the evidence, Defendant Gammons guilty of violations 1 and 2, that are fully set forth in the petition:

**Violation
Number**

Nature of Noncompliance

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

On November 27, 2015, the offender was arrested by an officer with the Greenwood Police Department and charged with two counts of felony Theft, and one count each of misdemeanor False Informing, and Refusal to Identify. The offender bonded out of the Johnson County Jail the same day she was arrested. This case was filed a n Information on December 17, 2015, in Johnson County, under cause number 41D031512CM001620, charging one count of Conversion, A-Misdemeanor, and one count of False Informing, B-Misdemeanor. A summons was issued, and an initial hearing is scheduled for January 11, 2016.

The Probable Cause Affidavit indicates that on November 27, 2015, a victim reported her purse stolen in The Children’s Place store in the Greenwood Park Mall. The store video showed a thin black female wearing a North Face jacket pick up the purse and leave the store, concealing the purse in her shopping bags. The officer stopped Shanon Gammons in the mall, as she matched the description, and she told the officer that her name was Kierra Savage. She later admitted stealing the purse from the store. She admitted she presented a stolen credit card from the purse to The Buckle store, attempting a purchase of \$868.84, but was denied. Upon further investigation, the offender was found to have stolen clothing from Old Navy, worth \$281 on her person.

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

On December 19, 2015, the offender was arrested by a deputy with the Marion County Sheriff’s Office, at the Castleton Mall in Indianapolis. She was charged with Theft and Shoplifting, and was issued a summons. The deputy was called to The Children’s Place store on a report of a theft, as employees witnessed the offender concealing clothing in an American Girl Doll bag. The deputy found \$246 in the The Children’s Place merchandise in the offender’s bag. This officer spoke with the employee from The Children’s Place who witnesses this incident. She reported the offender is a “regular” shoplifter in their store, however, they are unable to stop her without the assistance of law enforcement, which they had available on this occasion.

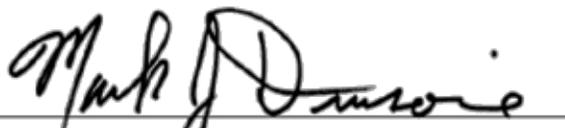
5. The Court finds that:
- (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is I.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months' imprisonment.

5. The parties jointly recommended a sentence of 4 months in the Federal Bureau of Prisons with no supervised release to follow.

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 her supervised release should be **REVOKED**, and that she should be sentenced to the custody of the Attorney General or his designee for a period of 4 months with no supervised release to follow. The Defendant is to be released on current conditions of supervised release pending the District Judge's action on this Report and Recommendation. Defendant is to self-surrender upon designation of 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 have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 09 FEB 2016



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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