

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:10-cr-0223-WTL-MJD-1
)
 CALVIN SHANE SHELTON,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On September 1, 2015, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 12, 2015. Defendant Shelton appeared in person with his appointed counsel, Mike Donahoe. The government appeared by Tiffany McCormick, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

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 Shelton of his rights and provided him with a copy of the petition. Defendant Shelton waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Shelton admitted violation 1 [Docket No. 50.]
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 May 1, 2015, the offender tested positive for opiates. He admitted using Hydrocodone.

4. The Government orally moved to dismiss violations 2 and 3 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 V.

(c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

6. The parties jointly recommended a modification to Defendant Barton’s current conditions of supervised release be modified to include residing at a Residential Reentry Center (Volunteers of America) until completion of his supervised release.

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 condition in the petition, that his supervised release be modified to include residing at a Residential Reentry Center (Volunteers of America) until completion of his supervised release.

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: 09/14/2015



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

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