

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) Cause No. 1:13-cr-0211-SEB-MJD-1  
 )  
 LAWANDA DEE JOHNSON, )  
 )  
 Defendant. )

**REPORT AND RECOMMENDATION**

On February 1, 2016, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on January 4, 2016. Defendant Johnson appeared in person with her appointed counsel, Gwendolyn Beitz. The government appeared by Matthew Lasher, 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 Johnson of her rights and provided her with a copy of the petition. Defendant Johnson waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Johnson admitted violations 1, 2, and 4. [Docket No. 14.]
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 associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.”**

On November 21, 2013, the offender reported she had become pregnant by Bernard Edmonson. Mr. Edmonson is a convicted felon who was serving a period of parole for armed robbery with Indiana State Parole. The offender did not have permission to associate with Mr. Edmonson.

On October 7, 2015, the offender admitted to the probation officer she had contact with Antoine Sanders, also a convicted felon. The offender did not have permission to associate with Mr. Sanders.

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

The offender submitted urine samples which have tested positive for cocaine on September 3, 2014; September 9, 2015; September 30, 2015; October 13, 2015; October 16, 2015; and October 26, 2015. The offender has admitted drug use for all the positive samples noted.

- 4           **“The defendant shall reside for a period of 9 months at a Residential Reentry Center (RRC) as directed by the probation officer and shall observe the rules of that facility.”**

On October 26, 2015, the offender reported to Volunteers of America as instructed. On December 31, 2015, the probation officer was notified the offender had failed to report back to Volunteers of America following her employment. To date she has yet to return to the facility and her whereabouts are unknown.

4.       The Government orally moved to dismiss violation 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 III.
- (c)     The range of imprisonment applicable upon revocation of supervised

release, therefore, is 8 to 14 months' imprisonment.

5. The parties jointly recommended a sentence of 8 months incarceration 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 conditions 1, 2, and 4 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 8 months with no supervised release to follow. Due to the fact that defendant has two minor children, the Magistrate Judge recommends that the court make a recommendation of placement in a facility closest to Indianapolis, Indiana that has a drug treatment program. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

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: 08 FEB 2016

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

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