

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:14-cr-0239-SEB-TAB-1
)
 BRYAN HOUK,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On December 8, 2015, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 22, 2015 and a supplemental petition filed on July 29, 2015. Defendant Houk appeared in person with his appointed counsel, William Dazey. The government appeared by Cynthia Ridgeway, 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 of his rights and ensured he had a copy of the petition and the supplemental petition. Defendant Houk waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Houk admitted violations 1, 2, 3, and 4. [Docket Nos. 11 and 12.]
3. The allegations to which Defendant admitted, as fully set forth in the petition and supplemental petition, are:

**Violation
Number**

Nature of Noncompliance

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

The offender has tested positive marijuana on the following dates: March 3 and 27, 2015; May 5 and 10, 2015; June 9, 2015; and July 8 and 13, 2015. On May 5, 2015, the offender tested positive for methamphetamine.

- 2 **“The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.”**

- 3 **“The defendant shall reside for a period of up to 6 months at a Residential Reentry Center (RRC) as directed by the probation officer and shall observe the rules of that facility.”**

On July 26, 2015, the offender left the Residential Reentry Center and did not return. His current whereabouts are unknown.

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

On July 13, 2015, the offender tested positive for marijuana.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release is 6 to 12 months’ imprisonment.

5. The parties jointly recommended a sentence of 12 months and 1 day 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

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 12 months and 1 day with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Court will make a recommendation of placement at FPC 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: 23 DEC 2015



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

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