

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:15-cr-0108-JMS-DML
)
 DUPRECE JETT,) - 01
)
 Defendant.)

REPORT AND RECOMMENDATION

On December 29, 2015 and January 5, 2016, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on December 28, 2015. Defendant appeared in person with his appointed counsel, Jack Crawford. The government appeared by Brad Shepard and Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officers Felecia Wagner and Mark McCleese.

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 Jett of his rights and provided him with a copy of the petition. Defendant Jett orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Jett admitted violations 1, 2, 3, and 5.

[Docket No. 9.]

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 leave the judicial district or other specified geographic area without the permission of the court or probation officer.”**

On May 19, 2015, Mr. Jett was cited for a driving infraction in Fort Wayne, Indiana. This documented the offender had left the district without permission.

- 2 **“The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.”**

The defendant communicated to the probation officer as recently as December 18, 2015, that he was employed at Exel but was preparing to give his resignation notice to the employer. The employer reported Mr. Jett was terminated on November 14, 2015.

- 3 **“The defendant shall notify the probation officer at least ten (10) days prior to any change in residence or employment.”**

In addition to failing to report the aforementioned change in employment, on December 14, 2015, the probation officer discovered Mr. Jett had moved to a different residence. On that date, the probation officer made contact with the offender at the residence.

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

On May 15, June 18 and June 19, 2015, Mr. Jett tested positive for marijuana. Eight subsequent urinalysis tested negative for illegal substances; however, on November 23, and December 14, 2015, the offender again tested positive for marijuana. On November 30, 2015, Mr. Jett was confronted and denied marijuana use, yet Alere Laboratory confirmed the positive marijuana test.

4. Government orally moved to dismiss violation 4 and the Court granted the same.

5. The parties stipulated that:
 - (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is IV.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months' imprisonment.

6. The parties jointly recommended a sentence of 9 months 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 9 months 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 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: 1/13/2016



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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