

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) Cause No. 1:16-cr-0014-SEB-DML
)
 JERON WASHINGTON,) - 01
)
 Defendant.)

REPORT AND RECOMMENDATION

On August 2, 2016, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on January 21, 2016. Defendant Washington appeared in person with his appointed counsel Michael Donahoe. The government appeared by Brad Shepard, 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 Washington of his rights and provided him with a copy of the petition. Defendant Washington waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Washington admitted violation 1.

[Docket No. 4.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	“The defendant shall not commit another federal, state, or local crime.”
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On January 5, 2016, Jeron Washington was arrested by an officer with the Whitestown Metro Police Department, in Boone County, and charged with Theft. A Charging Information, filed on January 6, 2016, indicates the offender has been charged with Count 1, Theft, level 6 felony, and Count 3, Theft, class A misdemeanor, under cause number 06D011601F600003. The offender appeared for an Initial Hearing on January 6, 2016, and on January 9, 2016, he bonded out of jail on a \$250 cash bond. The offender reported to this officer immediately upon his release. This case is scheduled for a pretrial conference on March 4, 2016, and jury trial on April 20, 2016.

Mr. Washington began working at the Amazon warehouse on December 2, 2015. The police report indicated that the offender stole multiple items from his employer valued at \$1,783. He was questioned by Amazon security on January 5, 2016, and gave both verbal and written statements admitting he took several items while he was working over a period of days.

4. The government, without objection, orally moved to supplement the Petition for Warrant or Summons for Offender Under Supervision filed on January 21, 2016 by adding the Judgment of Conviction filed on May 6, 2015 under cause number 06D011601F600003, Boone Superior Court I, Boone County, Indiana and the Court granted the same. (See Attachment A).

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 of his current supervised release conditions to include residing at a Residential Reentry Center for a period of 120 days and the

addition of the Common Special Condition No. 4, Search and Seizure. Defendant would remain in the custody of the U.S. Marshals pending availability at a Residential Reentry Center.

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 modified to include Common Special Condition No. 3, Residential Reentry Center and Common Special Condition No. 4, Search and Seizure. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation and availability at a Residential Reentry Center.

In addition to the mandatory conditions of supervision, the Court imposed 13 standard conditions and 2 common special conditions. Defendant orally waived the reading of each mandatory and standard condition. The Court did review the 2 common special conditions imposed as well as the justification as set forth below.

3. Residential Reentry Center

You shall reside in a residential reentry center for a term of up to 120 days. You shall abide by the rules and regulations of the facility. **Justification:** *The Court is imposing this condition to ensure the defendant has residential placement assistance.*

4. Search and Seizure

You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a conditions of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches. **Justification:** *Due to the nature of the instant offense and the defendant's criminal history, the Court is imposing this condition to assist the probation officer in monitoring the defendant for the protection of the community.*

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: 08/05/2016

A handwritten signature in black ink, reading "Denise K. LaRue", written over a horizontal line.

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

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation Office, United States Marshal

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

IN THE BOONE SUPERIOR COURT I
CAUSE NO. 06D01-1601-F6-0003

STATE OF INDIANA)
)
 vs)
)
JERON WASHINGTON)
)
 Defendant.)

FILED

MAY 6 2016

Jenifer J. Fouts

CLERK BOONE SUPERIOR COURT I

JUDGMENT OF CONVICTION

This matter having come on for plea and Sentencing Hearing on April 8, 2016 and the Defendant having appeared in person and by counsel and the State by Prosecuting Attorney, the Court now finds that the Defendant is a male, age 35, and is guilty of Count I, Theft, as a Level 6 Felony, and the Court does so ORDER, ADJUDGE AND DECREE.

The Court now sentences the Defendant as follows:

180 days at the Boone County jail, excuted. Defendant shall receive credit for 8 (4 actual) days already served.

Remaining Counts are dismissed.

Sentence is consecutive with any sentence or sanction remaining in 49G05-0208-FC-207357 and 1:16CR0014-001.

The Clerk is to apply bond to court costs in the amount of \$183.00. Remaining bond money is applied to the supplemental public defender fund.

READ AND SIGNED IN OPEN COURT this 6th Day of May, 2016.


MATTHEW C. KINCAID
Judge, Boone Superior Court I

DISTRIBUTION:

Boone County Prosecutor
James MacAbee
Boone County Sheriff/Department of Correction
Clerk
Court File

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MAY 09 2016

BOONE COUNTY
PROSECUTING ATTORNEY