

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0055-TWP-DML
)	
TERRON T. NEWBOLT,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 2, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 12, 2021. Defendant Newbolt appeared in person with his appointed counsel Gwendolyn Beitz. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

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 Newbolt of his rights and ensured he had a copy of the Petition. Defendant Newbolt orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Newbolt admitted violation numbers 1,5, and 6 as set forth in the Petition. [Docket No. 53.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“You must refrain from any unlawful use of a controlled substance.”**

The offender has provided urine samples that yielded positive for the following: April 14, 2021 (amphetamines), April 29 and May 11, 2021 (Cocaine), May 21 and June 11, 2021 (Cocaine and Fentanyl)

- 5 **“You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.”**

The offender was referred for weekly treatment, as well as random urinalysis at a frequency of 3 times per month. To date, the offender has failed to attend at least 3 treatment sessions in the last 8 weeks, and has failed to appear for all random urinalysis.

- 6 **“You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.”**

The offender was pulled over in a vehicle with a female whom was identified as his girlfriend, whom has prior felony convictions. Contraband was seized from the vehicle allegedly belonging to the girlfriend, leading to her arrest.

4. The Court finds 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 fourteen (14) months incarceration with no supervised release to follow. Defendant requested placement at FCC Petersburg, Virginia.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in violation nos. 1, 5, and 6 of the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of fourteen (14) months with no supervised release to follow. The Magistrate Judge further recommends Defendant's placement at FCC Petersburg, Virginia. 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, on the record, waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3 AUG 2021



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

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