

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	3:10-cr-00005-RLY-CMM-6
vs.)	
)	
EDGAR GIBSON,)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 2, 2020, the Court held an initial hearing on the Petition for Warrant for Offender Under Supervision filed on July 21, 2020. Edgar Gibson ("Defendant") appeared in person with FCD counsel, William Dazey. The Government appeared by Todd Shellenbarger, Assistant United States Attorney appeared via telephone. U. S. Probation appeared by Officer Jennifer Considine.

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 provided him with a copy of the petition. Defendant orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant admitted Violation Nos. 1-2.
[Docket No. 614.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1. "You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is

not possible, you shall notify the probation officer within 72 hours of the change."

On July 18, 2020, this officer attempted to complete a home contact. Upon arriving at the reported residence, there was a "for rent" sign on the apartment and a combination lock on the door.

2. "You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods."

The offender failed to report for a drug screen on July 13, and 16, 2020.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade **C** violation.
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is **7 to 13** months imprisonment.

5. Parties jointly recommended that defendant be incarcerated for twelve (12) months and (1) day imprisonment.

6. 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:

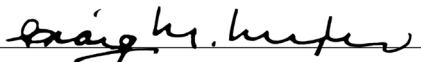
- (a) The Defendant violated the conditions in the petition;
- (b) That the agreement of the parties is an appropriate resolution of this matter and the agreement is commended to the favorable consideration of the District Judge;
- (c) That, consistent with the agreement, the Magistrate Judge recommends that the defendant's supervised release be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of

twelve (12) months and (1) day imprisonment with placement recommended at Terre Haute FCI. Defendant is to remain in custody 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 waived the 14-day objection period.

Dated: September 2, 2020


CRAIG M. McKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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