

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:12-cr-00013-RLY-MPB
	)	
PAUL A. BOREN,	)	-01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On July 7, 2021, the Court held an Initial Appearance on a Warrant for Violation of Supervised Release. Defendant Boren appeared in person with counsel Michael Keating. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office was represented by Officer Katrina Sanders.

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 Boren of his rights and provided him with a copy of the petition. Defendant Boren waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Boren admitted violation 1 ([Docket No. 72](#)).
3. The allegation to which Defendant admitted, as fully set forth in the petition, is:

	Violation Number	Nature of Noncompliance
	1	<p>"The defendant shall not possess any pornography, erotica or nude images. Any such material found in the defendant's possession shall be considered contraband and may be confiscated by the probation officer."</p> <p>While monitoring Paul Boren's approved Internet enabled laptop, this officer observed images on the device which were viewed on June 4, 2021. Some images were of prepubescent females in bathing suits. The search terms used were "jailbait photos", "bikini", and "bikini teen".</p> <p>While the 7th Circuit allows sex offenders to view adult pornography, the images viewed by Mr. Boren would be considered child erotica and are violations of the supervised release conditions for sex offenders.</p>

4. The parties stipulated that:

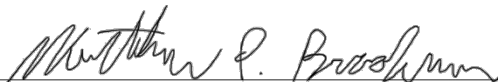
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant's criminal history category is I.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 3-9 months' imprisonment.

5. The parties jointly recommended a sentence of three (3) months with continued supervision upon release.

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 be sentenced to custody of the Attorney General or his designee for a period of three (3) months. Defendant to recommence supervised release upon release from imprisonment for a period of seven (7) years with the added condition that Defendant participate in a sex offender treatment program approved by the probation officer.

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: July 8, 2021

  
Matthew P. Brookman  
United States Magistrate Judge  
Southern District of Indiana

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