

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:14-cr-00017-RLY-MPB
)	No. 3:18-cr-00052-RLY-MPB
LARRY K. LAWRENCE,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 11, 2019, the Court held an Initial Hearing on a Warrant for Violation of Supervised Release. Defendant Lawrence appeared in person and with his appointed counsel David Lamont. The government appeared by Lauren Wheatley, Assistant United States Attorney. The United States Probation and Parole Office appeared by Officer Brian Deardurff.

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 Lawrence of his rights and provided him with a copy of the petition. Defendant Lawrence waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Lawrence admitted violations 1, 2, and 3 ([Docket No. 50](#)) and ([Docket No. 30](#)).
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"You shall reside in a residential reentry center for a term of up to 200 days. You shall abide by the rules and regulations of the facility."</p> <p>On June 5, 2019, Mr. Lawrence violated the VOA rules and regulations by testing positive (BAC of .053 at 05:45am) on a breathalyzer. As a result of the positive breathalyzer on June 5, 2019 and two positive drug screens from May 9 and 21, 2019, Mr. Lawrence was expelled from the VOA.</p>
	2	<p>"The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance."</p> <p>On May 21, 2019, Larry Lawrence, submitted a urine sample with the Evansville VOA (RRC) which was confirmed positive for Synthetic Cannabinoids (5-fluoro-PB-22 and/or PB-22).</p> <p>As previously report to the Court, Mr. Lawrence on May 9, 2019, submitted a urine sample with the Evansville VOA (RRC) which was confirmed positive for Amphetamines, Methamphetamine, and Oxycodone/Oxymorphone/Noroxycodne. Mr. Lawrence admitted to the Oxycodone and Amphetamine usage.</p> <p>As previously report to the Court, Mr. Lawrence on March 22, 2019, submitted a urine sample which tested positive for marijuana. Mr. Lawrence admitted to marijuana usage.</p>
	3	<p>"You shall submit participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment in accordance with his ability to pay. "</p> <p>Larry Lawrence failed to report for drug screens on the following dates: February 25, 2019, April 10, 12, 25, and 29, 2019, and May 17, 2019.</p>

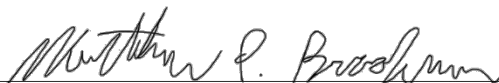
4. The parties stipulate that:
- (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is V.
 - (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is 18-24 months' imprisonment.

At the hearing, the parties jointly recommended a sentence of eighteen (18) months in the Bureau of Prisons, with no further supervision upon release from the BOP.

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 as outlined above. The Magistrate Judge further recommends the Court accept the joint recommendation of the parties, as outlined above, and sentence the defendant to the custody of the Attorney General or his designee for a period of eighteen (18) months, with no further supervision upon release. The Court would further make a recommendation to the BOP that the Defendant be placed at the Federal Correctional Institution in Yazoo City, Mississippi, close to family.

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: June 13, 2018


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