

Prob 12C

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION FOR WARRANT OR SUMMONS FOR  
OFFENDER UNDER SUPERVISION**

**Offender Name:** Juan HERNANDEZ

**Docket Number:** 2:02CR00408-01

**Offender Address:** Stockton, California

**Judicial Officer:** Honorable Frank C. Damrell, Jr.  
United States District Judge  
Sacramento, California

**Original Sentence Date:** 04/14/2003

**Original Offense:** 18 USC 922(g)(1) - Felon in Possession of Ammunition  
(CLASS C FELONY)

**Original Sentence:** 30 months custody Bureau of Prisons; 36 months  
Supervised Release; \$100 Special Assessment

**Special Conditions:** Warrantless search; Drug/alcohol treatment  
program/testing; Abstain from alcohol; Co-payment for  
treatment program/testing

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 03/02/2005

**Assistant U.S. Attorney:** Camil A. Skipper **Telephone:** (916) 554-2700

**Defense Attorney:** Timothy L. Zindel **Telephone:** (916) 498-5700

**Other Court Action:**

**04/01/2005:** The Court approved a petition modifying the conditions  
of supervision to include 30 consecutive days of home  
confinement, after the offender tested positive for  
marijuana on March 10 and 22, 2005.

**05/13/2005** Petition for Warrant or Summons for Offender Under  
Supervision was filed and a warrant was issued.

**RE: Juan HERNANDEZ**  
**Docket Number: 2:02CR00408-01**  
**PETITION FOR WARRANT OR SUMMONS**  
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**PETITIONING THE COURT**

- ( ) To dismiss the petition filed on May 13, 2005, to delete the condition the releasee participate in 30 consecutive days home confinement, to order supervised release continued with the original terms and conditions imposed on April 14, 2003, and **vacate the court date of June 4, 2007.**

**Justification:** On May 13, 2005, a petition was filed with the Court alleging on April 17, 2005, the releasee was accused of a Violation of State Law. However, the San Joaquin County District Attorney's Office did not file a complaint charging the releasee with a law violation. The releasee was instead remanded into the custody of the California Department of Corrections at Duel Vocational Institute, on a parole violation. He subsequently received an eleven month parole revocation term for the April 17, 2005, offense conduct. While in state custody at Solano State Prison, he was charged with attempted murder of an inmate as filed by the Solano County District Attorney's Office. Additionally, on April 20, 2006, the California Department of Corrections Parole Board added an additional six months to the releasee's parole revocation term. On September 11, 2006, the releasee was paroled into the custody of the Solano County Department of Corrections to face prosecution on the state filed charge. However, on March 15, 2007, the Solano County District Attorney's Office granted dismissal of the complaint. On March 16, 2007, the releasee was released from custody as the federal warrant had not been placed as a detainer.

Upon release from custody, the releasee made contact with the Elk Grove United States Probation Office and the San Joaquin County State Parole Office. On March 19, 2007, he was arrested on the outstanding warrant issued by Your Honor. It was recommended he be released at his initial appearance in Magistrate Court.

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Since that date, he has made a conscious effort to adhere to the terms and conditions of supervision. He is participating in the federal drug aftercare program, secured gainful employment at USTI Tires and Wheels, and apprises this officer of all issues potentially affecting his stability. He has also made every effort to meet the requirements of his state parole supervision. During an employment visit, his employer stated the releasee is a very good employee, who takes pride in his work. His present adjustment is encouraging.

Based on the fact he served 16 months on state parole violations, he has not been convicted of any new law violations and he is satisfactorily complying with his conditions, it respectfully recommended the petition filed on May 13, 2005, be dismissed, the condition the releasee participate in 30 consecutive days home confinement be deleted, and the term of supervised release be continued with the original terms and conditions as imposed on April 14, 2003. It is further requested the June 4, 2007, court date on this matter be vacated.

**I declare under penalty of perjury that the foregoing is true and correct.**

**EXECUTED ON:** May 31, 2007  
Elk Grove, California  
GAV/cj

Respectfully submitted,

/s/ George A. Vidales  
**GEORGE A. VIDALES**  
**United States Probation Officer**  
Telephone: (916) 683-3323

**REVIEWED BY:** /s/ Deborah A. Spencer  
**DEBORAH A. SPENCER**  
**Supervising United States Probation Officer**

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**THE COURT FINDS PROBABLE CAUSE AND ORDERS:**

- ( ) The issuance of a warrant      ( ) Bail set at \$ \_\_\_      ( ) No Bail
- ( ) The issuance of a summons (copy to Defense Counsel).
- ( x ) To dismiss the petition filed on May 13, 2005, to delete the condition the releasee participate in 30 consecutive days home confinement, to order supervised release continued with the original terms and conditions imposed on April 14, 2003, and **vacate the court date of June 4, 2007.**
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**FURTHER PROCEEDINGS REGARDING CUSTODY:**

- ( ) Defendant is ordered detained, to be brought before District Judge forthwith.
- ( ) Initial appearance and detention hearing before Magistrate Judge.

June 1, 2007  
**Date**



**Signature of Judicial Officer**

cc: United States Probation  
Camil A. Skipper, Assistant United States Attorney  
Timothy L. Zindel, Assistant Federal Defender