

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS-GARCIA,

Defendant.

Case No. 4:12-CR-278-BLW

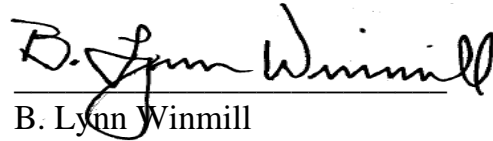
INDICTIVE RULING UNDER
FED.R.APP.P. 12.1

The Court has before it a motion to modify a special condition of supervised release for defendant Juan Carlos Garcia. The case is presently on appeal and so the Court has no current jurisdiction to grant the motion. But Rule 12.1 lets the Court give an “indicative ruling” indicating that if the matter was remanded, the Court would grant the motion. The parties seek a modification of the special condition of supervised release that the defendant be “prohibited from possessing any item representing or showing affiliation with gangs.” The parties seek to change that language to prohibit the defendant from “knowingly” possessing any item representing or showing affiliation with “the Mexican Mafia; the Young Crowd; or the Sureno gangs.” This change aligns with Ninth Circuit law, and the Court would make the change if the Ninth Circuit remands the case to this Court. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the Court indicates that it would grant the modification to the special condition of supervised release requested by the parties if the case was remanded to this Court.



DATED: September 30, 2015

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style with a horizontal line underneath.

B. Lynn Winmill
Chief Judge
United States District Court