UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 2:10-cr-0007-JMS-CMM-7
	)	
JWUAN MORELAND,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On August 3, 2018, the Court held a final revocation hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on June 26, 2018. Defendant Jwuan Moreland ("Defendant") appeared in person with his appointed counsel Michael Donahoe. The government appeared by Kathryn Olivier, Assistant United States Attorney. U. S. Parole and 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(s). [Docket No. 1604.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

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Violation Number	**Nature of Noncompliance**
1	"The defendant shall refrain from any unlawful use of a controlled substance." On June 12, 2018, Mr. Moreland submitted a drug test which returned positive for amphetamines. On June 14, 2018, this officer confronted him about these results and he denied use. This specimen was forwarded to Alere Laboratory for confirmation, and the sample confirmed positive for methamphetamine on June 22, 2018. As previously reported to the Court, Mr. Moreland tested positive for methamphetamine on April 30, 2018.

4. The parties stipulated that:

(a) The highest grade of violation is a Grade B violation.

(b) Defendant's criminal history category is VI.

(c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.

5. Parties jointly recommended that defendant be placed in the VOA located in Indianapolis for 12 months and 1 day, with two years of supervised release to follow. While the defendant is waiting to be placed in the VOA, he is to reside at 1098 Park Place, Terre Haute, Indiana and continue attending meetings at Freebirds Solution Center.

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 directed to report to the VOA located in Indianapolis for 12 months and 1 day, with two years of supervised release to follow. The Defendant shall continue to reside at the Terre Haute address until action by the District Judge 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 14 days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: August 3, 2018

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

Distribution:

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United States Probation Office, United States Marshal