PROB 12C
(6/16)

Report Date: January 31, 2024

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 01, 2024

SEAN F. McAVOY, CLERK

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Marcial Bravo Zambrano Case Number: 0980 4:15CR06049-EFS-20

Address of Offender: [redacted] Benton City, Washington 99320

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: May 7, 2019

Original Offense:	Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, 5 Kilograms or More of Cocaine, 1 Kilogram of More of Heroin and 400 Grams or More and 400 Grams or More of N-Phenyl-N Propanimide 21 U.S.C. §§ 841(a)(1), (b) (1) (A) and 846	
Original Sentence:	Prison - 28 months; TSR - 36 months	Type of Supervision: Supervised Release
Revocation Sentence: (11/30/2021)	Prison-Time Served (27 days) TSR-35 months	
Revocation Sentence: (11/21/2023)	Prison-52 days TSR- 11 months	
Asst. U.S. Attorney:	Stephanie A. Van Marter	Date Supervision Commenced: December 14, 2023
Defense Attorney:	Nick Mirr	Date Supervision Expires: November 3, 2024

PETITIONING THE COURT

To issue a **warrant**.

On December 15, 2023, all the conditions of supervision were reviewed with Mr. Zambrano and he signed a copy. He was referred to Merit Resource Services (Merit), for substance abuse treatment and for random drug testing.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1	**Standard Condition #2**: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed. **Supporting Evidence**: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report to the probation officer as instructed on January 10, 2024.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

On January 5, 2024, the undersigned officer made telephonic contact with Mr. Zambrano and he was instructed to report in person to the probation office on January 10, 2024. Mr. Zambrano verbally acknowledged these instructions and indicated there was no reason he could not keep this appointment.

On January 10, 2024, Mr. Zambrano failed to report to the probation office as instructed and he did not call the probation office in advance to reschedule this appointment. The undersigned officer made telephonic contact with Mr. Zambrano on that same date to question him why he failed to report. At first, Mr. Zambrano said, "oh it's today," and then went on to say he did not have a vehicle or money to report.

2 **Standard Condition #13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to attend a scheduled results appointment at Merit on January 10, 2024, as instructed by the undersigned officer.

On January 5, 2024, the undersigned officer scheduled a results appointment at Merit on Mr. Zambrano's behalf, as he had not taken initiative to schedule this appointment on his own. This appointment was set for January 10, 2024, at 2 p.m.. On that same date, this officer informed Mr. Zambrano of this appointment. He was asked several times if this appointment date and time would work for him, to which he said yes, that "he would be there." The undersigned officer sent the defendant the appointment information in a text message as well.

On January 10, 2024, Mr. Zambrano failed to attend the required treatment appointment as instructed.

3 **Special Condition # 4**: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but not more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by consuming a controlled substance, methamphetamine, on or before January 11, 2024.

On January 11, 2024, Mr. Zambrano reported to the probation office and completed a drug test. This drug test was presumptive positive for amphetamine and methamphetamine. Mr. Zambrano admitted to using methamphetamine sometime during the previous week and claimed he did not know the exact date. However, he denied any new recent drug use. This drug test was packaged and sent to Abbott Laboratories for confirmation. The probation office later received the drug test report confirming a positive result for methamphetamine. It was not until Mr. Zambrano was confronted with the positive drug test report that he admitted to using methamphetamine on or before January 11, 2024.

4 **Standard Condition #2**: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report to the probation officer as instructed on January 16, 2024.

During an office visit on January 11, 2024, this officer instructed Mr. Zambrano to report in person to the probation office on January 16, 2024. Mr. Zambrano failed to report on January 16, 2024, as instructed and he did not make any effort to contact this officer on this date. Mr. Zambrano later admitted to this officer he did not contact this officer because he knew he had to report on this date and he did not.

5 **Special Condition # 3**: You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to comply with the recommended treatment on or about January 26, 2024.

On January 26, 2024, Mr. Zambrano attended a results appointment at Merit after previously failing to attend his prior scheduled appointment. During this appointment, Merit staff informed Mr. Zambrano he was recommended to enter intensive outpatient treatment. On that same date, Mr. Zambrano contacted this officer to report he attended this appointment, that he did not know the level of treatment he was recommended to enter, but that it was a low level of treatment, and Merit staff instructed him to call this officer.

On January 30, 2024, Merit staff confirmed Mr. Zambrano attended a results appointment on January 26, 2024. However, he refused to schedule an intake appointment at that time. Merit staff reported he told them he did not want to do treatment because he had to work. It should be noted, Mr. Zambrano did not disclose to this officer he refused services.

6 **Standard Condition #2**: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when to report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report to the probation officer as instructed on January 30, 2024.

During a phone conversation on January 26, 2024, this officer instructed Mr. Zambrano to report in person to the probation office on January 30, 2024, at 2 p.m. Mr. Zambrano verbalized understanding of these reporting instructions and said “okay.”

On January 30, 2024, Mr. Zambrano failed to report to the probation office as instructed, and he did not make any effort to contact this officer.

7 **Special Condition # 4**: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but not more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report to Merit for drug testing as required on January 30, 2024.

Mr. Zambrano was previously instructed to call the color line daily, Monday through Friday, and to report to Merit for drug testing when his assigned color was called. On January 30, 2024, Mr. Zambrano failed to report to Merit for drug testing as required.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

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

Executed on: January 31, 2024

Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

[ ] No Action
[X] The Issuance of a Warrant
[ ] The Issuance of a Summons
[ ] Other

Edward F. Shea

Signature of Judicial Officer

January 31, 2024

Date