

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,) Cause No. 1:95-cr-0025-SEB-DKL-1
) 1:12-cr-0061-SEB-DKL-1
 v.)
)
 EUGENE STRADER,)
)
 Defendant.)

REPORT AND RECOMMENDATION

On February 4, 2016, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on April 9, 2013. [Dkt. No. 9.] Defendant Strader appeared in person with his appointed counsel Joseph Cleary. The government appeared by Matthew Lasher, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Timothy Hardy.

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 Strader of his rights and provided him with a copy of the petition. Defendant Strader waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Strader admitted violation 1. [Docket No. 9.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are as follows:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>“The defendant shall not commit another federal, state, or local crime.”</p> <p>On March 21, 2013, Eugene Strader was arrested and charged with Count 1, Dealing in Cocaine, Class A felony, and Count 2, possession of Cocaine, Class C felony, in Marion County, Indiana, under cause number 49G20-1303-FA-019142. According to the affidavit for probable cause, Indianapolis Metro Police executed a search warrant at the offender’s residence, located at 1138 W. 29th Street, Indianapolis. Prior to the execution of the warrant, Mr. Strader left the residence, along with a second unknown suspect, in a silver Chevy Malibu. Indianapolis Metro Police officers and Metro Drug Task Force detectives assisted in a traffic stop of the Malibu. Both the offender and the passenger of the vehicle were detained. The passenger physically resisted officers while they attempted to place him in handcuffs. A search of the passenger by law enforcement revealed two small clear plastic bags containing rock and powder cocaine. Mr. Strader was found to have a large quantity of U.S. currency on his person.</p>

Both suspects were escorted to Mr. Strader’s residence. During the search of the residence, officers located multiple plastic baggies with cocaine residue and two plastic baggies containing cocaine. Inside a locked bedroom, officers found U.S. currency rubber banded and hidden in multiple places. In the kitchen, officers located a cookie jar containing a clear plastic baggie tied in a knot containing unknown pink pills, along with a metal blade device with a white powder residue on it. The bladed device appeared to have been used to cut cocaine or the pills in smaller quantities. On March 22, 2013, lab results from the Indianapolis-Marion County Forensic Service Agency indicated the cocaine found in the offender’s residence weighed 3.19 grams.

On March 27, 2013, Mr. Strader had an initial appearance in Marion County Superior Court 20. The court entered a not guilty plea on his behalf, and a jury trial was set for September 18, 2013. On March 29, 2013, the offender posted bond.

4. With respect to the allegations in violation 1, the defendant pled guilty to maintaining a common nuisance, a Class D felony under cause number 49G20-1303-FA-019142 with all other charges listed in the violation dismissed.

5. The parties stipulated and the Court finds that:

- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 51 to 60 months' imprisonment.

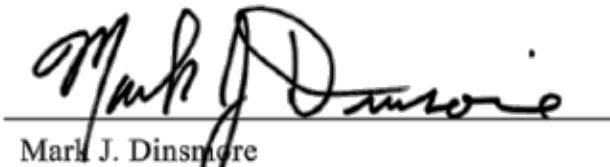
5. The parties jointly recommended a modification to Defendant's current conditions of supervised release to include participation in a cognitive behavior program, such as Moral Reconation Therapy (MRT).

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, and recommends that the conditions of defendant's supervised release should be **MODIFIED** to include the following condition:

"The defendant shall participate in a cognitive behavior program, such as Moral Reconation Therapy (MRT), at the direction of the probation officer and shall abide by the rules of the program."

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: 11 FEB 2016



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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