

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:15-cr-0152-SEB-TAB
	)	
DONTE YORK,	)	
	)	- 08
Defendant.	)	

**REPORT AND RECOMMENDATION**

On December 3, 2021, and January 20, 2022 , the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on October 27, 2020. Defendant appeared in person with his retained counsel John Tompkins. The government appeared by Michelle Brady, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Felecia Bain.

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 York of his rights and provided him with a copy of the petition. Defendant York orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant York admitted violation number 1.

[Docket No. 414.]

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

**Violation  
Number**

**Nature of Noncompliance**

1           **“You shall not commit another federal, state or local crime.”**

On October 22, 2020, the offender was arrested and charged with Felon in Possession of a Firearm. The case is pending in the Southern District of Indiana under case number 1:20-mj-928.

4.       The parties stipulated that:

- (a)       The highest grade of violation is a Grade B violation.
- (b)       Defendant’s criminal history category is III.
- (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

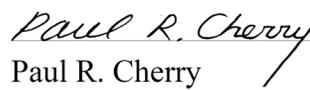
5.       The government argued for a sentence at the high end of the guideline range with no supervised release to follow. Government argued that this sentence be served consecutively to the sentence received under 1:20-cr-00300-JPH-TAB-1. Defendant's counsel argued for a sentence of eight (8) months with no supervised release. Defendant's counsel argued for this sentence to be served concurrently with the sentence received under 1:20-cr-00300-JPH-TAB-1. Defendant requested placement at USP Marion.

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, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months with no supervised release to follow. This sentence is to be served consecutive to the sentence received under 1:20-cr-00300-JPH-TAB-1. The Magistrate Judge will make a recommendation of placement at USP

Marion. The Defendant is to be taken into custody immediately pending the District Judge's action 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 fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 1/21/2022

  
Paul R. Cherry  
United States Magistrate Judge  
Southern District of Indiana

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