

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Cause No. 1:17-cr-0001-WTL-MJD
)
)
KEVIN EARL MILLION,) - 01
)
)
Defendant.)

REPORT AND RECOMMENDATION

On October 2, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 19, 2018. Defendant Million appeared in person with his appointed counsel Michael Donahoe. The government appeared by Lawrence Hilton, 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 Million of his rights and ensured he had a copy of the Petition. Defendant Million waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Million admitted violation number 1 as set forth in the Petition. [Docket No. 7.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>“The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.”</p> <p>On August 27, 2018, this officer went to Mr. Million's home to meet with him regarding law enforcement contact he had in Fountain County, Indiana. At that time, no one appeared to be at the residence so this officer left her business card in the door and called [and] left a message on both his cellular and home phones. The message instructed him to report to the probation office on August 30, 2018. He did not report as instructed. On September 4, 2018, this officer went out again to Mr. Million's home to attempt to meet with him, but he was not present. His father was home and reported he had not seen his son in over two weeks, and was unsure of his whereabouts. On September 5, 2018, this officer contacted Mr. Million's daughter and she reported her father contacted her and asked her to make a payment on his restitution. Ms. Million recalled Mr. Million stating he was supposed report to the probation office on August 30, 2018, but he had no way to get there. On September 7, 2018, this officer sent a letter to Mr. Million instructing him to report to the probation office on September 14, 2018. Mr. Million again failed to report to the probation office. Numerous texts and phone calls have been made to Mr. Million, and this officer has received no response from him. His whereabouts is [sic] unknown at this time.</p>

4. The Court finds that:

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

5. The parties jointly recommended a modification to include ninety (90) days of home detention with RF location monitoring.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in

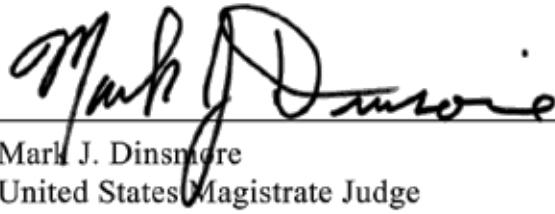
the Petition, and recommends that that Defendant's supervised release be modified to include ninety (90) days of home detention with RF location monitoring.

Defendant Million is to be released on conditions of supervised release 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.

SO ORDERED.

Dated: 10 OCT 2018



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

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United States Probation Office, United States Marshal