

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) No. 3:12-cr-00013-RLY-MPB  
PAUL A. BOREN, ) -01  
Defendant. )

## **REPORT AND RECOMMENDATION**

On February 18, 2022, the Court held an Initial Appearance on the Petition for Warrant for Violation of Supervised Release, filed February 17, 2022. ([Dkt. No. 86](#)). On May 5, 2022, the Court held a subsequent hearing and advised defendant of the allegations contained in the Supplemental Petition for Violation of Supervised Release, filed May 5, 2022. ([Dkt. No. 104](#)). On June 6, 2022, the Court held a Final Revocation hearing and also advised defendant of the allegations contained in the Second Supplemental Petition filed May 31, 2022. ([Dkt. No. 108](#)). Defendant Boren appeared in person with appointed counsel Erin Berger. The government appeared by Todd Shellenbarger, Assistant United States Attorney. The United States Probation and Parole Office was represented by Officer Katrina Sanders.

This matter was referred to the Magistrate Judge to conduct a hearing and make a report and recommendation as to disposition. ([Dkt. No. 89](#), [Dkt. No. 106](#), and [Dkt. No. 110](#)). The defendant was advised that the District Judge is not bound to accept the Report and Recommendation.

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 Boren of his rights and provided him with a copy of each petition.
2. Defendant orally waived his right to a preliminary hearing.
3. After being placed under oath, Defendant Boren admitted violations No. 1 and 2. ([Dkt. No. 108](#)).
4. The allegations to which Defendant admitted, as fully set forth in the petition, are:

	Violation Number	Nature of Noncompliance
	1	<p>"You shall not possess any child pornography or visual depictions of child erotica or nude minors. Any such material found in your possession shall be considered contraband and will be confiscated by the probation officer."</p> <p>On February 2, 2022, Paul Boren possessed on his approved Internet enabled laptop multiple images of child erotica and one image a child pornography. Mr. Boren typed in the term "dirty talk tube". The images were labeled "cumshot", "fuck", "tiny", "tight", "teen", and "thick".</p> <p>As previously reported to the Court, the On November 26 and 28, 2021, Mr. Boren possessed on his computer multiple pornographic images. Among the pornographic images, there were some images that appear to be of teen and prepubescent girls. The images are labeled as "bukkake fuck gif", "teen bukkake porn", and "petite aisan teen".</p>

	2	<p>"The defendant shall not possess/use a computer unless he agrees to comply with the Computer Restriction and Monitoring Program at the direction of the probation officer. Monitoring will occur on a random or regular basis. The defendant shall advise the probation office of all computers available to him for use. Any computer or Internet-enabled device the defendant is found to have used and has not disclosed shall be considered contraband and may be confiscated by the probation officer. The defendant shall warn other occupants of the existence of the monitoring software placed on his computer."</p> <p>The defendant was advised on January 5, 2022 the Internet on his phone would need to be immediately disabled as it was not an approved device. During a routine home visit on January 26, 2022, it was discovered the offender still had Internet capability on his phone.</p>
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5. The parties stipulated that:

- (a) The highest grade of violation is a Grade **A** violation.
- (b) Defendant's criminal history category is **I**.
- (c) The advisory range of imprisonment applicable upon revocation of supervised release, therefore, is **12-18** months' imprisonment.

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 be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months.

Defendant to recommence supervision for sixty (60) months upon release from imprisonment under the same conditions as previously imposed and modified to include: maintaining residency at a residential re-entry center for one hundred eighty (180) days, participation in sex offender treatment and participation in mental health treatment.

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: June 7, 2022



Matthew P. Brookman  
United States Magistrate Judge  
Southern District of Indiana

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