



USA v. Rodriguez

2024 | Cited 0 times | E.D. Texas | May 20, 2024

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

UNITED STATES OF AMERICA v. JASON RODRIGUEZ

§ § § CRIMINAL NO. 4:18-CR-235-SDJ-KPJ § § § REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE supervised release. After the District Court referred the matter to the Court for a report and

recommendation, it conducted a hearing on May 15, 2024, to determine whether Defendant violated the terms of his supervised release. Defendant was represented by Assistant Public Defender Sarah Jacobs. The Government was represented by Assistant United States Attorney Anand Varadarajan. On November 22, 2019, United States District Judge Sean D. Jordan sentenced Defendant to sixty-three (63) months imprisonment followed three (3) years of supervised release. See Dkts. 35 at 1 3; 37 at 1. On April 7, 2023, Defendant began serving his term of supervised release. See Dkt. 37 at 1.

On December 13, 2023, the Probation Officer filed the Petition for Warrant or Summons for Offender Under Supervision 37), alleging Defendant violated four conditions of his supervised release. See *id.* at 1 2. The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall work full time at a lawful type of employment, unless the Probation Officer excuses him from doing so; and (4) Defendant shall participate in any combination of psychiatric, psychological, or mental health treatment programs, and follow the rules and regulations of those programs, until discharged. *Id.*

The Petition asserts Defendant violated the foregoing conditions as follows: (1) On September 17, 2023, Defendant was arrested by the Farmersville Police Department and charged with the offense of Evading Arrest Detention W/Vehicle (3rd Degree Felony), in violation of Texas Penal Code § 38.04(b)(2)(A). According to the offense report, an officer with the Farmersville Police Department confirmed the registration on the vehicle Defendant was driving was expired and activated the emergency lights on the patrol unit. The vehicle immediately accelerated to a faster pace through a church parking lot. The vehicle failed to yield, so the officer activated the emergency siren. The vehicle was observed continuing at a fast pace causing it to slide and not stop before entering the main travel lanes of a roadway. abruptly turned into the driveway of 306 N. Main Street, Farmersville,



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Texas. The driver was identified as Defendant. The case is filed in the 366th District Court in Collin County, Texas, under Case No. 366-87142-2023, and remains pending. (2) On October 6 and October 27, 2023, Defendant reported to the Probation Office and submitted urine specimens that tested positive for methamphetamine, amphetamine, and marijuana. Said results on both tests were confirmed by Alere Toxicology Services for the use of methamphetamine and marijuana. (3) Defendant failed to obtain employment for the months of September, October, and November 2023, and has not been excused by the Probation Officer. (4) On September 1, 2023, Defendant was unsuccessfully discharged from mental health treatment with Fletcher Counseling & Associates in Plano, Texas. According to his therapist, Defendant did not make therapy a priority, nor did he participate well in his own care or complete therapy goals. Further, Defendant did not keep attendance obligations. On May 15, 2024, the Court conducted a final revocation hearing on the Petition. See Minute Entry for May 15, 2024. During the hearing, Probation Officer Rick Ramos Id. Officer Ramos further testified that, on October 6 and October 27, 2023, Defendant submitted drug tests which were confirmed positive for methamphetamine and marijuana. Id. Officer Ramos also testified that Defendant admitted to using methamphetamine and marijuana once the tests returned positive results. Id. Defendant entered a plea of not true to allegation two, entered a plea of true to allegations three and four, consented to revocation of his supervised release, and waived his right to object to the proposed findings and recommendations of the undersigned. See id.; Dkt. 51. The Government moved to withdraw allegation one, which the Court granted. See Minute Entry for May 15, 2024. The Court finds there is ample evidence supporting use of methamphetamine and marijuana on October 6 and October 27, 2023. In addition, Defendant later admitted that use to Officer Ramos. Accordingly, the Court finds that Defendant violated the terms of his supervised release, and thus, his supervised release should be revoked.

RECOMMENDATION Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the May 15, 2024 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for twelve (12) months with twenty-four (24) months of supervised release to follow. The Court further recommends that the first twelve (12) months of supervised release be served at an in-patient treatment facility, and the remaining twelve (12) months be served under the same conditions as those under which he was originally released. The Court further recommends that Defendant be placed at FMC Fort Worth in Fort Worth, Texas, if appropriate.

