



USA v. Ayon

2024 | Cited 0 times | D. Nevada | January 17, 2024

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA UNITED STATES OF AMERICA,

Plaintiff, v. ENRIQUE AYON,

Defendant.

Case No. 2:16-cr-00237-JCM-NJK-1 STIPULATION ADMITTING TO VIOLATIONS AND PROPOSING RESOLUTION

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Steven J. Rose, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Navid Afshar, Assistant Federal Public Defender, counsel for Enrique Ayon, regarding the Revocation of Supervised Release held on January 3, 2024.

This Stipulation is as follows: 1. The parties previously agreed that Mr. Ayon would admit to violations 1-4

contained in ECF No. 49. 2. The parties previously contemplated Mr. Ayon would remain on his current

term of supervised release without revocation. 3. However, in order to comply with 18 U.S.C. § 3583 (g), the parties modified

the prior agreement regarding supervised release, agreeing instead to the following jointly recommended resolution: a. Mr. Ayon's term of supervised release shall be revoked, and he will be

sentenced to a period of time served, to be followed by twelve (12) months of supervised release. b.



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Mr. Ayon's supervised release shall contain the following special

conditions:

i. Search and Seizure – You must submit your person, property,

house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner. ii. Substance Abuse Treatment – You must participate in an

outpatient substance abuse treatment program and/or cognitive behavioral treatment and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program. iii. Drug Testing – You must submit to substance abuse testing to

determine if you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must pay the costs of the testing. You must not attempt to obstruct or tamper with the testing methods. iv. No Alcohol – You must not use or possess alcohol. v. Mental Health Treatment - You shall participate in and

successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay. vi. No Contact Condition - You shall not have contact, directly or

indirectly, associate with, or be within 500 feet of members of the South Siders Street Gang, their residence or business, and if confronted by any members of the South Siders Street Gang in a public place, you shall immediately remove yourself from the area. vii. Community Service – You shall complete 20 hours of community

service within one (1) year of the date of this Order. 4. The parties agree that this proposed resolution fairly achieves the stated

resolution outlined in ECF No. 65. DATED this 3rd day of January, 2024.



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RENE L. VALLADARES JASON M. FRIERSON Federal Public Defender United States Attorney By /s/ Navid Afshar by /s/ Steven J. Rose NAVID AFSHAR STEVEN J. ROSE Assistant Federal Public Defender Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff, v. ENRIQUE AYON,

Defendant.

Case No. 2:16-cr-00237-JCM-NJK-1 FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER

Findings of Fact and Conclusions of Law

1. On January 3, 2024, Enrique Ayon was present with counsel before the Court for a

hearing on the revocation of his term of supervised release pursuant to a Petition filed by the United States Probation Office. ECF No. 49. 2. At the hearing on January 3, 2024, Mr. Ayon informed the Court that he wished to

waive his right to a hearing and admit to the violations contained in ECF No. 49. 3. After a colloquy regarding his rights, Mr. Ayon waived his hearing and admitted to

the violations. 4. Based upon Mr. Ayon's statements, the representations by his Counsel, and my own observations, I accept Mr. Ayon's waiver of his right to a hearing and his admissions to violations 1-4 contained in ECF No. 49. 5. Accordingly, I find by a preponderance of the evidence that Mr. Ayon has violated

the terms of his supervised release. See 18 U.S.C. § 3583 (e)(3). 6. Because one of the violations to which Mr. Ayon admitted was possession of a

controlled substance, pursuant to 18 U.S.C. § 3583 (g), revocation is mandatory. 7. The Court has received the proposed resolution suggested by the government, the

defense, and the United States Probation office, and although it is not bound by that recommendation, finds it to be appropriate. IT IS THEREFORE ORDERED that Mr. Ayon's term of



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supervised release is hereby revoked. Mr. Ayon is sentenced as follows:

1. To a period of time served, recognizing that Mr. Ayon was in custody on June 16,

2023, pursuant to a warrant issued by this Court. 2. A term of twelve (12) months of supervised release to begin on January 4, 2024. 3. In addition to the mandatory and standard conditions, the following special

conditions are imposed:

a. Search and Seizure – You must submit your person, property, house,

residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner. b. Substance Abuse Treatment – You must participate in an outpatient

substance abuse treatment program and/or cognitive behavioral treatment and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the program. c.

Drug Testing – You must submit to substance abuse testing to determine if

you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must pay the costs of the testing. You must not attempt to obstruct or tamper with the testing methods. d. No

Alcohol – You must not use or possess alcohol. e. Mental Health Treatment - You shall participate in and successfully

complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay. f. No Contact Condition - You shall not have contact, directly or indirectly,

associate with, or be within 500 feet of members of the South Siders Street Gang, their residence or business, and if confronted by any members of the South Siders Street Gang in a public place, you shall immediately remove yourself from the area. g. Community Service – You shall complete 20



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hours of community service

within one (1) year of the date of this Order. DATED this ____ day of January 2024.

UNITED STATES DISTRICT JUDGE

