

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

IRVING L. AULL,

Defendant.

Criminal Action No. 04-213
RMC.

FILED

MAY 12 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

Magistrate Judge Deborah A. Robinson issued a Report and Recommendation to the undersigned on April 30, 2008, recommending that the Court find that the Defendant, Irving L. Aull, violated the conditions of his supervised release as alleged and that his term of supervised release be revoked. The violations were conceded by Mr. Aull, through his counsel. Magistrate Judge Robinson also recommended that Mr. Aull receive a sentence of six months of imprisonment with no additional term of supervision to follow, with credit for time served since January 2008.

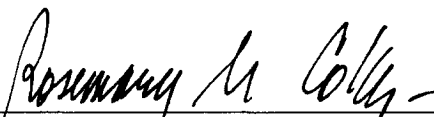
The Court held a status conference to consider the Report and Recommendation with input from the parties. Counsel for Mr. Aull urged the Court to adopt the Magistrate Judge's recommendation; counsel for the United States urged a term of eight months' incarceration. Mr. Aull addressed the Court and asked that he not be subject to supervised release but that he have some months in a community halfway house to give him structure upon re-entering society. Upon consideration of the Report and Recommendation and the full record herein, the Court concurs with the Magistrate Judge's recommendation and adopts it in whole. The Court also adopts Mr. Aull's request that he serve a period in a halfway house. Therefore:

1. Because, as admitted, Defendant Irving L. Aull violated the conditions of his release by failing to (a) participate in a drug treatment program as directed; (b) refrain from the unlawful use of a controlled substance; (c) report to the Probation Office as directed; and (d) submit a written report within the first five days of each month, his term of supervised release is hereby **REVOKED**; and

2. Defendant Irving L. Aull is **SENTENCED** to a term of six months of imprisonment, with credit for time served since January 2008; and

3. Upon his release from incarceration, Mr. Aull shall serve a term of supervised release, the condition of which is two months in a halfway house, into which the Probation Office will place him as quickly as possible. Inasmuch as the term in the halfway house is at Mr. Aull's sensible request, the term of supervised release shall terminate upon his release, or departure, from the halfway house.

SO ORDERED.



ROSEMARY M. COLLYER
United States District Judge

DATE: 12 May 2008