

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,	)	
	)	
v.	)	Criminal No. 07-0237 (PLF)
	)	
DARRYL R. ASHTON,	)	
	)	
Defendant.	)	

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on the Report and Recommendation [Dkt. No. 28] of Magistrate Judge Robin M. Meriweather. Magistrate Judge Meriweather considered two petitions filed by the Probation Office in this case, one dated August 17, 2017 [Dkt. No. 25], and the other dated November 9, 2017 [Dkt. No. 27]. Together they contain a total of thirteen alleged violations by defendant Darryl Ashton of the conditions of his supervised release. Magistrate Judge Meriweather held two hearings on the matter, one on September 26, 2017 and a further hearing on November 14, 2017. R&R at 1, 4. Mr. Ashton was represented by counsel at both hearings. At the second hearing, Mr. Ashton conceded through his counsel to three of the alleged violations – all relating to positive drug tests – but denied the remaining violations. *Id.* at 7.

As detailed by Magistrate Judge Meriweather in her Report and Recommendation, the August Probation petition noted that Mr. Ashton had begun exhibiting behavior that raised concerns about his mental health and that he was experiencing increased levels of agitation since a job loss in June 2017. R&R at 3, 4-5. The Probation officer

elaborated on Mr. Ashton's recent behavior at the November 14, 2017 hearing. Id. He recommended that the Court modify the conditions of Mr. Ashton's supervised release to include mental health treatment. Id. at 4-5.


As Magistrate Judge Meriweather noted, the Court may revoke supervised release based on Mr. Ashton's concession to three of the alleged violations without the need to reach the merits of the other eight alleged violations. R&R at 7. Neither the government nor the Probation Office, however, recommends that Mr. Ashton's supervised release be revoked. Id. Rather, the Probation Office recommends – and the United States concurs – that the conditions of Mr. Ashton's supervised release should be modified to include a mental health assessment to determine whether mental health treatment is appropriate. Id. at 4-5. Defense counsel objected. Id. Magistrate Judge Meriweather has recommended that Mr. Ashton's supervised release not be revoked but that his conditions of supervised release be amended to require a mental health assessment and, if the assessment indicates that treatment is necessary, that mental health treatment be added as a condition of supervision. Id. at 7-8.

Although defense objected to this recommendation at the hearing before the magistrate judge, counsel has now advised this Court that he does not seek a hearing on the Report and Recommendation, and that he agrees with the recommendation of the magistrate judge. Accordingly, it is hereby

ORDERED that Mr. Ashton's terms of supervised release be amended to include the following conditions:

Mental Health Treatment: You must undergo a mental health assessment to be arranged by the Probation Office. Should any form of treatment be recommended, you must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

SO ORDERED.



PAUL L. FRIEDMAN  
United States District Judge

DATE: 12/14/17