

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

BARNARD V. MORGAN,

Defendant.

Crim. Action No. 08-00089-01 (CKK)

ORDER
(March 7, 2019)


This case comes before the Court upon the receipt of a [111] Report and Recommendation dated February 13, 2019, from Magistrate Judge Deborah A. Robinson. The Report and Recommendation indicates that the proceedings in accordance with the referral of the hearing on violation of Defendant's supervised release "spanned a period of well over two years, concluding in December 2018." Report and Recommendation, ECF No. 111, at 1. The matter was initially referred to the Magistrate Judge upon allegations of Defendant's Grade A violation arising from his March 31, 2016 arrest in the District of Columbia, but "[d]uring the pendency of the Superior Court matter, the Probation Office alleged a total of 25 Grade C violations." *Id.* By the time of the December 12, 2018 Preliminary Revocation Hearing, the Probation Office had withdrawn 4 of those 25 violations, "leaving a total of 21." *See id.* at 2. "At the final hearing before the [Magistrate Judge], Defendant conceded 20 of the remaining 21 alleged Grade C violations, but offered and proffered an explanation — supported by evidence — in mitigation." *See id.* at 2. The violations that were conceded by the Defendant at the hearing were violations numbered 2 through 19 and 25 and 26. Violation No. 24 was not conceded by the Defendant. *See* Hearing Transcript, ECF No 110.

The Probation Officer asked the Court to revoke Defendant's supervised release, sentence Defendant to a period of incarceration at the "low end" of the 8-14 months Guideline range and impose a term of supervised release for 24 months. The Government concurred with the Probation Office's recommendation. The Defendant, through counsel, asked that his term of supervised release be extended by 12 months. The Magistrate Judge recommended that this Court extend Defendant's term of supervised release by 12 months. No objections to the Magistrate Judge's Report and Recommendation have been received by the Court.

Accordingly, it is this 7th day of March 2019,

ORDERED that the Report and Recommendation is hereby ADOPTED IN PART. This Court adopts the Defendant's concession of violations numbered 2 through 19 and 25 and 26, and his non-concession of violation number 24. At this time, the Court declines to adopt the sentencing recommendation set forth in the Report and Recommendation. It is

FURTHER ORDERED that the case has previously been scheduled for a Final Hearing on Revocation — relating to Defendant's separate violation of release conditions — on March 25, 2019, at 10:00 A.M. in Courtroom 28A. The parties should be prepared to address their sentencing recommendations relevant to the violations that were the subject of the Report and Recommendation at that Final Hearing on Revocation.


COLLEEN KOLLAR-KOTELLY
United States District Judge