

United States District Court  
Southern District of Texas  
FILED

United States District Court

JAN 25 1996

for

MICHAEL N. MILBY CLERK

SOUTHERN DISTRICT of TEXAS

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: **Joe Erlindo Medrano**

Case Number: **C-89-00089-01**

Name of Sentencing Judicial Officer: **Hayden W. Head**

Date of Original Sentence: **January 26, 1990**

Original Offense: **Possession with intent to distribute approximately 230 kilograms of Marihuana, in violation of 21 USC: 841(a)(1)&(b)(1)(B)**

Original Sentence: **Thirty-two (32) months custody of the Bureau of Prisons, plus five (5) years Supervised Release with a \$500 fine**

Type of Supervision: **TSR**

Date Supervision Commenced: **01/30/95**

Assistant U.S. Attorney: **Brett Grayson**

Defense Attorney: **Pat McGuire**

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**PREVIOUS COURT ACTION**

**05/10/95:** A petition for action was submitted to the Court alleging the violations of condition #8, and special condition #1, in that the offender used and possessed a controlled substance, namely cocaine, and failed to comply with the regulations of the drug aftercare program. A recommendation was made for the issuance of a warrant. On May 31, 1995, The Court issued a summons, and scheduled a revocation hearing for July 10, 1995.

**06/01/95:** A petition for action was submitted to the Court alleging the violations of condition #8, and special condition #1 in that the offender used and possessed a controlled substance, namely cocaine, and failed to comply with the regulations of the drug aftercare program. A recommendation was made for the court to hear the original violations as well as the additional violations, at the time of the revocation hearing. On June 20, 1995, the Court concurred.

**06/21/95:** A petition for action was submitted to the Court alleging the violations of conditions #3, 7,8, and special condition #1, in that the offender failed to follow USPO 's instructions, failed to report a change of address within 72 hours, used and possessed a controlled substance, and failed to comply with the regulations of the drug aftercare program. A recommendation was made for the Court to hear the new as well as the original alleged violations at the revocation hearing scheduled for July 17, 1995. On July 12, 1995, the Court concurred. Furthermore, the Court issued a warrant and a set a bond of \$100,000.

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07/17/95: The revocation hearing was scheduled for this date, however, the offender did not appear. The Court reissued the warrant, however, the availability of a bond was removed.

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**PETITIONING THE COURT**

**To hear the original violations as well as the additional alleged violations contained in this Superseding Petition at the time of the revocation hearing. It is understood that the original and the new allegations are contained in this superseding petition.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>	
1.	Condition #1	<b>"LAW VIOLATION"</b>

On August 26, 1995, Joe Erlindo Medrano committed the offence of Aggravated Sexual Assault, in violation of 22.021(A)(1) & (B)(1), in that he intentionally and knowingly caused the penetration of the female sexual organ of a child.

On January 2, 1996, USPO Gutierrez was informed by the Lamb County District Attorney's office that the offender is in the Lamb County Jail and has been indicted on the aforementioned charge. The offence report indicates that the offender and his brother gave the victim a ride, and took her to a secluded country road. The offender's brother held the victim down while the offender had sexual intercourse with her. The court is advised that the victim was thirteen years old when the assault occurred.

2.	Condition #2	<b>"LEAVING THE JUDICIAL DISTRICT WITHOUT PERMISSION"</b>
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On August 26, 1995, Joe Erlindo Medrano was arrested in Littlefield, Texas. This city is located within Lamb County, in the Northern District of Texas. Mr. Medrano had no permission to be in this location. He had previously been informed by USPO Gutierrez that he was only allowed to be within the following counties: Hidalgo, Starr, Camaron, and Willacy.

3.	Condition #3	<b>"FAILURE TO REPORT AS INSTRUCTED"</b>
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A) Joe Erlindo Medrano failed to report to the U.S. Probation office on June 9, 1995, June 13, 1995, June 15, 1995, and June 19, 1995. USPO Gutierrez had previously instructed Mr. Medrano to report on these dates.

X B) Joe Erlindo Medrano failed to report for his revocation hearing on July 17, 1995. USPO Gutierrez had previously instructed Mr. Medrano to report on this date.

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4. Condition #3 "FAILURE TO SUBMIT MONTHLY REPORTS"

Mr. Medrano failed to submit his monthly reports for the months of May 1995, and June 1995. It should also be noted that Mr. Medrano removed himself from supervision, during the month of June 1995. He has been on absconder status and has made no attempt to contact USPO Gutierrez or the Probation Office.

5. Condition #7 "FAILURE TO REPORT CHANGE IN RESIDENCE WITHIN 72 HOURS"

Joe Medrano moved from his place of residence on June 15, 1995. He failed to make any attempt to notify the USPO or the US Probation Office of this change. Furthermore, Joe Medrano once again moved from his place of residence on June 19, 1995, and once again failed to report the change of address.

The Court is informed that the above information was verified through contact with Mr. Medrano's wife and cousin. The Court is further advised that the offender had been on absconder status until his arrest on August 26, 1995, in Littlefield, Texas.

6. Condition #8 "POSSESSION AND USE OF CONTROLLED SUBSTANCES"

Joe Erlindo Medrano possessed and used controlled substances not prescribed by a physician. Mr. Medrano submitted a urine specimen to USPO Gutierrez on March 6, 1995. This specimen subsequently tested positive for Cocaine Metabolite Benzoyllecgonine through laboratory analysis. Also, Mr. Medrano submitted a urine specimen to Tropical Texas Center for Mental Health and Mental Retardation (TTC/MHMR) Counselor, Tony Gabaldon on April 13, 1995. This specimen subsequently tested positive for Cocaine Metabolite Benzoyllecgonine through laboratory analysis. Furthermore, Joe Medrano submitted a urine specimen to Tropical Texas Center for Mental Health and Mental Retardation (TTC/MHMR) Counselor, Ramiro Cavazos on May 09, 1995. This specimen subsequently tested positive for Cocaine Metabolite Benzoyllecgonine through laboratory analysis.

7. Condition #10 "ASSOCIATION WITH A CONVICTED Felon"

X  
On August 26, 1995, Joe Medrano was arrested along with his brother Randy Medrano. Randy Medrano is a known felon who has an outstanding Felony warrant for theft out of New Mexico. Joe Medrano was previously informed by USPO Gutierrez that associating with known Felons was contrary to his conditions of supervision.

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The Court is advised that Joe Medrano and his brother have both been indicted on the Aggravated Sexual Assault charge.

8. Condition #12 "FAILURE TO NOTIFY USPO  
WITHIN 72 HOURS OF ARREST"

Joe Erlindo Medrano was arrested on August 26, 1995. AS of this date, the offender has made no attempt to contact USPO Gutierrez or the Probation Office to report his incarceration. Mr. Medrano had previously been informed by USPO Gutierrez that failure to report arrests was contrary to the conditions of his supervised release.

9. Special Condition #1 "NON-COMPLIANCE OF DRUG  
AFTERCARE REGULATIONS"

A) Joe Medrano failed to comply with the regulations of the drug aftercare program. Mr. Medrano submitted a urine specimen to Tropical Texas Center for Mental Health and Mental Retardation (TTC/MHMR) Counselor, Tony Gabaldon on April 13, 1995. This specimen subsequently tested positive for Cocaine Metabolite Benzoyllecgonine through laboratory analysis. Furthermore, Joe Medrano submitted a urine specimen to Tropical Texas Center for Mental Health and Mental Retardation (TTC/MHMR) Counselor, Ramiro Cavazos on May 09, 1995. This specimen subsequently tested positive for Cocaine Metabolite Benzoyllecgonine through laboratory analysis. Mr. Medrano had previously been advised by this officer that drug use was contrary to the rules and regulations of the drug aftercare program.

B) Joe Medrano failed to comply with the regulations of the drug aftercare program by failing to report to Tropical Texas Center for Mental Health and Mental Retardation (TTC/MHMR) on June 16, 1995, and June 21, 1995 for counseling and urine collection. Mr. Medrano was informed of these sessions by TTC/MHMR Counselor Tony Gabaldon. Mr. Medrano had previously been informed by USPO Gutierrez, and by TTC/MHMR Counselor Tony Gabaldon, that failing to attend counseling and urine collection sessions was contrary to the rules and regulations of the drug aftercare program.

The Court is advised that the offender removed himself from participation in the drug aftercare program and has made no attempt to contact the TTC/MHMR Counselors or recommence participation in the program.

10. Special Condition #2 "FAILURE TO PAY FINE AS  
DIRECTED"

Joe Medrano failed to pay his fine as directed. On February 17, 1995, Joe Medrano was issued and signed a fine payment schedule. He was informed that he was ordered by the Court to pay a \$500 fine. USPO Gutierrez instructed Mr. Medrano that his payment would begin on March 31, 1995. Mr. Medrano was informed that he needed to make

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monthly payments in the amount of \$35 per month. Joe Medrano made one payment of \$35. He has a balance of \$465 and has made no attempt to comply with his fine payment requirements.


U.S. Probation Officer Recommendation:


- The term of supervision should be
  - revoked.
  - extended for \_ years, for a total term of \_ years.

The conditions of supervision should be modified as follows:

Approved:

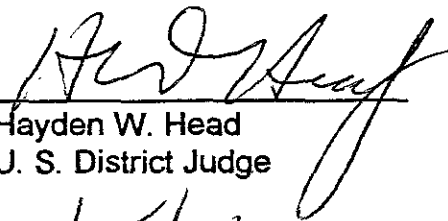
Respectfully submitted,

  
 \_\_\_\_\_  
 Fernando Muñoz,  
 Supervising U.S. Probation Officer

by   
 \_\_\_\_\_  
 Reynaldo P. Gutierrez,  
 U.S. Probation Officer  
 Date: 01/17/96  
 #2283

THE COURT ORDERS:

- No Action
- The Issuance of a Warrant, <sup>and other</sup> and a bond of \$ 100,000 cash/surety with supervision as directed by the Probation Officer as a condition of said bond.
- The Issuance of a Summons
- Other: To hear the original violations as well as the additional alleged violations contained in this Superseding Petition at the time of the revocation hearing. It is understood that the original and the new allegations are contained in this superseding petition.

  
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 Hayden W. Head  
 U. S. District Judge  
1/25/96  
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 Date