

PROB12A1

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**REPORT OF OFFENDER NON-COMPLIANCE**

**Offender Name:** DENNIS DUANE HORTSMEIER

**Docket Number:** 1:00CR05102-03 REC

**Offender Address:**  
Caruthers, California 93609

**Judicial Officer:** Honorable Oliver W. Wanger  
Senior United States District Judge  
Fresno, California

**Original Sentence Date:** 03/26/2001

**Original Offense:** Conspiracy to Distribute Methamphetamine  
(CLASS A FELONY)

**Original Sentence:** 43 months BOP; 60 months TSR; \$100 SA; Mandatory  
Drug Testing

**Special Conditions:** 1) Search; 2) Drug/Alcohol Treatment; 3) Drug Testing; 4)  
No Paging/Cellular Phone; 5) Abstain From Alcohol; 6)  
Co-Payment; and, 7) Register as Drug Offender

**Type of Supervision:** Supervised Release

**Supervision Commenced:** 12/20/2002

**Assistant U.S. Attorney:** Dawrence W. Rice      **Telephone:** (559) 497-4000

**Defense Attorney:** Linden Arian Lindahl      **Telephone:** (559) 441-0114

**Other Court Action:**

12/10/2004 : Probation Form 12B - Petition to Modify the Conditions or  
Term of Supervision filed with Court advising of illicit drug  
use (10/24/2004). Court approved modification to  
included mental health counseling (inpatient or  
outpatient) as directed by probation officer.

**RE: DENNIS DUANE HORSTMEIER**  
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**02/02/2005** : Probation Form 12B - Petition to Modify the Conditions or Term of Supervision filed with Court advising of illicit drug use (12/20/2004 and 01/17&17/2005). Court approved modification to include "up to 120 days" placement at Turning Point Comprehensive Sanctions Center, Fresno, California.

**08/23/2005** : Probation Form 12A1- Report of Non-Compliance, filed with Court advising use of methamphetamine on July 26, 2005. Court approved a 90-day placement at Westcare, Inc, a residential treatment program located in Fresno and took no further action.

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**NON-COMPLIANCE SUMMARY**

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

**1. ILLICIT DRUG USE**

**Details of alleged non-compliance:** On January 30 and February 21, 2006, the releasee submitted random urine tests that returned positive to Methamphetamine. The releasee immediately admitted this drug use, saying that he obtained the drugs "out in the streets."

**Summary:** It is unfortunate that the releasee has again relapsed. The court is aware of his previous inability to refrain from drugs as well as two 90-day residential treatment programs which he completed. During the past several months, the releasee has participated in mental health therapy as well as a men's support group. Upon hearing of this latest relapse, both the therapist and group leader contacted this officer to express their disappointment, but also to offer optimism regarding some progress that had been seen. It was hoped that the releasee could remain in the community and continue in out-patient services.

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On March 8, 2006, the releasee entered the Decision Home, a self-pay 'sober living' residential program for a 120-day commitment. The program requirements include that the releasee participate in: 1) men's support group; 2) AA/NA meetings; 3) bible studies; 4) individual counseling; 5) keeping a daily journal. More importantly, the releasee would be subject to a time curfew and facility restrictions, which would require him to return to the program following his hours of employment. He will also continue submitting random urine tests.

**United States Probation Officer Plan/Justification:** Although this represents the releasee's third violation notice since December 2004, it is recommended the Court approve this officer's last rehabilitative effort and take no further action at this time. The releasee has been advised that any future violation(s) will result in a Form 12C -Petition for Warrant or Summons being filed with the Court requiring him to answer why supervised release should not be revoked.

Respectfully submitted,

/s/ Hubert J. Alvarez

**HUBERT J. ALVAREZ**  
**Senior United States Probation Officer**  
Telephone: (559) 498-7504

**DATED:** March 17, 2006  
Fresno, California  
HJA

**REVIEWED BY:** /s/ Bruce A. Vasquez  
**BRUCE A. VASQUEZ**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- ( ) Submit a Request for Modifying the Conditions or Term of Supervision.
- ( ) Submit a Request for Warrant or Summons.
- ( ) Other:

IT IS SO ORDERED.

**Dated: March 20, 2006**  
emm0d6

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE