

PROB 12B
(7/93)

United States District Court
for the
Southern District of West Virginia

Request for Modifying the Conditions or Terms of Supervision
with Consent of the Offender

Name of Offender: Malik Breckenridge Case Number: 2:22CR00084

Name of Sentencing Judicial Officer: Honorable Irene C. Berger, United States District Judge

Date of Original Sentence: November 17, 2022

Original Offense: 18 U.S.C. § 1343, Wire Fraud

Original Sentence: 60 months of probation, with the first 8 months on home detention monitored by electronic monitoring.

Type of Supervision: Probation Date Supervision to Commence: November 17, 2022

Asst. U.S. Attorney: Kathleen Robeson Defense Attorney: Rhett H. Johnson

PETITIONING THE COURT

☐ To extend the term of supervision for __ years, for a total term of years.

☒ To modify the conditions of supervision as follows:

The offender, Malik Breckenridge, shall submit to random urinalysis or any drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program as directed by the probation officer. Offender shall not use any method or device to evade a drug screen.

CAUSE

During the defendant's term of pretrial release, he submitted urine specimens that tested positive for illicit substances. On May 4, 2022, the defendant submitted a urine specimen that tested positive for marijuana, oxycodone, and oxymorphone. The defendant admitted consuming a Percocet tablet on May 3, 2022, and smoking marijuana on April 28, 2022. On August 17, 2022, the defendant submitted a urine specimen that tested positive for oxymorphone. This officer respectfully submits the modification to ensure the defendant refrains from illicit substance use and address any treatment needs.

Malik Breckenridge
2:22CR00084

Request for Modifying Conditions or Term
of Supervision with Consent of the Offender

Violation Number

Nature of Noncompliance

1.

Violation of special condition number one: As a special condition of probation, the Defendant shall be placed on home detention for a term of 8 months as a substitute for imprisonment. During this period, the Defendant shall remain in his place of residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs, or such other absences as the Probation Officer specifically approves. To assure that the Defendant complies with this condition, it shall be enforced with electronic monitoring. The Defendant shall pay the costs of electronic monitoring:

On November 28, 2022, the defendant failed to report to his residence at the previously approved time. This officer questioned the defendant as to why he arrived at his residence late. The defendant stated he had to work later than expected. This officer informed the defendant that he must seek approval from this officer if there is any deviation from the previously approved schedule. He stated he understood.

Respectfully Submitted,



Codie Blankenship
United States Probation Officer
December 19, 2022

Malik Breckenridge
2:22CR00084

Request for Modifying Conditions or Term
of Supervision with Consent of the Offender

THE COURT ORDERS:

- ☐ No Action
- ☐ The Issuance of a Summons
- ☐ A Hearing Be Scheduled in This Matter
- ☐ Other
- ☒ The Modification of Conditions as Noted Above



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

December 19, 2022

Date

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF WEST VIRGINIA
MALIK BRECKENRIDGE, DOCKET NO. 2:22CR00084

I, **MALIK BRECKENRIDGE**, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my conditions of probation or supervised release or before my term of supervision is extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that I may waive my right to a hearing after conferring with counsel or by making such waiver before a United States Magistrate Judge.

MB I acknowledge that I have conferred with counsel prior to executing this waiver and I hereby willingly, knowingly, and voluntarily waive my statutory right to a hearing and agree to the following modification(s) of my conditions of probation or supervised release, or to the proposed extension of my term of supervision:

The offender, Malik Breckenridge, shall submit to random urinalysis or any drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program as directed by the probation officer. Offender shall not use any method or device to evade a drug screen.

Probationer or Supervised Releasee

Malik Breckenridge
Print Name

Malik Breckenridge
Signature

12/16/22
Date

Counsel

Phyllis S. L...
Print Name

Phyllis S. L...
Signature

12-16-22
Date