

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: 2:22CR00084-1

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 eight months served on home detention
with location 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 defendant, Malik Breckenridge, shall participate in the global positioning system (GPS) monitoring program for a period of 90 days and comply with home detention, as a condition of probation. 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. The defendant shall abide by all the requirements of the GPS program and follow all instructions of the probation officer. The defendant shall be required to pay all or part of the costs associated with the monitoring program as determined by the probation officer.

Malik Breckenridge
2:22CR00084

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

CAUSE

Violation Number

Nature of Noncompliance

1.

Violation of mandatory condition number one: You must not commit another federal, state or local crime:

On May 6, 2024, the offender was arrested by members of the Charleston, West Virginia, Police Department and charged with fleeing from law enforcement officer in vehicle showing a reckless indifference to safety of others. On May 15, 2024, the case was dismissed in the Magistrate Court of Kanawha County, West Virginia.

According to a criminal complaint prepared by an officer from the Charleston, West Virginia, Police Department, as a part of an ongoing drug investigation, officers identified the offender as the driver of a Nissan Altima. An officer from the South Charleston, West Virginia, Police Department attempted to conduct a traffic stop on the vehicle pursuant to the investigation. Upon the officer turning on the emergency blue lights on his vehicle, the offender fled in the vehicle at a high rate of speed and disregarded stop signs. The vehicle, with three flat tires, and the offender were located after a police canine track.

2.

Violation of mandatory condition number two: You must not unlawfully possess a controlled substance:

On June 18, 2024, the offender reported to the United States Probation Office in Huntington, West Virginia, and submitted a urine specimen that tested positive for marijuana. the offender admitted he smoked marijuana two weeks prior. The offender signed a voluntary admission form admitting to the violation conduct.

3.

Violation of mandatory condition number three: You must refrain from any unlawful use of controlled substance:

This officer reasserts the conduct outlined in Violation Number One.

4.

Violation of special condition number two: The Defendant shall pay restitution in the amount of \$41,666 during his term of probation through monthly installments of \$200 each, with the first payment being due within thirty days of the entry of this order, and continuing until paid in full.

Malik Breckenridge
2:22CR00084

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

Payments shall be paid to the Clerk of the Court at the following address: United States District Clerk's Office, Robert C. Byrd Federal Building, United States Courthouse, 300 Virginia Street, East, Charleston, West Virginia 25301:

The offender has failed to make restitution payments for the months of July, August, October, November, and December 2023. He has failed to make a payment during the year of 2024.

On November 17, 2022, the defendant commenced the term of probation. During the first eight months of probation, while on home incarceration, the defendant was generally compliant and appeared to be making positive progress in his life. After being removed from home detention, the offender appears to have a decline in compliant behavior by being arrested for fleeing with reckless indifference to the safety of others, using marijuana, and failing to pay restitution. The defendant was forthcoming with the marijuana use and has been directed to immediately begin paying his restitution as directed by the Court.

The undersigned officer respectfully recommends the defendant be directed to commence 90 days of GPS monitoring with home detention, as a special condition.

Mr. Breckenridge, through counsel, has agreed to participate in a GPS monitoring program for 90 days, as a special condition of supervised release. The proposed modification will impose a commensurate punitive sanction in lieu of submitting a petition requesting a warrant and subsequent revocation from the Court. In addition, GPS monitoring will allow this officer to closely monitor the offender's dynamic risk factors that may lead to further noncompliance.

Respectfully Submitted,



Codie Blankenship
United States Probation Officer
July 26, 2024

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

July 29, 2024

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. 2:22CR00084-1

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 defendant, Malik Breckenridge, shall participate in the global positioning system (GPS) monitoring program for a period of 90 days and comply with home detention, as a condition of probation. 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. The defendant shall abide by all the requirements of the GPS program and follow all instructions of the probation officer. The defendant shall be required to pay all or part of the costs associated with the monitoring program as determined by the probation officer.

Probationer or Supervised Releasee

Malik Breckenridge
Print Name

Malik Breckenridge
Signature

7/16/24
Date

Counsel

Jonathan D. Byrne
Print Name

J.D. Byrne
Signature

7/25/2024
Date