

United States District Court
for the
Southern District of West Virginia
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Calvin Butler Case Number: 2:22CR00161

Name of Sentencing Judicial Officer: Honorable Joseph R. Goodwin, United States District Judge

Date of Original Sentence: May 18, 2023

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

Original Sentence: 5 years of probation with the first 6 months to be served on home detention without electronic monitoring. As a special condition, the defendant is ordered to pay \$18,540 in restitution with monthly installments of \$100. On January 10, 2024, conditions of probation modified to include the defendant serve 30 additional days of home detention without electronic monitoring. In addition, the defendant shall pay restitution in monthly installments of no less than \$50 per month until the amount has been paid in full due to a change in financial circumstances. The offender satisfied the home detention condition on February 10, 2024.

Type of Supervision: Probation

Date Supervision Commenced: May 18, 2023

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The offender, Calvin Butler, shall reside at Dismas Charities, Inc., residential reentry center, in St. Albans, West Virginia, for a period of 60 days, as a condition of probation. The offender shall observe all the rules and regulations of the facility. The offender's subsistence shall be waived, and the funds used for his restitution obligation.

CAUSE

Violation Number

Nature of Noncompliance

1.

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

According to a report filed by a member of the Charleston, West Virginia, Police Department, on March 30, 2024, Mr. Butler rented a U-Haul vehicle on March 19, 2024, with an expected return date of March 20, 2024, and failed to return it as required by the rental agreement. On April 1, 2024, a summons was issued charging Mr. Butler with fraudulent disposition of property and sent to Mr. Butler's reported residence, directing him to appear in the Magistrate Court of Kanawha County, West Virginia, on April 29, 2024.

RE: Calvin Butler
Docket No. 2:22CR00161

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

The offender failed to appear for court as directed. Therefore, on June 7, 2024, a warrant was issued for the offender.

According to a citation issued by a member of the South Charleston, West Virginia, Police Department, on July 22, 2024, Mr. Butler was charged with shoplifting approximately \$385.03 worth of items from Walmart. He was arrested on the outstanding warrant for fraudulent disposition of property and was later released on a \$2,000 personal recognizance bond. As of this writing, that matter remains pending in the Magistrate Court of Kanawha County, West Virginia.

On July 25, 2024, the offender reported to the probation officer and admitted the conduct surrounding the shoplifting offense. He is scheduled to appear in the Municipal Court of South Charleston, West Virginia, on August 26, 2024.

2. **Violation of special condition number four: The defendant must not incur new credit charges or open additional lines of credit without the approval of the probation officer:**

On July 15, 2024, the probation officer conducted an updated financial investigation on Mr. Butler and discovered a new line of credit was opened on May 31, 2023, following commencement of the term of probation. Mr. Butler did not have the permission of the probation officer to open this additional account. Mr. Butler denies any knowledge of the account.

3. **Violation of special condition: The defendant, Calvin Butler, shall pay restitution in monthly installments of no less than \$50 per month until the amount is paid in full due to a change in financial circumstances:**

Since beginning his term of probation on May 18, 2023, Mr. Butler has paid \$325 towards his restitution and has a remaining balance of \$18,215. Mr. Butler has failed to make regular restitution payments as ordered.

Mr. Butler's efforts to maintain stable employment have been mediocre, at best. He recently obtained employment with the Charleston Area Medical Center and has been counseled on the importance of establishing and maintaining consistent employment. He has also been counseled regarding maintaining consistent monthly restitution payments as ordered by the Court.

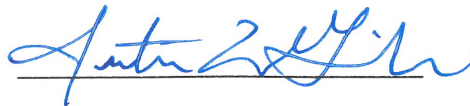
Mr. Butler, through counsel, has agreed to reside at Dismas Charities for a period of 60 days, as a condition of supervised release. This officer believes such a modification will serve as a punitive sanction for the offender's conduct, while assisting him with making more consistent monthly payments toward his financial obligation to the Court. In addition, it will permit him to retain his current employment and participate in ongoing substance abuse treatment programming through the Court's contracted provider located in St. Albans, West Virginia.

RE: Calvin Butler
Docket No. 2:22CR00161

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

Therefore, the probation officer respectfully recommends that Mr. Butler's conditions of probation be modified as noted above.

Respectfully submitted,

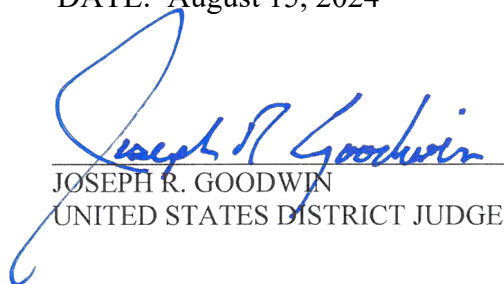


Justin L. Gibson
Senior United States Probation Officer
August 14, 2024

THE COURT ORDERS:

- ☒ The modification of conditions as noted above
- ☐ No action
- ☐ The issuance of a summons
- ☐ A hearing be scheduled in this matter
- ☐ Other

DATE: August 15, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

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
CALVIN BUTLER, DOCKET NO. 2:22CR00161

I, **CALVIN BUTLER**, 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.

CB 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, Calvin Butler, shall reside at Dismas Charities, Inc., residential reentry center, in St. Albans, West Virginia, for a period of 60 days, as a condition of probation. The offender shall observe all the rules and regulations of the facility. The offender's subsistence shall be waived, and the funds used for his restitution obligation.

Calvin Butler 8/13/24
Probationer or Supervised Releasee Date

Calvin Butler
Printed Name

I acknowledge that I have conferred with the defendant prior to the defendant executing this document.

Jonathan A. Ryan 8/13/24
Counsel Date

[Signature]
Printed Name