UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 21-tp-80008-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO CHARLES,

Defendant.
_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Report and Recommendation entered by Magistrate Judge Bruce Reinhart Following Revocation of Supervised Release Final Hearing [ECF No. 22]. On January 25, 2022, Magistrate Judge Reinhart held a Revocation of Supervised Release Final Hearing during which Defendant admitted Violation 2 as set forth in the Petition for Violation of Supervised Release [ECF No. 2] but denied Violation 1. Judge Reinhart conducted an evidentiary hearing as to Violation 1 and concluded that the government did not prove by a preponderance of the evidence that Defendant violated his supervision as alleged in Violation 1. The government has objected to the Report's findings that it failed to prove the defendant's identity by a preponderance of the evidence [ECF No. 23].

Although the Court takes note of the Government's objection and finds merit in the challenge, the Court will accept the Report's conclusion, based in part on credibility findings, that the Government did not prove Violation 1. Therefore, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 22] is **ACCEPTED**.

2. Sentencing on Violation 2 alone is set for February 24, 2022 at 4:15 p.m.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 17th day of February 2022.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record