

PROB 12C
DMT Rev 01-17

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA
Petition for Warrant for Offender Under Supervision**

FILED
JUN 21 2017
Clerk, U.S. District Court
District Of Montana
Billings

Name of Offender: Tawnya Bearcomesout

Docket Number: 0977 1:16CR00013-001

Name of Sentencing Judicial Officer: THE HONORABLE SUSAN P. WATTERS
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 11/10/2016

Original Offense: 18:1112.F; MANSLAUGHTER - INVOLUNTARY, 18:1153.F; OFFENSES
COMMITTED WITHIN INDIAN COUNTRY

Original Sentence: 198 Days custody, 36 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 11/10/2016

Assistant U.S. Attorney: Kris McLean
PO Box 8329, Missoula, MT 59807, (406) 542-8851

Defense Attorney: Tony Gallagher
Federal Defenders Office, 104 2nd St South, Great Falls, MT 59401, (406) 727-5328

PETITIONING THE COURT

Background

On 11/10/2016, the defendant appeared for sentencing before THE HONORABLE SUSAN P. WATTERS, UNITED STATES DISTRICT JUDGE, having pled guilty to the offenses of 18:1112.F; MANSLAUGHTER - INVOLUNTARY, 18:1153.F; OFFENSES COMMITTED WITHIN INDIAN COUNTRY. The offense involved the defendant, after an evening of drinking, stabbing her common-law husband in the chest resulting in death. The defendant was sentenced to 198 Days custody, followed by 36 months supervised release. The defendant began the current term of supervised release on 11/10/2016.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	Special condition: The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

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On 01/20/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

- 2 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 02/03/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

- 3 **Mandatory condition:** You must not commit another federal, state, or local crime.

On 03/09/2017, the defendant was arrested for Driving Under the Influence of alcohol in Lame Deer, Montana. On 03/13/2017, according to the Northern Cheyenne Court Disposition sheet the defendant pled guilty to Driving Under the Influence of alcohol. The defendant called the undersigned officer on 03/13/2017, from the Northern Cheyenne Jail and admitted over the phone to drinking prior to having contact with law enforcement.

- 4 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 04/26/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

- 5 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 05/03/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

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- 6 **Special condition:** The defendant shall participate in and complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

On 05/04/2017, the defendant missed an individual therapy appointment with her treatment provider. The defendant failed to call the provider or the undersigned officer and provide a valid reason why she missed his appointment.

- 7 **Special condition:** The defendant shall participate in and complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

On 05/08/2017, the defendant missed an individual therapy appointment with her treatment provider. The defendant failed to call the provider or the undersigned officer and provide a valid reason why she missed his appointment.

- 8 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

On 05/12/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

- 9 **Special condition:** The defendant shall participate in and complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation officer. The defendant is to pay part or all of the cost of this treatment, as directed by the United States Probation Office.

On 05/18/2017, the defendant missed an individual therapy appointment with her treatment provider. The defendant failed to call the provider or the undersigned officer and provide a valid reason why she missed his appointment.

- 10 **Special condition:** The defendant shall participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. The defendant shall pay all or part of the costs of testing as directed by the United States Probation Office.

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On 05/24/2017, the defendant missed a random urinalysis test. She failed to call the provider or the undersigned officer and provide a valid reason why she missed this test.

11 Special Condition: The defendant shall pay restitution in the amount of \$7,919.00. The defendant is to make payments at a rate of \$225.00, per month, or as otherwise directed by United States Probation. Payment shall be made to the Clerk, United States District Court, James F. Battin U.S. Courthouse, 2601 2nd Ave North, Suite 1200, Billings, MT, 59101, and shall be disbursed to: Montana, Medicaid P.O. Box 202953, Helena, MT 59620.

As of this writing, the defendant has made no payments towards restitution.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision; I am petitioning the Court to issue a warrant.

Reviewed

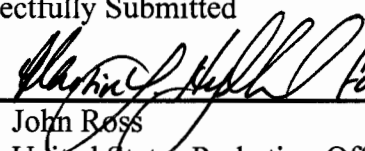
By:



Martin Hylland
Supervising United States Probation
Officer
Date: 06/20/2017

Respectfully Submitted

By:



John Ross
United States Probation Officer

Date: 06/20/2017

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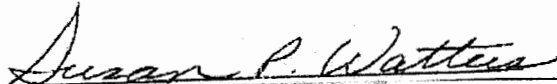
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ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 21st day of June, 2017, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.



Susan P Watters

United States District Judge

June 21, 2017

Date