

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA
PROBATION OFFICE

RICHARD A. HOUCK, JR.
CHIEF UNITED STATES PROBATION OFFICER

E. BARRETT PRETTYMAN U.S. COURTHOUSE
333 CONSTITUTION AVENUE, N.W., SUITE 2800
WASHINGTON, D.C. 20001-2866
TELEPHONE (202) 565-1300

MEMORANDUM

October 5, 2005

To: Honorable Deborah A. Robinson
United States Magistrate Judge

Through: Ervin D. Bell, Supervising
United States Probation Officer
(202) 565-1314

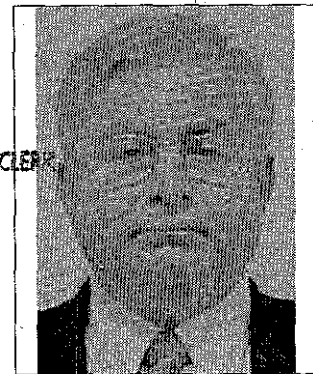
From: Shawn A. Suber, Senior ^{SAS}
United States Probation Officer
(202) 565-1333

Re: **BERGER, Samuel R.**
Docket No.: CR 05-0175M-01
STATUS REPORT

FILED

OCT 5 - 2005

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT



SENTENCE: On September 8, 2005, Mr. Berger was sentenced by Your Honor to two years of probation, subsequent to pleading guilty to Unauthorized Removal and Retention of Classified Material. The Court ordered a \$25.00 special assessment, and the following special conditions: 1) Pay \$50,000 fine and supervision cost of \$6,905.52 by the close of business on September 9, 2005; 2) Perform 100 hours of community service as directed by the United States Probation Office; and 3) No access to any classified material for a period of three years. Mandatory drug testing was waived. Mr. Berger's supervision began on September 8, 2005, and is scheduled to expire on September 7, 2007.

ISSUE: Reference is made to our memorandum submitted to Your Honor dated September 28, 2005, informing Your Honor of Mr. Berger's traffic citation.

Pursuant to the Fairfax County Commonwealth Attorney's Office, Mr. Berger's citation of Reckless Driving is a Class 1 misdemeanor, punishable by one year imprisonment, and a \$2,500 fine. Additionally, Mr. Berger signature on the citation is equivalent to him being released on his personal recognizance, certifying that he promise to appear in court at the time and place indicated.

SUPERVISION ADJUSTMENT: Reference is made to our memorandum dated September 28, 2005.

BERGER, Samuel R.
Docket No.: CR 05-0175M-01
Page 2

STATUTORY GUIDELINES AND OPTIONS: Mr. Berger's conduct constitutes a Grade C violation, pursuant to U.S.S.G. § 7B1.1(a)(3). Pursuant to U.S.S.G. § 7B1.4(a), the revocation guidelines are 3 to 9 months for a criminal history category I and a Grade C violation.

Pursuant to Title 18 U.S.C. §§ 3565(a)(2), 3551 (b)(3), and 3581(b)(6), the maximum prison term that can be imposed upon revocation of probation is one year for a Class A Misdemeanor, the offense for which Mr. Berger is on supervision.

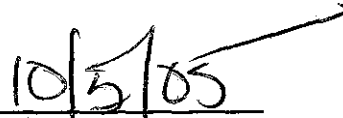
If the Court revokes probation and imposes a custodial term of less than one year, the Court may impose a term of supervised release, 18 U.S.C. § 3583(a) and U.S.S.G. Guideline Manual, Section 7B1.3(g)(1). The length of the supervised release term shall not exceed one year, 18 U.S.C. § 3583(b)(3).

RECOMMENDATION: It is recommended we proceeded with the scheduled hearing dated October 5, 2005, at 1:30 p.m.

Should Your Honor concur, please sign below and return.



Deborah A. Robinson
United States Magistrate Judge



Date