



# Federal Supervised Release and Domestic Violence



Edward Hocter,  
Assistant United States Attorney

# Agenda

1. Understanding Supervised Release
2. New Law Violations
3. Case Study: *United States v. Jose Negron-Cardona*

# Agenda

- 1. Understanding Supervised Release**
2. New Law Violations
3. Case Study: Jose Negron-Cardona

# What is Federal Supervised Release?

- **Definition:** A form of post-incarceration supervision for convicted felons provided for by statute at 18 U.S.C. § 3583
- **Purpose:** To facilitate re-integration into society, ensure compliance with the law, and reduce recidivism
- **Requirements:** Array of *mandatory* and *discretionary* conditions of supervision determined at sentencing

# Supervised Release vs. Parole

	Supervised Release	Parole
Definition	A period of community supervision after serving a prison sentence	Early release from prison prior to completing the entire sentence
Authority	Imposed by a federal judge at the time of sentencing	Decided by a parole board, not by the court
Eligibility	Almost all offenders sentenced to federal prison	Typically available to prisoners with good behavior or convicted of certain crimes
Relationship with Sentence	Release period is in addition to the original sentence – does not reduce time in prison	Early release reduces the total time served in prison
Supervising Authority	U.S. District Court – through U.S. Probation Office	State Parole Board

# Conditions of Supervised Release

- If the court imposes a term of supervised release, it will determine an array of mandatory and discretionary conditions of supervision
- Conditions determined at sentencing
- Based on the offense, the defendant's history, and other factors

# Mandatory Conditions

- Apply to all categories offenders
- Set out in 18 U.S.C. § 3583(d) and U.S. Sentencing Guidelines

# Mandatory Conditions

- **Include, among others, that a defendant:**
  - not commit another federal, state, or local offense while on supervision;
  - not possess a controlled substance while on supervision;
  - make restitution to the victim of the offense;
  - pay any fines and assessments imposed; and
  - in most cases, submit to drug testing.



# Discretionary Conditions

- Federal judges have authority to impose discretionary conditions of release based on the inmate's history, the offense of conviction, and other factors
- Can include things like:
  - Attending substance abuse or mental health treatment
  - Limiting access to a computer

# Service of Supervised Release

- Person placed on Supervised Release is supervised by a U.S. Probation Officer
- Term of Supervised Release begins following the defendant's release from prison
- Supervision occurs in the U.S. Judicial District where the defendant was sentenced, but may be transferred to another district

# Violations of Supervised Release

- If the defendant violates a condition of Supervised Release, the Court may:
  - Modify the conditions
  - Terminate Supervised Release before the expiration date; or
  - Revoke Supervised Release and impose a term of imprisonment

# Revocation of Supervised Release

- **Court engages in 3-step Process:**
  - 1. Determine whether defendant has violated a condition;**
  - 2. Find that a revocation of Supervised Release is appropriate; and**
  - 3. Impose a penalty.**

# Revocation Hearing

- Court will hold a hearing to determine whether to revoke and what penalty will be
- Hearings governed by a lower standard of proof than a criminal trial – Preponderance of the Evidence

# Agenda

1. Understanding Supervised Release
- 2. New Law Violations**
3. Case Study: Jose Negron-Cardona

# Mandatory Condition No. 1

- “The defendant shall not commit another federal, state, or local offense.”

USSG § 5D1.3(a)(1)

# Grades of Violations

Grade	Requirements
A	constitutes a federal, state, or local offense punishable by more than one year of imprisonment that falls in a specific category of serious crimes OR is punishable by <i>more than 20 years</i> of imprisonment
B	constitutes any other federal, state, or local offense punishable by <i>more than one year</i> of imprisonment
C	constitutes a federal, state, or local offense punishable by one year or less of imprisonment OR is a violation of any other condition of supervised release



# New Law Violations

- Notably, a conviction for the new offense is not necessary for the Court to find a violation of Supervised Release
- Proof of culpable conduct by a *preponderance of the evidence* is sufficient for a revocation
- Lower standards for admission of evidence

# Agenda

1. Understanding Supervised Release
2. New Law Violations
3. Case Study: *United States v. Jose Negron-Cardona*

# Jose Negron-Cardona



# Background

- **2009: Convicted of Conspiracy to Possess w/ intent to Distribute Cocaine Base and Possession of a Firearm in Relation to Drug Trafficking**
- **2009: Sentenced to 211 months (later reduced to 157 months) and 120 months of Supervised Release**

# Supervised Release

- **May 27, 2020 – Negron-Cardona begins Supervised Release**
- **Moves to Northern District of Texas to live with his girlfriend, F.V.**

# Domestic Violence Incidents

- February 19, 2023, F.V. reports assault involving strangulation to Grand Prairie PD
- Grand Prairie PD attempts to follow up with F.V., but receives no response

# Domestic Violence Incidents

- **April 9, 2023 – Arrested by Grand Prairie PD for Aggravated Assault with a Deadly Weapon**
- **F.V. recants during an interview with Grand Prairie PD, and again on the stand during a preliminary hearing for revocation proceedings**

# Domestic Violence Incidents

- June 5, 2024, Grand Prairie PD responds to a 9-11 call at F.V.'s home
  - F.V. provides detailed statement



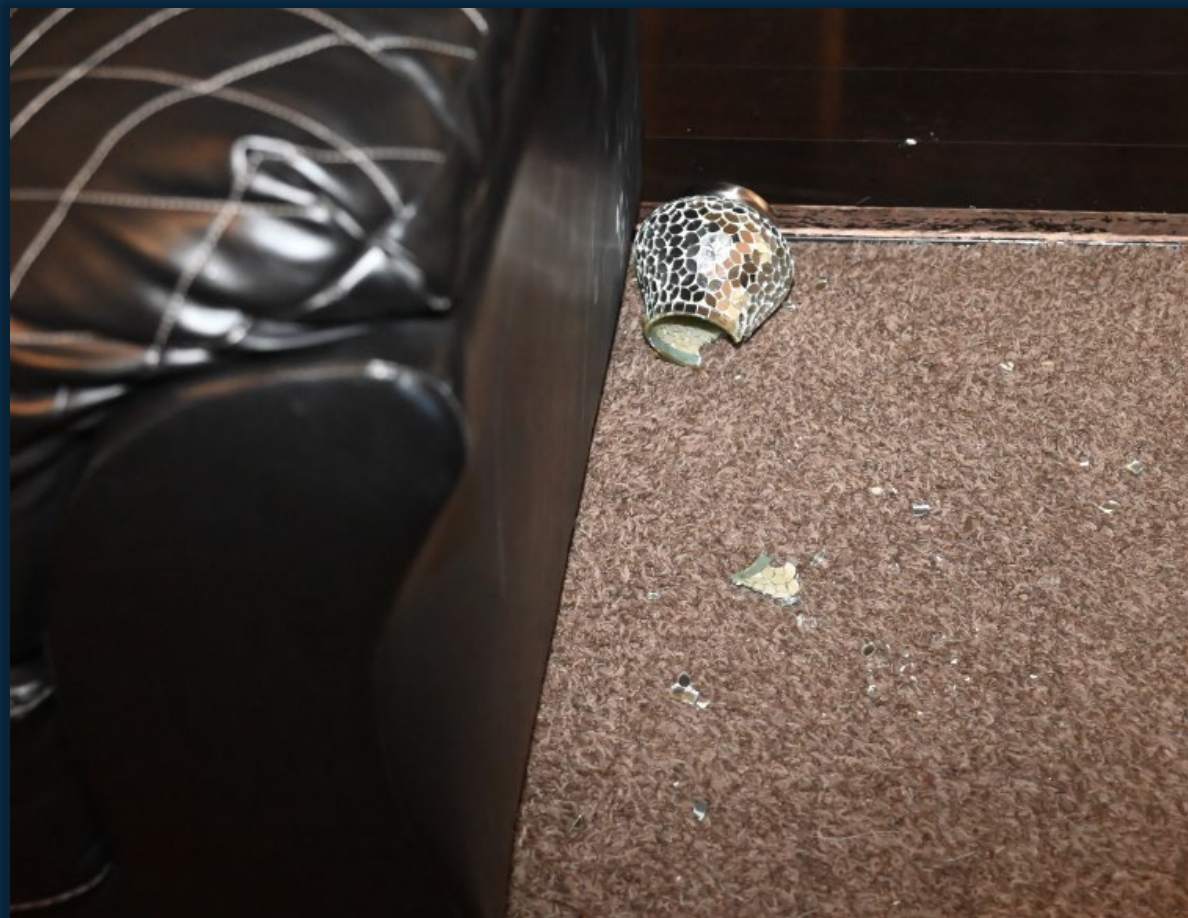
# Domestic Violence Incidents



# Domestic Violence Incidents



# Domestic Violence Incidents



# Domestic Violence Incidents





# Domestic Violence Incidents



# Revocation Proceedings

- June 10, 2024, Petition to Revoke Supervised Release filed; alleges Class A violation
- July 10, 2024, U.S. Magistrate Judge finds probable cause that Cardona assaulted F.V. and Cardona waives detention hearing
- Cardona contests Revocation

# Revocation Proceedings

- **November 6, 2024, hearing before U.S. District Judge Ed Kinkeade**
  - **Court denies U.S. Government motion to admit hearsay statements**
  - **Rules that F.V. must testify at the hearing**
- **Court finds Cardona committed new law violation and sentences him to consecutive terms of 60-months (total of 10 years)**



**Thank you!**



**AUSA Edward Hocter**  
**Ted.Hocter@usdoj.gov**