

PROB 12C  
DMT Rev 01-17

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

**FILED**

**MAY 14 2018**

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

**Date of Revocation:** September 13, 2017

**Revocation Sentence:** 6 months Bureau of Prisons; 30 months Supervised Release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 01/19/2018

**Assistant U.S. Attorney:** John Sullivan  
2601 2nd Ave N, Box 3200, Billings, MT 59101, (406) 657-6101  
Kris A. 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

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**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.

On 09/13/2017, the defendant's term of supervision was revoked for missed random urinalysis tests, missed therapy appointments, arrested for DUI, and failed to make continuous payments towards restitution. She was sentenced to six (6) months custody, followed by 30 months supervised release. She started her term of supervision on 01/19/2018.

The probation officer believes the offender has violated the following condition(s) of supervision:

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Violation Number    Nature of Noncompliance

1            **Special condition:** The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale.

On 03/27/18, the defendant admitted to consuming alcohol on 03/26/18. The defendant signed a written admission further substantiating this information.

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 tests 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 04/11/18, the defendant failed to report for a random drug test with Posse Partners, a contracted urinalysis vendor. The defendant did not receive prior approval from her probation officer to miss this test.

3            **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 tests 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 04/18/18, the defendant failed to report for a random drug test with Posse Partners, a contracted urinalysis vendor. The defendant did not receive prior approval from her probation officer to miss this test.

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 tests 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 04/25/18, the defendant failed to report for a random drug test with Posse Partners, a contracted urinalysis vendor. The defendant did not receive prior approval from her probation officer to miss this test.

5            **Special condition:** The defendant shall participate in and successfully 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 04/26/18, the defendant failed to report for her scheduled substance abuse treatment appointment with Inner Journeys. The defendant did not have prior approval from her probation officer to miss this appointment.

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- 6           **Special condition:** The defendant shall participate in and successfully 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 04/27/18, the defendant failed to report for her scheduled, 90 day substance abuse treatment appointment with the undersigned officer and Inner Journeys. The defendant did not have prior approval from her probation officer to miss this appointment.

- 7           **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 tests 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 05/09/18, the defendant failed to report for a random drug test with Posse Partners, a contracted urinalysis vendor. The defendant did not receive prior approval from her probation officer to miss this test.

- 8           **Standard condition:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

On 05/01/18, the undersigned officer was able to make contact with the defendant and instructed her to report to the Hardin United States Probation Office on 05/04/18, to discuss her noncompliance.

On 05/04/18, the defendant contacted the undersigned officer and stated she would not be able to make it into Hardin due to car issues. The undersigned officer instructed the defendant to report to the Hardin office again on 05/09/18.

On 05/09/18, the defendant failed to report to the Hardin office as instructed. As of the writing of this report, the defendant has failed to make contact with the undersigned officer and defendant's whereabouts are unknown.

- 9           **Special condition:** The defendant shall participate in and successfully 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.

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On 05/10/18, the defendant failed to report for her scheduled substance abuse treatment appointment with Inner Journeys. The defendant did not have prior approval from her probation officer to miss this appointment.

**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: Brian R Farren  
Brian R Farren  
Supervising United States Probation  
Officer  
Date: 05/11/2018

Respectfully Submitted

By: Brian R Farren (for)  
Josh Lachenmeier  
United States Probation Officer  
Date: 05/11/2018

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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 14<sup>th</sup> day of May, 2018, 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

Susan P Watters  
United States District Judge

5-14-2018  
Date