

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF:

ENFORCEMENT AND IMPOSITION
OF STANDARD CONDITION OF
SUPERVISED RELEASE AND PROBATION
NO. TWELVE.

No. 19-MC-00004-27

**ADMINISTRATIVE ORDER REGARDING
CONDITIONS OF SUPERVISED RELEASE**

This administrative order addresses recent changes to the law on Standard Condition Twelve of Supervised Release and Probation. That condition allows probation officers to: (1) “determine whether a criminal defendant “pose[s] a risk to another person;” and (2) “require [the defendant] to notify that person about the risk.” U.S.S.G. § 5D1.3(c)(12) (“risk-notification condition”). The Tenth Circuit recently held that imposing the risk-notification condition as written, and without limitations, constitutes an improper delegation of judicial power to the probation officer. *See United States v. Cabral*, 926 F.3d 687, 691 (10th Cir. 2019).

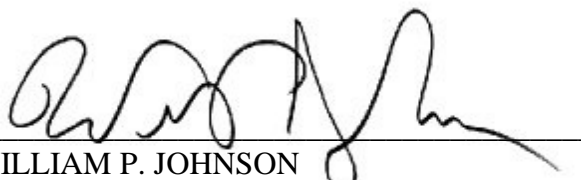
In accordance with *Cabral*, the United States Probation Office (“USPO”) shall cease enforcing the risk-notification condition for those Defendants already under supervision, unless Court approval is first obtained. Additionally, the risk-notification condition shall remain a standard condition of supervision, but shall be modified as follows:

If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may, **after obtaining Court approval**, require you to notify that person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

Finally, this Administrative Order shall remain in full force and effect unless modified by majority

vote of the District Judges of this District Court.

IT IS SO ORDERED this 10th day of July, 2019.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE

cc: DNM District Judges
DNM Magistrate Judges
John Anderson, US Attorney
Stephen McCue, Chief Federal Defender
Marc Robert, CJA Managing Attorney
Margaret Vigil, Chief, USPO
Ronald Travers, Deputy Chief, USPO
Mitchell R. Elfers, Clerk of Court