PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-4783

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA WAYNE RILEY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Michael F. Urbanski, Chief District Judge. (5:13-cr-00002-MFU-1)

Argued: January 29, 2019 Decided: April 3, 2019

Before THACKER and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by published opinion. Senior Judge Traxler wrote the opinion, in which Judge Thacker and Judge Richardson joined.

ARGUED: Lisa M. Lorish, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charlottesville, Virginia, for Appellant. Grayson A. Hoffman, OFFICE OF THE UNITED STATES ATTORNEY, Harrisonburg, Virginia, for Appellee. **ON BRIEF:** Frederick T. Heblich, Jr., Interim Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Roanoke, Virginia, for Appellant. Thomas T. Cullen, United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

TRAXLER, Senior Circuit Judge:

Based on statements made by Joshua Wayne Riley to his probation officer, the district court determined that Riley violated the conditions of his supervised release and sentenced Riley to twenty months' imprisonment. Riley appeals, arguing that the use of his statements violated the Fifth Amendment and that, absent corroboration, the court erred by finding his statements sufficient to establish the violations. We find no reversible error and therefore affirm the judgment of the district court.

I.

Riley was convicted on federal drug-related charges in 2013. He was released from prison in 2016 and began serving a five-year term of supervised release. Although Riley tested positive for methamphetamine several times between March 2017 and February 2018, his probation officer did not seek revocation of his supervised release.

On March 16, 2018, Riley was stopped for a traffic infraction by local law enforcement officers, who found methamphetamine while searching Riley's car. He was charged by the state with possession of a controlled substance. Riley's federal probation officer thereafter petitioned the district court for an arrest warrant, alleging that Riley violated the terms of his supervised release by being arrested and by possessing a controlled substance. Riley was subsequently arrested for the supervised-release violation and taken into custody.

Riley's probation officer interviewed Riley while he was being held at the county jail. The officer did not inform Riley of his *Miranda*[1] rights before questioning him. Riley admitted to the officer that he had been using methamphetamine on a daily basis for several months and that, during the last month, he had been distributing an ounce of methamphetamine per week. Riley signed a written statement confirming his statements.

At the revocation hearing, Riley objected to the use of his statements to the probation officer. He contended that because he was in custody when interviewed by the probation officer, the failure to give him *Miranda* warnings required suppression of his oral and written statements. The district court rejected that argument, relying on *United States v. Armstrong*, 187 F.3d 392 (4th Cir. 1999), which held that the exclusionary rule does not apply in supervised-release revocation proceedings and that evidence obtained in violation of the Fourth Amendment is admissible in those proceedings. The district court also rejected Riley's argument that the government was required to present independent corroboration of his confession in order to establish that he distributed methamphetamine.

Relying on Riley's admissions, the court determined that Riley had violated the conditions of his supervised release by distributing a controlled substance. Drug distribution qualifies as a Grade A violation, *see* U.S.S.G. § 7B1.1(a)(1) & cmt. n.3; U.S.S.G. § 4B1.2(b), which in this case carried a Guidelines-recommended sentence of 24-30 months' imprisonment, *see* U.S.S.G. § 7B1.4(a). The court sentenced Riley to 20

[1] *Miranda v. Arizona*, 384 U.S. 436 (1966).

months' imprisonment. If the court had instead found that Riley had only *possessed* a controlled substance, that would have qualified as a Grade B violation with a recommended sentence of 4-10 months. *See* U.S.S.G. §§ 7B1.1(a)(2), 7B1.4(a). Riley appeals, pressing the same issues he raised before the district court.

II.

A.

We turn first to Riley's claim that his Fifth Amendment rights were violated. The Fifth Amendment's Self-Incrimination Clause provides that "[n]o person . . . shall be compelled in any criminal case to be a witness against himself." U.S. Const., amend. V. The Clause speaks in terms of compelled testimony, and thus the protections it grants generally are not "self-executing." *United States v. Lara*, 850 F.3d 686, 692 (4th Cir. 2017). That is, a person seeking to invoke the Fifth Amendment privilege against self-incrimination generally "must assert the privilege rather than answer." *Minnesota v. Murphy*, 465 U.S. 420, 429 (1984). If the person voluntarily answers, the answer is not privileged. *See id.*

Exceptions to this general rule arise in certain situations that are viewed as inherently coercive. One exception involves custodial police interrogations, a setting that contains "inherently compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely." *Miranda v. Arizona*, 384 U.S. 436, 467 (1966). In order to dissipate these coercive pressures, "the *Miranda* Court required the exclusion of incriminating statements obtained during custodial interrogation unless the suspect fails to claim the Fifth

Amendment privilege after being suitably warned of his right to remain silent and of the consequences of his failure to assert it." *Murphy*, 465 U.S. at 430. Another exception arises in "penalty" cases, where the assertion of the privilege results in the imposition of a penalty substantial enough to effectively "foreclose a free choice to remain silent." *Id.* at 434 (internal quotation marks and alteration omitted).

Although Riley answered the questions put to him by the probation officer rather than asserting his Fifth Amendment privilege, he contends that because he was in custody at the time of the interview, *Miranda* warnings were required.[2] And because no warnings were given, Riley contends the district court erred by refusing to apply the exclusionary rule and suppressing his oral and written statements. In Riley's view, *Armstrong*'s refusal to apply the exclusionary rule in revocation proceedings applies only to violations of the *Fourth* Amendment and does not preclude application of the exclusionary rule in the context of the *Fifth* Amendment. Riley contends that there are different interests at stake in cases involving a Fifth Amendment violation and that application of the exclusionary rule is required to vindicate those interests.

[2] A prisoner who is questioned by police is not necessarily in custody for purposes of the *Miranda* rule. *See Howes v. Fields*, 565 U.S. 499, 512 (2012) ("[S]tandard conditions of confinement and associated restrictions on freedom will not necessarily implicate the same interests that the Court sought to protect when it afforded special safeguards to persons subjected to custodial interrogation. Thus, service of a term of imprisonment, without more, is not enough to constitute *Miranda* custody."). Because the government does not question whether the circumstances of Riley's interview qualified as custody under *Howes*, we will assume for purposes of this opinion that Riley was in custody.

In our view, Riley's exclusionary-rule argument puts the cart before the horse. The exclusionary rule is a "judicially created remedy" applied in cases where certain constitutional violations have been committed. *Davis v. United States*, 564 U.S. 229, 238 (2011) (internal quotation marks omitted). Thus, before considering whether it would be proper to apply the exclusionary rule, we must first determine whether there has been a constitutional violation.

B.

Because the Self-Incrimination Clause focuses on the use of compelled evidence in a criminal case, the clause creates "a fundamental *trial right* of criminal defendants." *United States v. Verdugo–Urquidez*, 494 U.S. 259, 264 (1990) (emphasis added). Accordingly, "a violation of the constitutional right against self-incrimination occurs only if one has been compelled to be a witness against himself in a criminal case." *Chavez v. Martinez*, 538 U.S. 760, 770 (2003) (plurality opinion) (emphasis omitted); *accord Verdugo-Urquidez*, 494 U.S. at 264 ("Although conduct by law enforcement officials prior to trial may ultimately impair that right, a constitutional violation occurs only at trial."). Even with regard to statements made under circumstances that would otherwise be viewed as coercive, the Self-Incrimination Clause is violated *only* if those statements are used in a criminal trial. *See Chavez*, 538 U.S. at 767 (plurality opinion) ("Statements compelled by police interrogations of course may not be used against a defendant at trial, but it is not until their use in a criminal case that a violation of the Self–Incrimination Clause occurs . . . ." (citation omitted)); *id.* at 769 ("[M]ere coercion does not violate the

text of the Self–Incrimination Clause absent use of the compelled statements in a criminal case against the witness.").

Supervised release revocation proceedings, however, are *not* part of the underlying criminal prosecution. As the Supreme Court has explained, revocation of parole "deprives an individual, not of the absolute liberty to which every citizen is entitled, but only of the conditional liberty properly dependent on observance of special parole restrictions." *Morrissey v. Brewer*, 408 U.S. 471, 480 (1972). Accordingly, "the revocation of parole is *not part of a criminal prosecution* and thus the full panoply of rights due a defendant in such a proceeding does not apply to parole revocations." *Id.; see Murphy*, 465 U.S. at 435 n.7 ("Although a [probation] revocation proceeding must comport with the requirements of due process, *it is not a criminal proceeding*." (emphasis added)). That analysis is equally applicable to supervised release proceedings, which, as relevant to this case, are analogous to and largely indistinguishable from probation and parole revocation proceedings. *See Armstrong*, 187 F.3d at 394 (explaining that "parole and supervised release are not just analogous, but virtually indistinguishable" and that, as with parole revocation proceedings, the "full panoply of constitutional protections afforded a criminal defendant is not available" in supervised release revocation proceedings (internal quotation marks omitted)). It is therefore clear that, like parole and probation revocation proceedings, "supervised release revocation hearings are not criminal proceedings." *United States v. Tippens*, 39 F.3d 88, 89 (5th Cir. 1994) (per curiam) (internal quotation marks and alteration omitted); *accord United*

States v. Ward, 770 F.3d 1090, 1097 (4th Cir. 2014) ("[S]upervised release revocation proceedings are not considered part of a criminal prosecution.").

The government therefore contends that because revocation proceedings are not criminal proceedings, the use of Riley's statements did not violate the Self-Incrimination Clause of the Fifth Amendment. Riley does not dispute that revocation proceedings are not criminal proceedings. Instead, he contends that because he was in custody when questioned, the nature of the proceedings are irrelevant. We disagree.

Riley's argument depends largely on the Supreme Court's decision in *Minnesota v. Murphy*. The defendant in *Murphy* was sentenced to probation on state sexual misconduct charges, and the terms of his probation required him to participate in a treatment program for sexual offenders and to be truthful with his probation officer. *See Murphy*, 465 U.S. at 422. The defendant admitted to his treatment-program counselor that he had committed a rape and murder several years earlier, and the counselor reported the confession to the defendant's probation officer. The defendant again admitted the crimes during a meeting with his probation officer. The probation officer reported the confession to police, and the defendant thereafter was arrested and charged with murder. Over the defendant's objection, the probation officer testified at trial about his confession. The defendant was convicted of murder by the jury. *See id.* at 423-25.

Before the Supreme Court, the defendant argued that the admission of the probation officer's testimony violated his Fifth Amendment rights because he was not given *Miranda* warnings before being interviewed. The Supreme Court rejected these arguments. The defendant had answered the probation officer's questions rather than

asserting his Fifth Amendment privilege, and the Court concluded that none of the exceptions to the general rule applied. *See id.* at 440. In a footnote, however, the Court stated that "[a] different question would be presented if [the defendant] had been interviewed by his probation officer while being held in police custody or by the police themselves in a custodial setting." *Id.* at 429 n.5. In Riley's view, that footnote demonstrates that custodial status is the dispositive issue in a Fifth Amendment case. And because he was in custody when he confessed to the distribution offense, Riley contends that his case presents the "different question" anticipated by the *Murphy* Court.

We disagree with Riley's reading of *Murphy*. The confessions at issue in *Murphy* were used against the defendant in *a criminal prosecution* for the offenses to which he confessed. *See id.* at 424-25. Because the statements were used against the defendant in a criminal proceeding, the Fifth Amendment inquiry therefore depended on whether the statements were compelled. The Supreme Court held that the statements were not compelled because the defendant voluntarily answered without asserting the privilege, and none of the circumstances that make the privilege self-executing were present -- the defendant was not in custody when questioned, *see id.* at 430, and he was not subject to a substantial penalty for invoking his right against self-incrimination, *see id.* at 437. Thus, as the Court indicated in footnote 5, it would have indeed been a "different question" if the defendant had been in custody because, as previously discussed, the privilege against self-incrimination is self-executing in cases involving unwarned statements obtained through custodial interrogation.

In this case, however, whether Riley was in custody is not relevant because his statements were not used against him in a criminal proceeding. Under these circumstances, Riley's Fifth Amendment rights were not violated, a point on which the majority and the dissent in *Murphy* agreed. *See id.* 435 n.7 (explaining that because revocation proceedings are not criminal proceedings, "[j]ust as there is no right to a jury trial before probation may be revoked, neither is the privilege against compelled self-incrimination available to a probationer"); *id.* at 441 (Marshall, J., dissenting) ("[B]ecause probation revocation proceedings are not criminal in nature and because the Fifth Amendment ban on compelled self-incrimination applies only to criminal proceedings, the possibility that a truthful answer to a question might result in the revocation of his probation does not accord the probationer a constitutional right to refuse to respond." (citation omitted)).

Riley also contends that the criminal or non-criminal nature of the revocation proceeding is irrelevant because the Fifth Amendment privilege against self-incrimination applies in civil as well as criminal proceedings.

Riley's observation is at least partially correct. The privilege against self-incrimination applies in non-criminal proceedings in the sense that a witness in such proceedings may assert the privilege rather than give an answer that "might incriminate him *in future criminal proceedings*." *Murphy*, 465 U.S. at 426 (emphasis added; internal quotation marks omitted)); *accord Maness v. Meyers*, 419 U.S. 449, 461-62 (1975) (explaining that the Fifth Amendment privilege against self-incrimination may be asserted if one is "compelled to produce evidence which later may be used against him as

an accused in a criminal action"). The question in this case, however, is not when the privilege may be *asserted*, but when it is *violated*. And as to that question, the answer is clear: The Fifth Amendment privilege against self-incrimination is violated *only* when compelled statements are used against the witness in a criminal proceeding. *See Chavez*, 538 U.S. at 770 ("Although our cases have permitted the Fifth Amendment's self-incrimination privilege to be asserted in noncriminal cases, that does not alter our conclusion that a violation of the constitutional *right* against self-incrimination occurs only if one has been compelled to be a witness against himself in a criminal case.") (plurality opinion) (citations omitted); *Verdugo–Urquidez*, 494 U.S. at 264 ("The privilege against self-incrimination guaranteed by the Fifth Amendment is a *fundamental trial right of criminal defendants*. Although conduct by law enforcement officials prior to trial may ultimately impair that right, a constitutional violation occurs only at trial." (emphasis added) (citation omitted)). Because the use of Riley's admissions did not violate the Self-Incrimination Clause of the Fifth Amendment, the district court did not err in considering them.

III.

We turn now to Riley's claim that the government was obliged to present evidence corroborating his admission that he had distributed methamphetamine.

"It is beyond dispute that a criminal defendant's conviction cannot rest entirely on an uncorroborated extrajudicial confession." *United States v. Stephens*, 482 F.3d 669, 672 (4th Cir. 2007); *see Opper v. United States*, 348 U.S. 84, 89 (1954) ("In the United States our concept of justice that finds no man guilty until proven has led our state and federal

courts generally to refuse conviction on testimony concerning confessions of the accused not made by him at the trial of his case."). Riley contends that the government's only evidence of drug distribution was his own admissions to his probation officer. Because there was no independent corroboration of his admissions, Riley argues that the evidence was insufficient to show that he committed the Grade A offense of distribution. We disagree.

The requirement that an out-of-court admission of criminal activity be corroborated is a rule applicable to *criminal* proceedings. *See Stephens*, 482 F.3d at 672; Fed. R. Evid. 804(b)(3)(B). In civil cases, such statements are generally admissible as admissions against penal interest without additional corroboration. *See* Fed. R. Evid. 804(b)(3)(A). As we have already discussed, supervised release revocation proceedings are not criminal proceedings, and a determination that a person violated the terms of supervised release does not amount to a conviction for a criminal offense. *See United States v. Hill*, 48 F.3d 228, 232 (7th Cir. 1995) ("The violation of a condition of supervised release is not a crime as such, but it is a breach of trust, and a ground for revocation of supervised release." (citation and internal quotation marks omitted)). Thus, the very description of the corroboration rule – an uncorroborated extrajudicial confession cannot alone support a criminal conviction – demonstrates that the rule has no application to supervised release revocation proceedings, where courts are permitted "to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial." *Morrissey*, 408 U.S. at 489. Under these

circumstances, we agree with the Ninth Circuit that the corroboration rule is "ill-suited" to revocation proceedings. *United States v. Hilger*, 728 F.3d 947, 950 (9th Cir. 2013).

Moreover, "Congress intended supervised release to assist individuals in their transition to community life. Supervised release fulfills rehabilitative ends, distinct from those served by incarceration." *United States v. Johnson*, 529 U.S. 53, 59 (2000). If the goals of supervised release are to be met, it is critical that the defendant cooperate with his probation officer and comply with the conditions of supervised release, including the standard condition to provide truthful information to his probation officer. Prohibiting revocation without corroboration of a defendant's statements would undermine the requirement for truthfulness and unduly tie the hands of the supervising officer.

Accordingly, because supervised release revocation proceedings are not criminal proceedings, the government was not required to present evidence corroborating Riley's admissions to his probation officer. *See Morrissey*, 408 U.S. at 489 ("We emphasize there is no thought to equate . . . revocation to a criminal prosecution in any sense."). The district court therefore did not err in relying on Riley's admissions to conclude that Riley committed a Grade A violation by distributing methamphetamine, and those admissions were sufficient to support the district court's conclusions. *See* 18 U.S.C. § 3583(e)(3) (violation of conditions of supervised release must be established by a preponderance of the evidence); *United States v. Padgett*, 788 F.3d 370, 374 (4th Cir. 2015).

IV.

In sum, we hold that because supervised release revocation proceedings are not criminal proceedings, the introduction of unwarned admissions made by Riley to his probation officer did not violate Riley's rights under the Self-Incrimination Clause of the Fifth Amendment. And because the proceedings are not criminal, the government was not required to present evidence corroborating Riley's admissions. We therefore affirm the district court's judgment.

AFFIRMED

UNITED STATES DISTRICT COURT
Western District of Virginia

UNITED STATES OF AMERICA
V.

Joshua Wayne Riley

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)

Case Number: DVAW513CR000002-001

Case Number:

USM Number: 17237-084

Lisa Lorish, FPD
Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) Mandatory, Mandatory of the term of supervision.

☐ was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
Mandatory Condition	On 3/16/2018, the defendant was stopped by Augusta County Sheriff's Department for a traffic infraction and a search of his vehicle resulted in finding methamphetamine. Defendant was charged with Possession of a Controlled Substance. Defendant advised that he had been distributing 1 oz. quantities per week for the past month and went on to say that for two to three months prior to that, he would purchase and	3/16/2018

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No: 0135

Defendant's Year of Birth: 1987

City and State of Defendant's Residence:

Staunton, Virginia

10/11/2018
Date of Imposition of Judgment

Michael F. Urbanski
Digitally signed by Michael F. Urbanski
DN: cn=Michael F. Urbanski, o=Western District of Virginia, ou=United States District Court, email=mikeu@vawd.uscourts.gov, c=US
Date: 2018.10.24 14:29:46 -04'00'
Signature of Judge

Michael F. Urbanski, Chief United States District Judge
Name and Title of Judge

October 24, 2018
Date

DEFENDANT: Joshua Wayne Riley
CASE NUMBER: DVAW513CR000002-001

ADDITIONAL VIOLATIONS

Violation Number	Nature of Violation	Violation Ended
	distribute a couple of "8 balls" of methamphetamine every week. The defendant signed and initialed the statement that he provided to his probation officer.	
Mandatory Condition	On 2/16/18, defendant reported to the probation office and provided a urine sample that tested positive for methamphetamine. After initially denying use, defendant signed a voluntary admission form admitting to having last used methamphetamine on 2/14/2018. On 2/23/18, defendant reported to the probation office and provided a urine sample that tested positive for methamphetamine. After initially denying use, defendant signed a voluntary admission statement form admitting to having last used methamphetamine on 2/21/2018. Defendant proceeded to sign a voluntary admission for stating that he last used methamphetamine on 3/19/18, and had been using daily for the last five months.	3/19/2018

DEFENDANT: Joshua Wayne Riley
CASE NUMBER: DVAW513CR000002-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

twenty (20) months as to each of Counts 1 and 4, to run concurrently.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____ on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ , with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Joshua Wayne Riley
CASE NUMBER: DVAW513CR000002-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

two (2) years.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. ☐ You must make restitution in accordance with sections 3663 and 3663A, or any other statute authorizing a sentence of restitution. *(check if applicable)*
3. You must not unlawfully possess a controlled substance.
4. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Joshua Wayne Riley
CASE NUMBER: DVAW513CR000002-001

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectation for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. 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.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the 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.
13. You must follow the instructions of the probation officer related to the conditions or supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervision Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: Joshua Wayne Riley
CASE NUMBER: DVAW513CR000002-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.

2. The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program.

3. The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and/or illegal controlled substances.