

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 94-80095

CHARLES CREHORE,

HON. AVERN COHN

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR EARLY TERMINATION OF
SUPERVISED RELEASE (Doc. 1301)**

I.

This is a criminal case. Before the Court is defendant's pro se motion asking for early termination of his supervised release. The motion is GRANTED. The reasons follow.

II.

On July 3, 1995, defendant was sentenced to a custodial term of 240 months, to be followed by 10 years of supervised release. Defendant's supervised release commenced October 7, 2011, in the Southern District of California (Doc. 1300). The Court is advised that defendant has been transferred to the Administrative Caseload in the Southern District of California. See Exhibit A.

Defendant asks for early termination under 18 U.S.C. § 3583. Attached is a letter from the probation officer supervising defendant stating that the Probation Office has no objection to defendant's request. See Exhibit B. Following the dictates of Fed. R. Crim. P. 32.1, the government was notified of defendant's request (Doc. 1302). The government objects (Doc. 1303). The objections lack merit.

III.

18 U.S.C. §3583(e) states in part:

The court may, after considering the factors set forth in . .

* * *

- (1) terminate a term of supervised release. . .if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

The Code of Federal Regulations provides a presumption for early termination:

At subsequent assessments [after the first 18 months of supervision], there is a presumption in favor of recommending early termination for . . . supervised release .

. . .

18 C.F.R. § 380.10(e).

The literature confirms that the early termination of supervised release is favored. The Chair of the Judicial Conference Committee on Criminal Law in a June 11, 2013 letter to addressed to Chief Judges of the United States District Court, found that a report prepared by the Criminal Law Committee “confirms that the Conference’s policies allow officers to make responsible decisions about which offenders to recommend for early termination [and] [t]he Committee would like to applaud those district that have taken advantage of this procedure which promotes justice, conserves resources, and protects the public.”

In a recent issue of Federal Probation,

. . .early termination is a practice that holds promise as a positive incentive for persons under supervision and as a measure to contain costs in the judiciary without compromising the mission of public safety.

Laura M. Baber and James L. Johnson, “Early Termination of Supervision: No

Compromise to Community Service," Federal Probation, 17 (Sept. 2013).

Taking into consideration the conduct of the defendant and the interest of justice, the Court is satisfied that early termination of defendant's supervised release is warranted.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Avern Cohn", written over a horizontal line.

AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: 8/8/2014

Detroit, Michigan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

DAVID J. SULTZBAUGH
Chief Probation Officer

TRISHA K. YAMAUCHI
Deputy Chief Probation Officer

EXHIBIT A

101 West Broadway
Suite 700
San Diego, CA 92101-7991
(619) 557-6650

August 5, 2014

Name

Address

Re: Administrative Caseload

Dear *Name*:

Based upon your positive adjustment to supervision thus far, you have been transferred to the Administrative Caseload. I have enclosed Instructions for Supervision while you are assigned to the Administrative Caseload. Please review the instructions, print and sign your name, date the document and return the completed form to:

U.S. Probation Officer James Whelpley
Administrative Caseload
101 W. Broadway, Suite 700
San Diego, CA 92101

Now that you have been assigned to the Administrative Caseload, you are no longer required to submit monthly supervision reports to the probation officer, either electronically or in writing, for the balance of your supervision term. If there is any change to your address or employment, contact information, or if you have law enforcement contact, you are directed to contact U.S. Probation Officer Whelpley by telephone at (619)557-2648 or by email at jim_whelpley@casp.uscourts.gov within 72 hours.

If you are required to register as a narcotic offender pursuant to 11590 H.S., you must report your current address and any changes of address to the local Sheriff or Police department in the area in which you reside (per California state law). You must continue to submit address changes to the law enforcement agency for five years after your supervision is terminated or expires.

As long as you are in compliance with your conditions of supervision, travel is permitted within the United States without written permission from the Probation Office; however, you are not allowed to move out of the Southern District of California, without first obtaining permission from your probation officer. Travel outside the country needs to be approved by the Court and probation officer. If you are authorized to travel to Mexico, your prior probation officer will issue a travel permit good until the date of expiration of your supervision term.

2-A

UNITED STATES PROBATION OFFICE
SOUTHERN DISTRICT OF CALIFORNIA

INSTRUCTIONS FOR SUPERVISION

While assigned to the Administrative Caseload, you are required to:

1. Comply with all general and special conditions of your Judgment and Commitment Order.
2. You should not report to the Probation Office unless you have a scheduled appointment. You will not be seen unless you have an appointment.
3. Continue to submit payments under the established payment plan in order to resolve any outstanding fine and/or restitution balances, until these obligations have been satisfied.
4. If you are contacted by the probation officer and instructed to submit a urine sample, you are required to report to the probation office no later than the following day. Failure to report as instructed, or if you do not provide a valid sample, your case may be returned to a more intensive supervision status.
5. Report any arrests, traffic citations, contacts with law enforcement, or changes of residence, employment or contact information within 72 hours by telephone to U.S. Probation Officer Whelpley at (619)557-2648 or by e-mail to jim_welpley@casp.uscourts.gov. If you are unemployed for an extended period of time, your case may be transferred back to a higher level of supervision.
6. Mexico Travel: If the Court has permitted entry to Mexico, you will be issued one border crossing travel permit valid until the term of supervision expires.
7. You may travel within the United States without the need of a travel permit; however, you are not allowed to move out of the Southern District of California without first obtaining permission from your probation officer. International travel, other than stated above, needs to be approved by the Court.
8. If you are a drug offender required to register pursuant to 11590 H.S., you must report your current address to the local law enforcement agency in the area in which you reside pursuant to California law.

All telephone calls, messages and correspondence regarding your case are to be addressed to the U.S. Probation Officer assigned to the Administrative Caseload.

I agree to abide by the above requirements of supervision on the Administrative Caseload. I understand that my failure to comply with these guidelines may result in my return to a high-risk supervision caseload and/or my return to Court. I acknowledge receiving a copy of the Administrative Caseload Instructions for Supervision.

Sign:

Name

Date

U.S. Probation Officer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
PROBATION OFFICE

DAVID J. SULTZBAUGH
Chief Probation Officer

TRISHA K. YAMAUCHI
Deputy Chief Probation Officer

EXHIBIT B

101 West Broadway
Suite 700
San Diego, CA 92101-7991
(619) 557-6650

June 12, 2014

Honorable Judge Cohn
U.S. District Judge
Eastern District of Michigan

Re: Crehore, Charles
Dkt. No. 94CR80095-003-
EARLY TERMINATION OF
SUPERVISED RELEASE

Dear Judge Cohn:

Per your request, this letter is to address Mr. Crehore's progress on supervised release and to inform you that we do not object to his request for early termination.

On July 3, 1995, Mr. Crehore was sentenced to two-hundred and forty (240) months custody and ten (10) years supervised release as a result of his conviction for conspiracy to possess with intent to distribute and distribution of marijuana.

His term of supervised release commenced in the Southern District of California on October 7, 2011 and his expiration date is October 6, 2021. He has been compliant throughout his supervision term and was subsequently placed on the Administrative Caseload on February 6, 2013. In order to be placed on this caseload, all Court ordered conditions of supervision (with the exception of fines and restitution) must be satisfied. Mr. Crehore has satisfied his mandates and is receiving no services at this time.

Given these facts, and as he has served two and one half years with no issues, we do not oppose the offender's motion for early termination. Should you have any questions regarding this case, please contact me at (619)557-2648.


Sincerely,



James L. Whelpley
U.S. Probation Officer

jlw/jlw

Reviewed by:


Sean Quintal
Supervising U.S. Probation Officer

EX B