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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. Cr. S. 08-294-01 WBS
11 Plaintiff,)
12 v.) UNOPPOSED MOTION FOR EARLY
13 ROBERT MARTINSON,) TERMINATION OF SUPERVISED RELEASE
14 Defendant.) Judge: Hon. William B. Shubb
15 _____)

16 I. INTRODUCTION

17 Defendant, ROBERT MARTINSON, hereby moves the Court to terminate his term of
18 supervised release pursuant to 18 U.S.C. § 3583(e)(1). The 3-year term of supervised release
19 began on January 25, 2013. Mr. Martinson has already completed approximately half of his
20 supervisory term.

21 Mr. Martinson is being supervised in the Eastern District of California where he lives and
22 works. Prior to filing this petition, defense counsel provided it to the supervising probation
23 officer and the government. The probation officer has indicated that Mr. Martinson is in full
24 compliance in all areas of supervision, including making monthly payments on his restitution
25 obligation. She does not oppose this petition. First Assistant United States Attorney Phillip
26 Talbert also reviewed this petition and discussed it with the probation officer. He has authorized
27 defense counsel to inform the Court that the government has no objection to this petition. A
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1 proposed order is attached for the Court's convenience.

2 II. APPLICABLE LAW

3 Title 18, section 3583(e)(1) of the United States Code authorizes the Court to terminate a
4 defendant's term of supervised release at any time after the expiration of one year of supervision
5 if the Court is "satisfied that such action is warranted by the conduct of the defendant released
6 and the interest of justice." No hearing is requested for this unopposed petition.

7 Section 3583(e) directs the Court to consider the purposes of sentencing set forth in 18
8 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) and (a)(7) in deciding
9 whether to terminate a term of supervised release. The Judicial Conference has identified the
10 following criteria to assess eligibility for early termination:

11 Officers should consider the suitability of early termination for offenders as soon
12 as they are statutorily eligible. The general criteria for assessing whether a statutorily
13 eligible offender should be recommended to the court as an appropriate candidate for
14 early termination are as follows:

- 14 1. stable community reintegration (e.g., residence, family, employment);
- 15 2. progressive strides toward supervision objectives and in compliance with all
16 conditions of supervision;
- 17 3. no aggravated role in the offense of conviction, particularly large drug or fraud
18 offenses;
- 19 4. no history of violence (e.g., sexually assaultive, predatory behavior, or domestic
20 violence);
- 21 5. no recent arrests or convictions (including unresolved pending charges), or
22 ongoing, uninterrupted patterns of criminal conduct;
- 23 6. no recent evidence of alcohol or drug abuse;
- 24 7. no recent psychiatric episodes;
- 25 8. no identifiable risk to the safety of any identifiable victim; and
- 26 9. no identifiable risk to public safety based on the Risk Prediction Index (RPI).

27 Guide to Judiciary Policy, Vol. 8E, Ch. 3 § 380.10(b), "Early Termination" (Monograph
28 109)(rev'd 2010)(emphasis added).

Pursuant to the policy, "there is a presumption in favor of recommending early
termination" for supervisees after the first 18 months if they are not "career violent and/or drug

1 offenders, sex offenders, or terrorists,” if they “present no identified risk to the public or
2 victims,” and if they are “free from any moderate or high severity violations.” *Id.*, § 380.10(g).

3 Further, on February 16, 2012, the Honorable Robert Holmes Bell, Chair of the
4 Committee on Criminal Law of the Judicial Conference, issued a memorandum to all United
5 States District Court Judges encouraging them to grant early termination of supervised release in
6 appropriate cases as an effort to reduce expenditures in the probation and pretrial services
7 programs. Terminating “appropriate cases before they reach their full term saves resources and
8 allows officers to focus on offenders who continue to pose the greatest risk of recidivism.”
9 Judge Bell’s memorandum notes that supervision costs approximately \$3,938 per year per case.
10 Analysis by the Administrative Office of the Courts indicates that offenders who received early
11 termination were “arrested less often, for less serious charges, and were sentenced to terms of
12 imprisonment less often.” Accordingly, “[f]rom a policy standpoint, it appears that the above
13 criteria, when properly applied, does not jeopardize public safety.” *Id.*

14 III. MR. MARTINSON SATISFIES ALL THE CRITERIA FOR EARLY TERMINATION

15 Mr. Martinson satisfies all the factors set forth for early termination. He has completed
16 all his terms of supervision and has no need for programming or treatment. He has made
17 progressive strides towards payment of his restitution obligation and will continue to do so even
18 after supervision is completed. He had minimal special conditions and has fully complied with
19 all of them. Notably, he has no conditions requiring any sort of programming or counseling, and
20 none has been needed during the course of supervision. Neither his probation officer, nor the
21 government opposes this petition.

22 Mr. Martinson was convicted of mail fraud in January 2012, for which he received a year
23 and a day in custody. He self-surrendered and served his prison time without incident. His
24 supervision has likewise been without any incident. Mr. Martinson has steady employment,
25 residence, and family life. He is the father of seven children, all of whom live with him and his
26 wife and are successful. His oldest is a college graduate, the second child is a successful college
27 student and football player, the third child is a college student as well, and the younger three are
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1 all in school. His adopted son is an adult with his own family. The attached letters of support
2 testify to Mr. Martinson's stability and character.

3 Terminating Mr. Martinson's supervised release would enable him to better support his
4 family financially. He is a trucker and will qualify for better routes if he is able to travel freely
5 through California.

6 As reflected in Mr. Martinson's letter of support from Loretta Hellen, this is not his first
7 criminal conviction. He was convicted of a serious crime as a juvenile and sent to San Quentin.
8 This was over thirty years ago and Mr. Martinson has been suffering the consequences ever
9 since. His experience in the system changed him profoundly and set him on the stable path that
10 he is on today.

11 The Court is often called upon to impose serious consequences for defendants who
12 violate supervised release. Mr. Martinson has completed every condition asked of him and has
13 gone far beyond the requirements of his supervision. He has fully reintegrated into society and is
14 a valued worker, family member, and citizen. He has achieved stable community reintegration
15 in terms of housing, family, and employment. He is in full compliance with all terms of
16 supervision. He had no aggravated role in the offense, no violence or weapons in this offense,
17 and is not using controlled substances. He has no psychiatric issues. He enjoys the support of
18 his community. He is an ideal candidate for early termination of supervised release based on
19 every factor the Court must consider.

20 Given Mr. Martinson's commendable reentry into the community and performance on
21 supervised release, he respectfully requests that the Court order that his term of supervision be
22 terminated under 18 U.S.C. § 3583(e).

23 Respectfully submitted,

24 HEATHER WILLIAMS
25 Federal Defender

26 DATED: July 3, 2014 /s/Rachelle Barbour

27 RACHELLE BARBOUR
28 Research and Writing Attorney

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ORDER

Pursuant to 18 U.S.C. § 3583(e)(1), the Court hereby TERMINATES the term of supervised release in this case and discharges Mr. Martinson for the reasons set forth above.

Dated: July 7, 2014



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE