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Attorneys for Defendant  
MICHAEL YANNONE

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

UNITED STATES OF AMERICA,	)	Case No. 6:15-mj-0008-MJS
	)	
Plaintiff,	)	MOTION TO TERMINATE PROBATION AND
	)	VACATE SENTENCING HEARING
vs.	)	
	)	
MICHAEL YANNONE,	)	Date: December 6, 2016
	)	Time: 10:00 a.m.
Defendant.	)	Judge: Hon. Michael J. Seng
	)	
	)	

**I. BACKGROUND**

Mr. Michael Yannone pled guilty to being under the influence of alcohol in Yosemite National Park. On April 28, 2015 this Court sentenced him to 18 months court probation and ordered that he pay the \$250 fine, attend AA and provide proof of that. Mr. Yannone failed to fully comply with those conditions and a petition to revoke his probation was filed. On August 30, 2016, Mr. Yannone admitted that he had not completed his conditions in a timely manner. He also provided the Court proof that he had self-enrolled in an inpatient treatment program (Hobie House) in Merced, California. He also provided proof of partial payment of the fine and attendance of some of the AA meetings. The Court was impressed with his progress in admitting himself to an alcohol treatment program and admonished him to pay the fine by the end of October. His sentencing was continued until October 25, 2016, and then continued by the Court's own request to November 1, 2016. Mr. Yannone was unable to make it to Court because

1 of the rock slide that occurred the evening before on route 140, which is the road he would take  
2 from Merced. His matter was continued to December 6, 2016.

3 Counsel has confirmed with the Court's financial office that the remainder of the fine was  
4 paid on September 27, 2016.

5 **II. REQUEST**

6 Mr. Yannone's court supervision would have expired on October 28, 2016 had the  
7 petition not been filed. Although he did not accomplish all of his conditions in a timely manner,  
8 he has fulfilled them now. He has paid his fine in full and he has gone the extra mile by getting  
9 himself into an inpatient treatment program - that was not ordered by the Court. It is likely that  
10 the Court would have taken this action on November 1, 2016 had Mr. Yannone been able to  
11 attend Court, but he could not get there because of the rock slide. The defense is now requesting  
12 that this Court, in the interests of justice, terminate Mr. Yannone's supervision and vacate the  
13 December 6, 2016 court date and not require him to attempt the journey to the park again. The  
14 government has no objection to this request.

15  
16 Dated: December 2, 2016

Respectfully submitted,

17 HEATHER E. WILLIAMS  
18 Federal Defender

19 /s/ LINDA C. ALLISON  
20 LINDA C. ALLISON  
21 Chief Assistant Federal Defender  
22 Attorney for Defendant  
MICHAEL YANNONE

23 Dated: December 2, 2016

/s/ SUSAN ST. VINCENT  
24 SUSAN ST. VINCENT  
25 YOSEMITE LEGAL OFFICER

**ORDER**

For the reasons set forth above, and good cause appearing, the Court orders that probation in *United States v. Yannone*, No. 15-mj-0008-MJS, is terminated and the December 6, 2016 Court date is vacated.

IT IS SO ORDERED.

Dated: December 5, 2016

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE