

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

UNITED STATES OF AMERICA,)

)

Plaintiff,)

)

VS.)

)

CHARLES HILL, IV,)

)

Defendant, *pro se*.)

)

AUG 01 2022

KEVIN P. WEIMER, Clerk
By: *PT* Deputy Clerk

CASE NO.: 1:20-CR-296-JPB-CMS

**REPLY TO UNITED STATES' OPPOSITION TO DEFENDANT'S
MOTION TO MODIFY PROBATION CONDITIONS**

COMES NOW the Defendant, *pro se*, herein to submit his reply to the United States' Opposition to Defendant's *pro se* Motion to Modify Probation Conditions (DE 517).

Relevant Background

Defendant Charles Hill pleaded guilty to conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349. Because Defendant suffers from a rare autoimmune disease, the Parties jointly agreed to recommend a sentence of 5 years' probation, with the first 27 months to be served in home detention. (DE 384-1 ¶ 21, DE 405 at 1; DE 408 at 1.) The Court adopted the Parties' joint recommendation. (DE 412 at 2.)

Defendant, *pro se*, filed his motion to Modify Probation Conditions (DE 514) and on July 28, 2022, Plaintiff filed and served their opposition to the motion filed by the Defendant.

Argument

Under Title 18, United States Code, Section 3563(c), “[t]he court may modify, reduce, or enlarge the conditions of a sentence of probation at any time prior to the expiration or termination of the term of probation, pursuant to the provisions of the Federal Rules of Criminal Procedure related to the modification of probation and the provisions applicable to the initial setting of the conditions of probation.” 18 U.S.C. § 3563(c). Thus, the Court has discretion to modify Defendant’s conditions of probation. *See Burns v. United States*, 287 U.S. 216, 220-21 (1932).

Plaintiff, in its opposition response, noted several reasons for being against the Court granting the Defendant’s motion that need to be addressed prior to the Court making its decision.

First, opposing counsel has stated that the “Defendant does not identify any material circumstances that have changed since he was sentenced in January 2022.” There has been a significant change in material circumstances for the Defendant. In early July 2022, Defendant experienced the loss of a second child in 13 months’ time frame. Subsequently, Defendant’s spouse suffered a near fatal catastrophic medical condition and had to be hospitalized for a week in the ICU. Defendant’s spouse is currently at home on medical leave with a prognosis of healing over a minimum of three to six months. There is a need for the Defendant to be able to transport his spouse to various medical appointments as well as transport their two young teenage children to school events, medical/therapy appointments, and extracurricular activities.

Second, opposing counsel raised the point that the Defendant needs to “explain why he cannot engage in volunteer activities from home.” Prior to this instance, Defendant was a very active member in both the religious setting and the educational setting. At church, Defendant is a ministry leader, and thus routinely attended two services on Sundays as well as regularly volunteered with various outreach ministries such as “Feed the Need”, a program designed to assist families with shortfalls of food and clothing that occurs on several weekends throughout each month. In the educational setting, Defendant previously served on several school-based clubs, including one that focused on college preparatory activities and another that focused on improving attendance in the Title I schools that the Defendant teaches in.

Third, opposing counsel states that Defendant is seeking “Blanket elimination of the home detention condition”. In fact, the Defendant only seeks to MODIFY the conditions of the home detention portion of the sentence. Under the Curfew guidelines of home detention, Defendant would still be required to be home during certain time periods as well as still being monitored by the United States Federal Probation Office.

Fourth, opposing counsel challenged Defendant’s motion to Modify the Probation Conditions with regards to using social media, citing that Defendant “does not identify any specific part-time employment opportunity that he has received and is unable to engage in because of his restrictions.” Defendant has been interviewing with M.O.P. (Men on Point) Disciples for Christ, LLC, a religious consulting business that caters to churches looking to increase their membership numbers and launch Faith-based initiatives. The company is looking to expand into educating minorities with regards to financial literacy and has offered the Defendant a part-time marketing job (Defendant has a degree in Marketing), which will require the use of social media.

Conclusion

For these reasons, the Defendant respectfully requests that the Court approve Defendant’s Motion to Modify Probation Conditions.

Respectfully submitted,



Defendant: Charles Hill, IV

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CERTIFICATE OF SERVICE

I certify that on August 1, 2022, I filed a copy of the foregoing document electronically using the CM/ECF system, which will automatically generate notice of this filing to all counsel of record, and mailed a copy of the foregoing document to:

United States Attorney's Office

Attn: AUSA Tal Chaiken

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United States Federal Probation Office

Attn: Sr. U.S. Probation Officer Walt Cochran

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A handwritten signature in black ink, appearing to read 'CHill', is written over a horizontal line.

Defendant: Charles Hill, IV