

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

ATLANTA DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

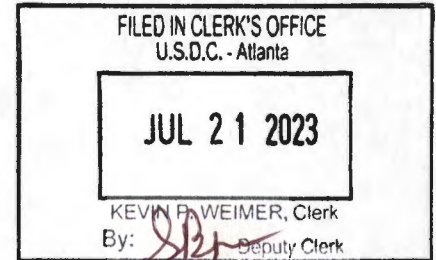
VS.)

CHARLES HILL, IV,)

Defendant, *pro se*.)

_____)

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

**REPLY TO RESPONSE IN OPPOSITION TO MOTION FOR EARLY
TERMINATION OF THE HOME CONFINEMENT CONDITION OF
PROBATION**

I. INTRODUCTION

COMES NOW the Defendant *pro se*, Charles Hill IV, and respectfully moves this Honorable Court to terminate the home confinement condition of his probation sentence. On July 5, 2023, Defendant *pro se*, filed a motion for early termination of the home confinement condition of his sentence of probation. Via email, AUSA Tal Chaiken responded in opposition to the motion, while the Federal Probation Office has responded that they have NO OPPOSITION to the motion. Defendant *pro se*, hereby now presents the Court with further applicable law regarding

the matter and seeks early termination of the supervised release portion of his sentence pursuant to Title 18, section 3583(e)(1) of the United State Code.

II. APPLICABLE LAW

Title 18, section 3583(e)(1) of the United State Code authorizes the Court to terminate a defendant's term of supervised release at any time after the expiration of one year of supervision if the Court is "satisfied that such action is warranted by the conduct of the defendant released and the interest of justice."

Per the Judicial Conference, there are nine general criteria for assessing whether a statutorily eligible offender should be recommended to the court as an appropriate candidate for early termination:

1. Stable community integration (family, residence, employment);
2. Progressive strides towards supervision objectives and in compliance with all conditions of supervision;
3. No aggravated role in the offense of conviction, particularly large drug or fraud offenses;
4. No history of violence
5. No recent arrests or convictions (including unresolved pending charges), or ongoing, uninterrupted patterns of criminal conduct;
6. No recent evidence of alcohol or drug abuse;
7. No recent psychiatric episodes;
8. No identifiable risk to the safety of any identifiable victim; and
9. No identifiable risk to public safety based on the Risk Prediction Index

(Guide to Judiciary Policy, Vol. 8E, Ch. 3 § 380.10(b), “Early Termination”). Per this 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 offender, sex offenders, or terrorists, present no identified risk to the public or victims, and are free from any moderate or high severity violations.” *Id.*, § 380.10(g)

Additionally, on February 16, 2012, the Honorable Robert Holmes Bell, Chair of the Committee on Criminal Law of the Judicial Conference, issued a memorandum to all United States District Court Judges encouraging them to grant early termination of supervised release in appropriate cases as an effort to reduce expenditures in the probation and pretrial services programs.

Terminating “appropriate cases before they reach their full term saves resources and allows officers to focus on offenders who continue to pose the greatest risk of recidivism.” Judge Bell’s memorandum notes that supervision costs approximately \$3,938 per year per case.

Analysis by the Administrative Office of the Courts indicates that offenders who received early termination were “arrested less often, for less serious charges, and were sentenced to terms of imprisonment less often.” Accordingly, “[f]rom a policy standpoint, it appears that the above criteria, when properly applied, does not jeopardize public safety.” *Id.*

III. MR. HILL SATISFIES ALL THE CRITERIA FOR EARLY TERMINATION OF THE HOME CONFINEMENT CONDITION OF PROBATION

Based on Mr. Hill's exemplary compliance with all conditions of supervision and his fulfillment of the factors necessary for early termination, it is evident that he is deserving of such relief. Mr. Hill has satisfactorily completed all the terms of his supervision and does not require any further programming or treatment. Notably, he has made significant progress in meeting his restitution

obligation and remains committed to fulfilling it even after the probation sentence concludes. Furthermore, he has adhered fully to any minimal special conditions imposed upon him, including those related to programming or counseling, which have not been necessary throughout the duration of his supervision. The Federal Probation Officers overseeing his case do not oppose this petition.

Mr. Hill's conviction for conspiracy to commit wire fraud in January 2022 resulted in a sentence of five years' probation, with the initial 27 months to be served under home confinement. The first eighteen months of this period have passed without incident or violation. Mr. Hill has demonstrated stability in his employment, residence, and family life. He is fully integrated into society and serves as a valued worker, family member, and responsible citizen. Throughout his supervision, he has maintained strong community ties with stable housing, family support, and consistent employment. Importantly, Mr. Hill remains in complete compliance with all the terms of his supervision. His involvement in the offense did not entail an aggravated role, nor did it involve violence or the use of weapons. Additionally, he has abstained from using controlled substances and does not have any psychiatric issues. He enjoys the support of his community. Considering each factor that the Court must consider, Mr. Hill emerges as an ideal candidate for early termination of the home confinement portion of his probation sentence.

Furthermore, it is essential to highlight the benefits that the Court stands to gain from granting the requested early termination of the home confinement portion of Mr. Hill's probation sentence. Currently, due to the home confinement condition, Mr. Hill is assigned two Federal Probation Officers: one responsible for monitoring his compliance with the home confinement duties, including conducting monthly home visits, and the other overseeing his financial obligations, including restitution and other clerical reporting responsibilities.

Granting the early termination of home confinement for Mr. Hill, a low-risk individual in terms of recidivism, would result in significant resource allocation benefits for the Court. The Court's resources, which are currently dedicated to the monitoring and supervision of Mr. Hill's home confinement, could be redirected to individuals requiring more intensive supervision and intervention. By freeing up these resources, the Court can effectively allocate its personnel and efforts to cases that necessitate a higher level of attention and intervention, thereby enhancing public safety and the overall effectiveness of the probation system.

In consideration of these benefits, Mr. Hill respectfully urges the Court to grant the motion for the termination of the home confinement condition, recognizing that doing so would optimize resource allocation and enable the Court to focus its attention on cases warranting more intensive supervision.

Given Mr. Hill's commendable performance on supervised release, he respectfully requests that the Court grants his motion and orders the termination of the home confinement condition under 18 U.S.C. § 3583(e).

Dated: 07/21/2023

Respectfully Submitted,

Charles Hill, IV

Pro se Defendant.

A handwritten signature in dark ink, appearing to read 'CHill', is written over the typed name 'Charles Hill, IV'.

CERTIFICATE OF SERVICE

I certify that on July 21, 2023, 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

75 Ted Turner Drive SW

Suite 600

Atlanta, GA 30303

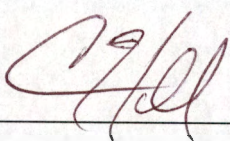
United States Federal Probation Office

Attn: Sr. U.S. Probation Officer Ben Health

75 Ted Turner Drive, SW

Suite 900

Atlanta, GA, 30303



Defendant: Charles Hill, IV