

# **EXHIBIT 3**

The government has included below recommended conditions of supervised release, which the government believes should apply for three years. In addition to reducing the chances of recidivism, these proposed conditions would encourage rehabilitation and facilitate supervision. *See United States v. Flores*, 929 F.3d 443, 451 (7th Cir. 2019) (“We have long assumed that probation officers work *with* defendants, not against them, to help defendants transition back into society after prison.”) (emphasis in original); *United States v. Lewis*, 823 F.3d 1075, 1080 (7th Cir. 2016) (“When it is managed well, supervised release can serve the complimentary goals of protecting the public and rehabilitating an offender who is returning to free society.”); *United States v. Neal*, 810 F.3d 512, 519 (7th Cir. 2016) (“The point of supervised release is to rehabilitate persons discharged from prison and to assist their law-abiding return to society.”); *United States v. Thompson*, 777 F.3d 368, 374 (7th Cir. 2015) (reducing recidivism and encouraging rehabilitation are goals of supervised release); *United States v. Siegel*, 753 F.3d 705, 708 (7th Cir. 2014) (“Reducing recidivism is the main purpose of supervised release, though some of the conditions of supervised release are intended to help the released prisoner adjust to life on the outside even if there is no worry that without them he would be likely to commit crimes.”). Depending on defendant’s progress, the parties may be in a position to request modification of these terms once defendant has completed a portion of his supervised release. *See United States v. Fisher*, 943 F.3d 809, 817 (7th Cir. 2019) (“[T]he district court retains the authority to amend conditions of supervised release ‘at any time prior to the expiration or termination of the term of supervised release.’”)

(quoting 18 U.S.C. § 3583(e)(2)); *United States v. Johnson*, 765 F.3d 702, 711 (7th Cir. 2014) (“[T]he district court retains the ability to modify [the defendant’s] conditions of supervised release at any time after his sentencing hearing.”).

### **Mandatory Conditions**

**Mandatory Condition 1:** the defendant shall not commit another federal, state or local crime.

Justification: this condition is mandatory under 18 U.S.C. § 3583(d) and would serve to support defendant’s rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity.

**Mandatory Condition 2:** the defendant shall not unlawfully possess a controlled substance.

Justification: this condition is mandatory under 18 U.S.C. § 3583(d) and would serve to support defendant’s rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity.

**Mandatory Condition 5:** the defendant shall cooperate in the collection of a DNA sample if the collection of such a sample is required by law.

Justification: this condition is mandatory under 18 U.S.C. § 3583(d) and would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant’s compliance with the law and deterring the defendant from future crimes.

**Mandatory Condition 6:** the defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic tests thereafter, up to 104 periodic tests for use of a controlled substance during each year of supervised release.

Justification: This condition is mandatory under 18 U.S.C. § 3583(d) and would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant’s compliance with the law and deterring the defendant from future crimes. *See United States v. Gutierrez-Ceja*, 711 F.3d 780, 783 (7th Cir. 2013) (“Allowing a

sentencing judge to specify a maximum number of tests rather than a specific number is sensible, because the judge won't have as good an idea of the optimal frequency of the drug tests as the probation service will.”).

Justification: this condition is mandatory under 18 U.S.C. § 3583(d) and would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant's compliance with the law and deterring the defendant from future crimes.

### **Discretionary Conditions**

**Discretionary Condition 1:** the defendant shall provide financial support to any dependents if financially able to do so.

Justification: this condition is necessary in light of the defendant's minor children. PSR ¶¶ 94-95.

**Discretionary Condition 4:** the defendant shall seek, and work conscientiously at, lawful employment or pursue conscientiously a course of study or vocational training that will equip the defendant for employment.

Justification: this condition would serve to support defendant's rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity.

**Discretionary Condition 6:** the defendant shall refrain from knowingly meeting or communicating with any person whom the defendant knows to be engaged, or planning to be engaged, in criminal activity.

Justification: This condition would serve to support defendant's rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity. *See United States v. Kappes*, 782 F.3d 828, 849 (7th Cir. 2015) (“A suggested modification would be to forbid the defendant ‘to meet, communicate, or otherwise interact with a person whom he knows to be engaged, or planning to be engaged, in criminal activity.’”) (quoting *Thompson*, 777 F.3d at 377); *United States v. Poulin*, 809 F.3d 924, 934 (7th Cir. 2016) (same).

**Discretionary Condition 7:** the defendant shall refrain from any use of a narcotic drug or other controlled substance, as defined in § 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner.

Justification: given the defendant's history of alcohol use, *see* PSR ¶¶ 116-122, this condition would serve to support defendant's rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity. *See United States v. Hudson*, 908 F.3d 1083, 1084 (7th Cir. 2018) ("[A] condition of supervised release prohibiting 'excessive' alcohol use, without more, is impermissibly vague.") (quoting *Kappes*, 782 F.3d at 849).

**Discretionary Condition 8:** the defendant shall refrain from possessing a firearm, destructive device, or any other dangerous weapon.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant's compliance with the law and deterring the defendant from future crimes, while protecting the public. *See United States v. Speed*, 811 F.3d 854, 861 (7th Cir. 2016) ("[A] condition prohibiting dangerous weapons provides sufficient notice of the prohibited conduct to a person of reasonable intelligence.").

**Discretionary Condition 9:** the defendant shall participate, at the direction of a probation officer, in a substance abuse treatment program, which may include urine testing up to a maximum of 104 tests per year; the defendant shall participate, at the direction of a probation officer, in a mental health treatment program, and shall take any medications prescribed by the mental health treatment provider.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant's compliance with the law and deterring the defendant from future crimes.

**Discretionary Condition 14:** the defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant's compliance with the law and deterring the defendant from future crimes. *See United States v. Gawron*, 929 F.3d 473, 478 (7th Cir. 2019) (this condition should contain a scienter requirement); *United States v. Hunt*, 930 F.3d 921, 925 (7th Cir. 2019) (same); *United States v. Hudson*, 908 F.3d 1083, 1085 (7th Cir. 2018) ("The better term to use in this standard condition is 'judicial district,' as it denotes geographical (as opposed to jurisdictional) boundaries."); *United States v. Givens*, 875 F.3d 387, 390 (7th Cir. 2017) ("[T]his particular condition is administrative in nature and can be imposed whenever a

district court adequately explains the need for supervised release in the first instance.”).

**Discretionary Condition 15:** the defendant shall report to the probation office in the federal district to which he is released within 72 hours of his release from imprisonment. The defendant shall thereafter report to a probation officer at a reasonable time as directed by the court or a probation officer.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant’s compliance with the law and deterring the defendant from future crimes.

**Discretionary Condition 16:** the defendant shall permit a probation officer to visit the defendant at any reasonable time at home, work, school, community service location, and other reasonable location specified by a probation officer and permit confiscation of any contraband observed in plain view of the probation officer.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant’s compliance with the law and deterring the defendant from future crimes. *See United States v. Downey*, 908 F.3d 205, 207 (7th Cir. 2018) (“[T]he concern with the probation officer choosing an inconvenient, inappropriate or remote location could be alleviated by including a requirement of reasonableness.”); *United States v. Bloch*, 825 F.3d 862, 875 (7th Cir. 2016) (“[T]his condition helps the defendant ‘reintegrate into society after his time in prison and to ensure that he is abiding by the conditions of his supervised release.’”) (quoting *United States v. Armour*, 804 F.3d 859, 870 (7th Cir. 2015)); *United States v. Carson*, 821 F.3d 849, 851 (7th Cir. 2016) (“Home visits might turn up guns, drugs, or other signs of trouble.”).

**Discretionary Condition 17:** the defendant shall notify a probation officer within 72 hours, after becoming aware of any change in residence, employer, or workplace and, absent constitutional or other legal privilege, answer inquiries by a probation officer. You shall answer truthfully any inquiries by a probation officer, subject to any constitutional or other legal privilege.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant’s compliance with the law and deterring the defendant from future crimes.

**Discretionary Condition 18:** the defendant shall notify a probation officer promptly, within 72 hours, if arrested or questioned by a law enforcement officer.

Justification: this condition would serve to facilitate supervision by the probation officer, thus assisting in encouraging defendant's compliance with the law and deterring the defendant from future crimes. *See Kappes*, 782 F.3d at 850 (“[T]his condition assists the probation officer in monitoring the defendant's conduct and compliance with the other conditions of release, most notably, the mandatory condition that the defendant commit no other criminal offenses.”).

### **Special Conditions**

**Special Condition 3:** defendant shall, if unemployed after the first 60 days of supervision, or if unemployed for 60 days after termination or lay-off from employment, perform at least 20 hours of community service per week at the direction of the U.S. Probation Office until gainfully employed. The amount of community service shall not exceed 300 hours.

Justification: This condition would serve to support defendant's rehabilitation and reintegration into the community and ensure that the defendant is engaged in lawful pursuits rather than criminal activity.

**Special Condition 5:** defendant shall not incur new credit charges or open additional lines of credit without the approval of a probation officer unless he is in compliance with the financial obligations imposed by this judgment.

Justification: Given the nature of this white collar criminal matter and the defendant's documented history of financially fraudulent conduct, this condition is necessary to assist the Probation officer ensure that the defendant is financially responsible and not committing additional fraud offenses.

**Special Condition 6:** the defendant shall provide the probation officer with access to any requested financial information necessary to monitor compliance with conditions of supervised release.

Justification: *Id.*

**Special Condition 7:** within 72 hours of any significant change in the defendant's economic circumstances that might affect his ability to pay restitution, fines, or special assessments, he must notify the probation officer of the change.

Justification: *Id.*

**Special Condition 10:** the defendant shall pay to the Clerk of the Court any financial obligation ordered herein that remains unpaid at the commencement of the term of supervised release, at a rate of not less than 10% of the total of the defendant's gross earnings minus federal and state income tax withholdings.

Justification: this condition would ensure the defendant's compliance with the mandatory restitution provisions of 18 U.S.C. § 3663A and Guideline § 5E1.1.

**Special Condition 11:** the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

Justification: the government recommends modifying this condition to require the probation officer's—as opposed to the Court's—permission.