

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,	)	No. CR20-0174-JCC
	)	
Plaintiff,	)	
	)	MOTION FOR EARLY TERMINATION
v.	)	OF SUPERVISED RELEASE
	)	
ERIC SHIBLEY,	)	
	)	Note on Motion Calendar:
Defendant.	)	April 6, 2026

Eric Shibley, through counsel, respectfully moves this Court to terminate his remaining period of supervised release under 18 U.S.C. § 3583(e)(1) because the statutory purposes of sentencing have been fulfilled and early termination is “warranted by the conduct of the defendant and the interest of justice.”

The Probation Department does not endorse early termination. Mr. Shibley’s current probation officer, David Saelee, reported that Mr. Shibley started supervised release on May 29, 2024, and that Mr. Shibley has had no violations. As a result of the forfeiture of his home, Mr. Shibley’s restitution of \$1.4 million has been fully paid.

Ex. 1.

I. BACKGROUND AND PROCEDURAL HISTORY

On October 15, 2020, Mr. Shibley was charged by indictment with 15 counts of fraud, all related to a scheme to fraudulently obtain COVID relief funds. PSR ¶¶ 1, 7. Following a jury trial, Mr. Shibley was found guilty on all counts and sentenced to 48

1 months of custody with three years of supervised release, and this Court ordered
 2 \$1,438,000 in restitution. Dkt. 152. He started supervision in May 2024.

3 **II. WHILE ON SUPERVISED RELEASE, MR. SHIBLEY HAS COMPLIED**
 4 **WITH CONDITIONS AND LIVED A LAW-ABIDING LIFE.**

5 Since his release from prison, Mr. Shibley has fully complied with the conditions
 6 of supervised release. He has also taken some hard lessons from his experience in
 7 prison, which “changed [him] for good.” Ex. 2. Mr. Shibley has numerous special
 8 conditions, including several related to financial monitoring, mental health treatment,
 9 and drug testing and treatment if warranted. Dkt. 152. Mr. Shibley has been engaged in
 10 counseling since early July 2024 where he receives mental health treatment related to
 11 his diagnosis of posttraumatic stress disorder. Ex. 3. Given the scope of conditions,
 12 Mr. Shibley’s compliance over the last two years demonstrates his commitment to a
 13 law-abiding life.

14 **III. THIS COURT SHOULD EXERCISE ITS DISCRETION TO GRANT**
 15 **EARLY TERMINATION OF SUPERVISED RELEASE**

16 After a year of supervision for a felony offense, § 3583(e)(1) allows this Court to
 17 “terminate a term of supervised release previously ordered and discharge the defendant
 18 . . . if it is satisfied that such action is warranted by the conduct of the defendant and the
 19 interests of justice.” 18 U.S.C. § 3583(e)(1). The Ninth Circuit has stated that early
 20 termination of supervised release is not reserved for rare cases of exceptionally good
 21 behavior. Rather, “[t]he expansive phrases ‘conduct of the defendant’ and ‘interest of
 22 justice’ make clear that a district court enjoys discretion to consider a wide range of
 23 circumstances when determining whether to grant early termination.” *United States v.*
 24 *Ponce*, 22 F.4th 1045, 1047 (2022) (quoting *United States v. Emmett*, 749 F.3d 817, 819
 25 (9th Cir. 2014), which quoted 18 U.S.C. § 3583(e)(1)).

26 When deciding whether to impose, modify, or terminate supervised release,
 § 3583(e) directs courts to consider the person’s background; the need for the sentence

1 to deter criminal conduct, protect the public, and provide necessary correctional
2 treatment; the guidelines and policy statements; sentence disparities; and the need to
3 provide restitution for victims. *See* 18 U.S.C. § 3583(e) (referencing the factors in 18
4 U.S.C. § 3553(a) except the need for retribution, § 3553(a)(2)(A), and the kinds of
5 sentences available, § 3553(a)(3)). In sum, early termination of supervised release is
6 appropriate following one year of compliance where the record shows that further
7 supervision is not necessary. *Ponce*, 22 F.4th at 1047 (district court enjoys discretion to
8 consider a wide range of circumstances when determining whether to grant early
9 termination).

10 The Sentencing Commission recently revised Chapter 5, Part D, of the
11 *Guidelines Manual* to encourage exercising greater individualized discretion about
12 when and whether to modify conditions or to terminate supervision early. Amendments
13 to the Sentencing Guidelines at 32 (U.S. Sentencing Comm’n Apr. 30, 2025),
14 [https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-](https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/202505_RF.pdf)
15 [amendments/202505_RF.pdf](https://www.ussc.gov/sites/default/files/pdf/amendment-process/reader-friendly-amendments/202505_RF.pdf) [<https://perma.cc/2VBQ-3HMZ>].¹ The commentary to the
16 amendment policy statement governing modification and termination of supervision
17 includes a non-exhaustive list of factors to consider when determining whether to
18 terminate supervision early. These factors include “the ability of the defendant to
19 lawfully self-manage,” “the defendant’s engagement in appropriate prosocial activities
20 and the existence or lack of prosocial support to remain lawful beyond the period of
21 supervision,” and “a demonstrated reduction in risk level.” *Id.* at 54. The Commission
22 reasoned that “[p]eople and their circumstances may change in and after prison, such
23 that the original term and conditions may no longer be appropriate after the defendant’s
24 release. Courts are encouraged to consider modifying the terms and conditions of
25 supervised release whenever changed individual circumstances so warrant.” *Id.* at 34.

26 _____
¹ The effective date for the amendments is November 1, 2025.

A. Policy Statements of the Judicial Conference and the Sentencing Commission Support Mr. Shibley's Early Termination

The Judicial Conference of the United States offers guidance to Probation regarding early termination. It states there is a presumption in favor of recommending early termination for offenders who have been under supervision for 18 months and meet certain criteria. Those criteria were substantially revamped in 2018 to ones that “reflect[] a shift in focus from coercing a person to act lawfully to monitoring and fostering a person’s ability to self-manage lawful behavior and desire to act lawfully.” *United States v. Shaw*, 445 F.Supp.3d 1160, 1165 (D. Colo. 2020).

Monograph 109, Supervision of Federal Offenders, § 380.10 (2017 Version)	Guide to Judiciary Policy, Post-Conviction Supervision, § 360.20 (2018—Present)
(1) stable community reintegration (e.g., residence, family, employment); (2) progressive strides toward 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; (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; (9) no identifiable risk to public safety based on the Risk Prediction Index.	(1) The person does not meet the criteria of a career drug offender or career criminal (as described in 28 U.S.C. § 994(h)) or has not committed a sex offense or engaged in terrorism; (2) The person presents no identified risk of harm to the public or victim; (3) The person is free from any court-reported violations over a 12-month period; (4) The person demonstrates the ability to lawfully self-manage beyond the period of supervision; (5) The person is in substantial compliance with all conditions of supervision; and (6) The person engaged in appropriate prosocial activities and receives sufficient prosocial support to remain lawful well beyond the period of supervision.

Id. Notably, the Judicial Conference *removed* the factor of looking at an individual’s past history, instead focusing on the person’s current behavior while on supervision.

Initially, Mr. Shibley’s underlying conviction is a non-violent offense. Mr. Shibley’s risk of recidivism is particularly low given his age, education, and the type of offense for which he was convicted. Each of these factors independently

1 suggests a low risk of recidivism. *See* U.S. Sent’g Comm’n, *Recidivism Among Federal*
 2 *Offenders: A Comprehensive Overview* (May 2016), at 20; *see also* U.S. Sent’g
 3 Comm’n, *Measuring Recidivism: The Criminal History Computation of the Federal*
 4 *Sentencing Guidelines* (May 2004). Indeed, fraud defendants have the lowest rate of
 5 recidivism for any offense category. *Id.* Finally, Mr. Shibley has no other felony
 6 convictions. His only prior conviction was for a misdemeanor no-contact order
 7 violation. PSR ¶ 37.

8 Payment of restitution is often a concern with early termination of supervision in
 9 fraud cases. In this case, that concern is no longer present because restitution has
 10 already been satisfied through the forfeiture process.

11 Mr. Shibley has demonstrated the ability to “lawfully self-manage himself
 12 beyond the period of supervision” and has “engaged in proper prosocial activities and
 13 receives sufficient prosocial support to remain lawful well beyond the period of
 14 supervision.” *Id.* § 360.20(c)(4), (6).

15 **IV. CONCLUSION**

16 For the reasons presented above, Mr. Shibley respectfully requests termination
 17 of the remaining period of supervised release.

18 DATED this 23rd day of March 2026.

19 Respectfully submitted,

20 *s/ Dennis Carroll*
 21 Senior Litigator
 22 Office of the Federal Public Defender
 Attorney for Eric Shibley

23 I certify this motion contains 1,088 words in compliance with the Local Criminal Rules.
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