

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

ANDRE LEE GAINES

CRIMINAL ACTION NO.
1:21-CR-00206-JPB

MOTION TO TERMINATE PROBATION

COMES NOW Defendant, ANDRES LEE GAINES, by and through undersigned counsel, and moves this Court for an order terminating his probation in the above-referenced case, pursuant to 18 U.S.C. § 3564(c). For cause, Mr. Gaines shows the following:

(1)

Mr. Gaines began probation on October 8, 2021. (Doc. 12). On October 8, 2021, the Court sentenced him to serve five years of probation for false, fictitious, or fraudulent statement or representation to a department or agency of the United States. (*Id.*). He has served three years and nine months of the five-year term of probation without incident.

(2)

Title 18 U.S.C. § 3564(c) provides that the court may terminate a term of probation after the service of one year.

(3)

The parties disagree on the monthly restitution amount.

(4)

Under the Guide to Judiciary Policy, Vol. 8, Part E, § 360.20 “Early Termination”, subsection (c) advises that “[a]t 18 months, there is a presumption in favor of recommending early termination for persons who meet [six enumerated] criteria.”¹ Mr. Gaines meets all of them: (1) he is not a career drug offender or career criminal; (2) presents no special risk to the public; (3) has had no violations for over 12 months; (4) has shown his ability to self-manage; (5) is in compliance with conditions of supervision; and (6) is engaged in “appropriate prosocial activities and receives prosocial support to remain lawful well beyond the period of supervision.” Notably, subsection (e), indicates that “The existence of an outstanding financial penalty does not adversely affect early termination eligibility, as long as the person under supervision is in compliance with the payment plan for the prior 12 months.”²

¹ Available at: https://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-8-probation-and-pretrial-services/part-e-post-conviction-supervision/ch-3-framework-effective-supervision#360_20 (last visited July 14, 2025).

² *Id.*

(5)

The probation office, through Officer Support Specialist Jabria Seay, has informed counsel for Mr. Gaines that he has been in compliance with the terms of his probation and consents to termination at this time. The government, through Assistant United States Attorney Nathan Kitchens, consents to the termination of probation.

WHEREFORE, Mr. Gaines respectfully requests that this Court terminate his probation.

Respectfully submitted this 15th day of July, 2025.

/s/ Rosalyn Chang
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