

Patrick J. Egan (*Pro Hac Vice* pending)
Ian Comisky
FOX ROTHSCHILD LLP
Two Commerce Square
2001 Market Street, Suite 1700
Philadelphia, PA 10103
pegan@foxrothschild.com
icomisky@foxrothschild.com
Tel: 215.299.2000
Fax: 215.299.2150
Attorneys for Defendant
Gregory Scott Keough

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:23-CR-80154-DMM-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY SCOTT KEOUGH,

Defendant.

DEFENDANT’S MOTION TO MODIFY CONDITIONS OF SUPERVISED RELEASE

Defendant Gregory Scott Keough (“Mr. Keough”), by and through undersigned counsel, respectfully submits this Motion to Modify Conditions of Supervised Release (“Motion”). Keough seeks to modify his supervised release conditions to (a) become non-reporting and (b) remove the drug testing requirement, and in support thereof states as follows:

1. Mr. Keough incorporates by reference the Statement of Material Facts and Memorandum of Law in Support of Motion to Modify Conditions of Supervised Release filed contemporaneously with this Motion.

2. Courts are empowered to “modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release....” 18 U.S.C. § 3583(e)(2).

3. Courts must make an individualized assessment of the defendant’s circumstances when modifying conditions of supervised release. *See United States v. Bell*, 915 F.3d 574, 577-78 (8th Cir. 2019).

4. Courts are guided by factors noted in 18 U.S.C. § 3583(e) when evaluating modifications to supervised release conditions.

5. Pursuant to 18 U.S.C. § 3583(e), Mr. Keough moves the Court to modify the conditions of his supervised release to cease all reporting to the United States Probation Office.

6. Pursuant to 18 U.S.C. § 3583(e), Mr. Keough moves the Court to modify the conditions of his supervised release to remove the requirement that he submit to periodic drug testing.

7. The United States Probation Office has stated regarding the relief sought that they “typically do not recommend non-reporting supervision as it becomes impossible to enforce any of the standard and special conditions imposed by the court, however, it may be appropriate in this case.” *See* Declaration of Patrick J. Egan, Esq. (“Egan Declaration”) ¶ 3.

8. The United States Attorney’s Office objects to the relief sought in this Motion. *See* Egan Decl. ¶ 4.

Dated: July 1, 2025

FOX ROTHSCHILD LLP

/s/ Patrick J. Egan

Patrick J. Egan (*Pro Hac Vice* pending)

Ian Comisky

Two Commerce Square, 2001 Market Street
Suite 1700

Philadelphia, PA 19103

Tel: 215.299.2000

Fax: 215.299.2150

pegan@foxrothschild.com

icomisky@foxrothschild.com

Attorneys for Defendant

Gregory Scott Keough

Patrick J. Egan (*Pro Hac Vice* pending)
Ian Comisky
FOX ROTHSCHILD LLP
Two Commerce Square
2001 Market Street, Suite 1700
Philadelphia, PA 10103
pegan@foxrothschild.com
icomisky@foxrothschild.com
Tel: 215.299.2000
Fax: 215.299.2150
Attorneys for Defendant
Gregory Scott Keough

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:23-CR-80154-DMM-1

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY SCOTT KEOUGH,

Defendant.

STATEMENT OF MATERIAL FACTS

Pursuant to Local Rule 88.9, Defendant Gregory Scott Keough (“Mr. Keough”), by and through undersigned counsel, respectfully submits this Statement of Material Facts in support of his Motion to Modify Conditions of Supervised Release:

1. Mr. Keough pled guilty in November 2023 to two counts of wire fraud, 18 U.S.C. § 1343, and one count of money laundering, 18 U.S.C. 1957(a). *See* Judgment 1, ECF No. 60.
2. The Court sentenced him to thirty months imprisonment, followed by a three-year term of supervised release. *See* Judgment 2-3, ECF No. 60.

3. Mr. Keough voluntarily reported to prison on March 25, 2024. He was released to a halfway house on May 21, 2025, and currently is under home confinement at a rental property in Wellington, Florida. Declaration of Gregory Scott Keough (“Keough Declaration”) ¶¶ 3, 5.

4. As part of his sentence, the Court imposed several “mandatory” conditions of supervised release, among them the requirement that Mr. Keough to “submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.” Judgment 3, ECF No. 60.

5. Mr. Keough has never abused alcohol, nor experimented with any illicit drugs. *See* Presentence Investigation Report (“PSR”) 19-20 ¶¶ 86-87, ECF No. 50.

6. The Probation Office determined that Mr. Keough “pose[d] a low risk of future substance abuse.” PSR 27 ¶ 125, ECF No. 50.

7. Mr. Keough has been subjected to three drug tests since his release from prison. Keough Decl. ¶ 3. All drug tests returned negative results for the presence of illicit drugs. *Id.*

8. The Court also imposed thirteen “standard” conditions of supervised release. *See* Judgment 4, ECF No. 60.

9. Many of the standard conditions require Mr. Keough to report in some way to an officer with the United States Probation Office:

2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

...

5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you

live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

Id.

10. Finally, the Court imposed four “special” conditions of supervised release. *See* Judgment 5, ECF No. 60.

11. The special conditions: (1) prohibit Mr. Keough from associating with his partner in crime, Derek Acree; (2) requires complete financial disclosure to the Probation Office; (3) subject Mr. Keough to periodic searches of person or property; and (4) require Mr. Keough pay unpaid fines and restitution. *See id.*

12. Mr. Keough’s life is not in the United States; Ana, his wife of 30 years, is a citizen and resident of El Salvador. PSR 18 ¶ 77, ECF No. 50.

13. The couple have five children, all of whom are also El Salvadoran citizens. *Id.*

14. The family had lived in El Salvador for over two years prior to Mr. Keough’s plea, and had intended to settle in San Salvador, El Salvador permanently. *See* Keough Decl. ¶ 7.

15. Individually Mr. Keough has deep and lengthy ties to El Salvador, having originally arrived there over thirty years ago while serving in the United States Central Intelligence Agency. *See* PSR 22 ¶ 98, ECF No. 50.

16. He has lived in El Salvador intermittently for the last ten years as an authorized legal resident. *See* Keough Decl. ¶ 6. All told, he considers El Salvador his home. *Id.* ¶ 14.

17. Prior to his plea Mr. Keough was working full time in El Salvador and had adequate income to support his family. *See* PSR 20 ¶ 92, 23 ¶ 99, ECF No. 50. Mr. Keough will be able to

return to his former work should he be allowed to return to El Salvador. *See* PSR 23 ¶ 99, ECF No. 50; Keough Decl. ¶ 12.

18. The Keough family has no home and owns no property in the United States. *See* Keough Decl. ¶ 8.

19. Mr. Keough's one daughter was a college student in the U.S. but is now studying in Spain. *Id.* ¶ 9. His three brothers reside in the United States but are not local to Florida. *See* PSR 17 ¶ 75, ECF No. 50.

20. Mr. Keough's family struggles without him in El Salvador. His two youngest children are special needs—one has ADD and Dyslexia, and the youngest child has sensory processing disorder, ADHD and is currently undergoing psychiatric and psychological treatment. *See* PSR 18 ¶ 77, ECF No. 50.

21. In addition, Ana Keough's elderly father passed away unexpectedly. *See* Keough Decl. ¶ 10. As a result, she and Mr. Keough are now the primary care givers for Ana's mother, who is also a citizen of El Salvador. *Id.*

22. The Keough family is currently getting by, but they need Mr. Keough in El Salvador for emotional and financial support. *See id.* ¶ 11. Mr. Keough also needs his family to ease his transition back into civilian life. *Id.*

23. Undersigned counsel contacted Scott T. Kirsche, Supervising United States Probation Officer in this matter to seek the position of his office on this Motion. Mr. Kirsche advised that the Probation Office "typically do not recommend non-reporting supervision as it becomes impossible to enforce any of the standard and special conditions imposed by the court, however, it may be appropriate in this case." *See* Declaration of Patrick J. Egan, Esq. ("Egan Declaration") ¶ 3.

24. Undersigned counsel has been advised by Assistant United States Attorney, Katie Sadlo, that the government objects to the relief requested in this motion. *Id.* ¶ 4.

Dated: July 1, 2025

FOX ROTHSCHILD LLP

/s/ Patrick J. Egan

Patrick J. Egan (*Pro Hac Vice* pending)

Ian Comisky

Two Commerce Square, 2001 Market Street
Suite 1700

Philadelphia, PA 19103

Tel: 215.299.2000

Fax: 215.299.2150

pegan@foxrothschild.com

icomisky@foxrothschild.com

Attorneys for Defendant

Gregory Scott Keough