

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

2023 MAR 27 P 2:04

UNITED STATES OF AMERICA

v.

Case No. 1:21-cr-224-AJT

JAMES VICTOR PUNELLI,

Defendant.

**RESPONSE TO UNITED STATES ATTORNEY'S RESPONSE TO DEFENDANT'S
REQUEST FOR EARLY RELEASE FROM PROBATION**

The U.S. Attorney objects to the Defendant's motion on that basis that the Court imposed a two-year term of probation which should be fulfilled ipso facto. But that the Defendant's sentence was justified is not determinative. The basis for the Defendant's motion is 18 U.S.C. § 3564(c) – *Running of a term of probation, Early Termination*, and the criteria are whether early termination and discharge is now warranted by the Defendant's conduct and the interest of justice, after considering the factors in 18 U.S.C. § 3553(a) – *Imposition of a sentence, Factors To Be Considered in Imposing a Sentence* to the extent that they are applicable.

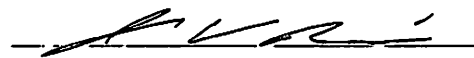
The USA asserts that the Defendant's probation does not negatively affect the Defendant's requirement for business travel. But there are clarifying factors to consider. The Defendant has invested significant time and resources on several long-term projects. This work will require international travel that may require departure on short notice, for which it will likely be difficult to obtain Court permission in a timely manner. Additionally, some projects will require long-term international travel more than one month, with the likelihood of international relocation. Should supervised release remain, it would be financially devastating to the

Defendant and severely impact the Defendant's work to establish new opportunities so as to offer the resulting benefits to the Defendant's family and community.

The USA concludes that the Defendant offers no meaningful justification for the Defendant's motion. But the USA does not address the Defendant's post-sentencing conduct and what is now in the interests of justice. There are several post-sentencing facts and matters that justify the Defendant's motion. As set out in the Defendant's motion, they include that the Defendant made full restitution payment immediately after sentencing, has scrupulously complied with the terms of parole, engages in ongoing community volunteer activities, strives to be a model citizen, and continues to engage in meaningful work. The Defendant further asks the Court to consider that the Defendant has no previous criminal history and poses no threat to the public.

For these reasons the Defendant asks the Court to decide in favor of the motion.

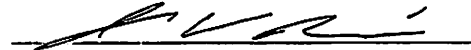
Respectfully submitted



James V. Punelli
Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2023, I electronically filed the foregoing with the Clerk of Court by hand via courier.

A handwritten signature in black ink, appearing to read 'J. Punelli', is written over a horizontal line.

James V. Punelli
Defendant