

Early Termination of Probation/Supervised Release

Many federal sentences include a period of supervision by the court – called supervised release within the federal system – after you complete your time in prison. Although courts typically won't grant early termination of supervised release automatically, it is possible to get off federal supervised release/probation early if the Court believes that you have been rehabilitated. While the decision to grant a request for early termination of supervised release lies mostly within each judge's discretion, there are some things you can do to increase your chances the judge will decide in your favor.

What is the Process of Terminating Federal Supervised Release?

The only eligibility requirement is that you complete at least one year of supervised release prior to filing a motion for early termination. Next, we can file a motion with the court outlining all the reasons why you should be granted this relief. Ordinarily, a motion will consist of the similar arguments and factors set forth in your previous sentencing memorandum. A hearing will be held where the judge will consider your arguments, arguments from the federal prosecutor, and any opinion and/or recommendation(s) from your supervising probation officer.

What will the Judge Consider?

- The court will consider **the severity of your conviction and your prior criminal history** when ruling on a motion for termination of supervised release. In addition, the court will consider the planning and sophistication of your conviction and whether you owe any outstanding restitution. If any alleged victim contests the petition, that may be very controlling in the eyes of the court.
- Your **conduct while on supervised release and any recommendation and/or objection by your supervising probation officer.** Ordinarily, the court will request information from your supervising officer about your conduct and request a recommendation to your petition.
- The reason **why you're seeking to terminate federal supervised release early.** Saying *"I just don't want to be supervised anymore," will not be enough.* To have the best chance to get off of supervision, we should give the court a good reason for seeking this remedy. Common reasons include immigration, child custody, military, employment, and any other related to personal or professional hardship.
- The judge will also consider **the "interests of justice."** In other words, the court will consider whether the negative impacts to you of being supervised outweigh the public's need for your continued monitoring.

What do I need to do?

1. **Pay all fines or restitution.** Some judges are willing to grant early termination even if you still owe money, provided you've made all payments as scheduled during your supervised release, but it is easier to make the request if you have paid all your fines and restitution. If you cannot pay your fine or restitution in full, please get caught up on all outstanding payments and continue to make an effort to pay off the money owed.
 - I have paid off my fines and restitution
 - I never had any fines or restitution owed

2. **Complete any court-ordered classes or community service.** If you were ordered to attend DUI classes, anger management classes, or community service please make sure you have completed your classes.
 - I have completed any court-ordered classes or community service
 - I never had to do court-ordered classes or community service

3. **Write a letter to give to the Court.** Please give your attorney a letter to give to the Court, the letter should make a list of all the positive changes you've made in your life since you were arrested for the offense—if you started a new job, recommitted to your family, volunteered with your children, gone back to school, ceased contact with the other individuals involved in the crime, or other positive changes in your life. Discuss how being on supervision has interfered with your ability to get or maintain employment, or, if it has prevented you from finding housing or education. Please be sure to include in the letter any reasons that may justify early termination, these could include (but not limited to) the fact that your supervision is:
 - a. Keeping you from securing gainful employment,
 - b. Preventing you from advancing or receiving a promotion at work,
 - c. Qualifying for a loan,
 - d. Getting housing, or,
 - e. Restricting necessary travel.

Write the letter addressed to the judge in your case as:

Honorable Judge JUDGE'S LAST NAME
United States District Judge
c/o Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

- I have completed the letter for the judge
4. **Gather documentation of any education, training, or rehabilitation programs you've completed since the offense.** Any additional education or official programs can be shown to

show that you are less likely to commit other offenses and no longer need the assistance of a probation officer. It can show that you are not going to commit another crime once released from probation early. You may need to collect school or work records, financial records, and medical records showing your rehabilitation. After you have gathered those documents, please give them to your attorney.

I have gotten documentation of education, training, and rehabilitation programs I've completed while on supervision

5. **Get letters of support from others.** If you have witnesses to your rehabilitation such as a boss, family member, or friend, have them write letters on your behalf to give to your attorney. They should talk about the changes they have seen in you while you have been on supervision. You can get as many letters as you would like but aim for approximately 3-5. After you have gathered those documents, please give them to your attorney.

Write the letter addressed to the judge in your case as:

Honorable Judge JUDGE'S LAST NAME
United States District Judge
c/o Office of the Federal Public Defender
Room 19-6884, Box 36106
San Francisco, CA 94102

I have gotten approximately 3-5 letters of support from others who know me well and can speak on my rehabilitation.

6. **Comply with your supervision conditions.** If you have any outstanding documents that you owe your probation officer, please make sure you catch up on your monthly reports and any other paperwork.

I am caught up on my monthly reports and have been checking in with my probation officer.

7. **Make sure your contact information is updated.** Provide your public defender with your updated contact information (email, cell phone, home phone) as well as the name and contact information for your probation officer.

Your Name:

Your Telephone Number:

Your Email Address:

Probation Officer Name:

Probation Officer Telephone Number:

What Should I do after I have Gotten Everything Together

After you have completed Steps 1-7 above, contact your original public defender or just reach out to our office for a new public defender to be assigned to your case and help you file your motion.

The contact information for the office is:

Federal Public Defender - Northern District of California
19th Floor Federal Building - Box 36106
450 Golden Gate Avenue
San Francisco, CA 94102

Telephone: 415.436.7700 | Fax: 415.436.7706

Please send this form as well as the letters and documents to the address above via US Mail or Fax.

TERMINATION/MODIFICATION OF SUPERVISED RELEASE WORKSHEET

1. NAME:
2. DATE SUPERVISED RELEASE BEGAN:
3. WHO IS YOUR PROBATION OFFICER AND DOES HE/SHE SUPPORT EARLY TERMINATION OF YOUR SUPERVISED RELEASE?
4. HAVE YOU PAID ALL FINES, RESTITUTION AND OR SPECIAL ASSESSMENTS RELATED TO YOUR CONVICTION? IF NOT, PLEASE LIST HOW MUCH MONEY YOU STILL OWE.
5. LIST ANY PROBLEMS, NO MATTER HOW SMALL, THAT YOU ENCOUNTERED ON SUPERVISED RELEASE (i.e. missed tests, late reports, etc.).
6. HAVE YOU HAD ANY CONTACT WITH LAW ENFORCEMENT WHILE ON SUPERVISED RELEASE? IF SO, PLEASE EXPLAIN.
7. LIST ANY MAJOR LIFE EVENTS THAT HAVE OCCURRED WHILE ON SUPERVISED RELEASE (i.e. marriage, divorce, birth of a child, death of a close friend or family member, purchase of a house, bankruptcy, etc.).

8. LIST ALL ADDRESSES AND THE APPROXIMATE TIME PERIODS YOU LIVED THERE WHILE ON SUPERVISED RELEASE.

9. LIST ANYTHING YOU ARE PROUD OF ACCOMPLISHING SINCE THE OFFENSE (i.e. obtained GED or degree, started a business, maintained sobriety, etc.).

10. LIST ALL EMPLOYERS AND THE APPROXIMATE TIME PERIODS YOU WORKED FOR THEM WHILE ON SUPERVISED RELEASE.

11. LIST ANY SCHOOLING OR TRAINING YOU HAVE ENGAGED IN DURING SUPERVISED RELEASE:

12. LIST ANY ACTS OF SERVICE OR CHARITY YOU HAVE COMPLETED WHILE ON SUPERVISED RELEASE.

13. IN ONE PARAGRAPH, PLEASE EXPLAIN WHY YOU BELIEVE YOUR SUPERVISED RELEASE SHOULD BE TERMINATED:

CJA 23 (Rev. 11/11) **FINANCIAL AFFIDAVIT**
 IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEE

IN THE UNITED STATES DISTRICT COURT COURT OF APPEALS OTHER (Specify below)
 IN THE CASE OF _____

FOR _____
 AT _____

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

- 1 Defendant - Adult
- 2 Defendant - Juvenile
- 3 Appellant
- 4 Probation Violator
- 5 Supervised Release Violator
- 5 Habeas Petitioner
- 7 2255 Petitioner
- 8 Material Witness
- 9 Other (Specify) _____

DOCKET NUMBERS
 Magistrate Judge
 District Court
 Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) Felony Misdemeanor

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

| | | | |
|----------------------------|---------------------|---|--|
| INCOME & ASSETS | EMPLOYMENT | Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Self-Employed | |
| | | Name and address of employer: _____ | |
| | | IF YES, how much do you earn per month? \$ _____ | IF NO, give month and year of last employment? _____ How much did you earn per month? \$ _____ |
| | | If married, is your spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | IF YES, how much does your spouse earn per month? \$ _____ | If you are a minor under age 21, what is the approximate monthly income of your parent(s) or guardian(s)? \$ _____ |
| | OTHER INCOME | Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | RECEIVED | SOURCES |
| | | IF YES, give the amount received and identify the sources \$ _____ | _____ |
| | CASH | Do you have any cash on hand or money in savings or checking accounts? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ _____ | |
| | PROPERTY | Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | | VALUE | DESCRIPTION |
| | | IF YES, give value and description for each \$ _____ | _____ |
| | | \$ _____ | _____ |
| | | \$ _____ | _____ |
| | | \$ _____ | _____ |

| | | | | |
|--------------------------------|--|---|----------------------------------|--|
| OBLIGATIONS & DEBTS | DEPENDENTS | MARITAL STATUS <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced | Total No. of Dependents _____ | List persons you actually support and your relationship to them _____ _____ _____ |
| | DEBTS & MONTHLY BILLS <i>(Rent, utilities, loans, charge accounts, etc.)</i> | DESCRIPTION | TOTAL DEBT | MONTHLY PAYMENT |
| | | \$ _____ | \$ _____ | |
| | | \$ _____ | \$ _____ | |
| | | \$ _____ | \$ _____ | |
| | | \$ _____ | \$ _____ | |

I certify under penalty of perjury that the foregoing is true and correct.

 SIGNATURE OF DEFENDANT (OR PERSON REPRESENTED) _____
 Date