

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA

vs.

Cause No. 2:12-cr-26-WTL-CMM

MARK ARNOLD,

Defendant

REPORT TO DISTRICT JUDGE

FINDINGS OF FACT AND RECOMMENDATION
ON REFERRAL OF REQUEST FOR
EARLY TERMINATION OF SUPERVISION

The United States Probation Office, by its officer, Jennifer Considine, filed a Request for Early Termination of Supervision on February 23, 2015. [Doc. 41] The Government notified the Court of its objection to the request the next day and the District Judge referred this matter to the Magistrate Judge for a hearing. That hearing was conducted March 31, 2015. The Government appeared by Assistant United States Attorney James M. Warden; the defendant appeared in person and represented himself. Ms. Considine appeared, was sworn, and presented testimony in support of the request. The Court heard the arguments of the Government and the defendant.

Based upon the record, the Magistrate Judge makes the following findings of undisputed fact:

1. The defendant, Mark Arnold, was convicted of making a false statement in connection with acquisition of a firearm, a felony, and was sentenced by U. S. District Judge William T. Lawrence on February 4, 2013. Arnold was sentenced to 12 months and one day imprisonment and two years of supervised release. He also was assessed a \$500 fine.

2. Arnold served approximately six months of his sentence and then was assigned to a re-entry center. Supervision by the U. S. Probation Office commenced February 7, 2014.

3. As of the date of the hearing, Arnold successfully had completed nearly 14 months of supervision. He made a successful reintegration into the community by maintaining a stable residence and employment. He currently is employed by Coldwell & Company in Terre Haute. He works full-time. He is current on his financial obligations, including child support. He is involved in community and church activities.

4. He is and has remained in compliance with supervision conditions. He paid the \$500 fine. He has not been involved in any known criminal conduct during the term of supervision and there is no evidence of illegal drug or alcohol abuse. There is no evidence of any risk to the safety of any identifiable victim or to the general public.

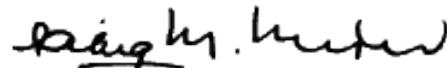
The Court further finds that, pursuant to 18 U.S.C. §3583(e)(1), a Court may terminate a term of supervised release after expiration of one year of supervision if satisfied that such action is warranted by the conduct of the offender and in the interest of justice. The Government objects to the early termination because the two-year term of supervision was part of the punishment determined by the Court in its original sentence. The Government argues that because the defendant was convicted of a crime of dishonesty and was ultimately sentenced at less than the Sentencing Guidelines calculation that the defendant should serve the full sentence originally imposed, including the full supervised release period.

Recommendation

The Magistrate Judge is satisfied with the recommendation of the Probation Officer who has observed first hand the defendant's actions while on supervised release and to assess the propriety of early termination of supervision. Such a release would be consistent with the

statutory guidance that identifies offender conduct and the interests of justice as the critical factors in exercising discretion regarding early termination of supervision. Based upon the undisputed facts and the applicable law, the undersigned recommends to the District Court that the Request for Early Termination of Supervision be granted.

Dated: April 1, 2015



CRAIG M. MCKEE, Magistrate Judge
United States District Court
Southern District of Indiana

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Jennifer Considine, USPO