

United States District Court
For The District of Columbia

United States of America,

v.

Jennifer Parks,

Defendant.

Case No. 21-cr-363 (CJN)

Motion for Early Termination of Probation

Pursuant to 18 U.S.C. § 3564(c), Jennifer Parks, through undersigned counsel, respectfully moves this Court to terminate her term of probation early. Since the imposition of a 24 month period of probation, which began on December 8, 2021, Mrs. Parks has done well on supervision, has had no violations, and has completed her special conditions of probation. The government indicates it “takes no position on this request.” Mrs. Parks’ supervising officer does not oppose early termination of her probation. For the reasons discussed below, termination of Mrs. Parks’ probation is warranted by her good conduct and in the interest of justice.

I. Relevant Background

Mrs. Parks pleaded guilty to one count of Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. § 5104 (e)(2)(G). On December 8, 2021, she was sentenced to 24 months’ probation with the special conditions that she pay \$500 in Restitution and that she complete 60 hours of community service within the first 6 months of her supervision. *See* Judgment ECF

No. 31. To this date, Mrs. Parks has completed her special conditions of probation and has no further court ordered obligations.

II. Legal Standard

Under 18 U.S.C. § 3564(c), the court, after considering the factors set forth in section 3553(a), may “terminate a probation previously ordered and discharge the defendant at any time in the case of a misdemeanor....if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.” According to the Federal Rules of Criminal Procedure, the court may modify the conditions of probation without a hearing as long as motion is favorable to the defendant and as long as the U.S. Attorney has received notification. Fed. R. Crim. Pro. 32.1(b).

The specified § 3553(a) factors to consider include: the nature and circumstances of the offense and the history and characteristics of the defendant; the need for the sentence imposed to afford adequate deterrence, to protect the public from the defendant, and to provide the defendant with needed educational or vocational training; the Sentencing Guidelines; the need to avoid unwarranted sentencing disparities; and the need to provide restitution to any victims. 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), (a)(7).

III. Argument

Early termination of Mrs. Parks’ probation is warranted by her conduct and the interests of justice.

First, the relevant § 3553(a) factors support early termination of Mrs. Parks' probation. After being sentenced, Mrs. Parks took seriously the terms of her probation and worked diligently to complete all 60 hours of her court ordered community service as well as payment of the \$500 Restitution required by her plea agreement and ordered by the Court. According to her probation officer, Mrs. Parks is in good standing with the probation office, has maintained a stable residence, reports as directed, has no outstanding fines or fees and has completed her community service. Furthermore, her officer has confirmed she has not had any issues with noncompliance and the office does not have any concerns regarding her supervision.

Mrs. Parks still continues to reside in Kansas City with her husband. She also continues to care for her mother and her grandchildren. She has been supervised by the United States Probation Office in Kansas City, Kansas.

Second, there is no indication that Mrs. Parks will re-offend. Ever since the instant offense, she has completely distanced herself from politics and has not reengaged in any similar behavior. The offense conduct was outside of her character and time on supervision has proven that to be true.

Third, Mrs. Parks has now successfully more than 18 months' of her probation, which is the critical period during which most problems arise. Her compliance and absence of recidivism matches with the recent data obtained from the United States Sentencing Commission that indicated that individuals in

criminal history category one had the lowest rearrest rates by a significant degree when compared to offenders who had criminal histories.¹

In fact, studies show that terminating an offender's supervision early does not compromise community safety, and it saves a significant amount of judicial resources. Laura M. Baber & James L. Johnson, *Early Termination of Supervision: No Compromise to Community Safety*, Fed. Prob. 17, 21 (Sept. 2013) (“[T]he attributable cost avoidance [of early termination] is significant.”)²; see also U.S. Courts, *Early Termination of Supervision Cost-Effective & Safe*, U.S. Courts (Sept. 24, 2013) (explaining that early termination saves time, money, and resources).³ In 2013, a report by the AO concluded “that offenders granted early termination under the current policies pose no greater danger to the community than offenders who serve a full term of supervision.” Baber & Johnson at 20.

Accordingly, the AO's Judicial Conference Committee on Criminal Law encourages courts and probation officers to consider early termination of supervision in cases just like this one: where “the conditions of supervision have been met, and the offender has successfully reintegrated into the community and does not pose a foreseeable risk to public safety in general or to any individual third-party.” John M. Hughes, *Mem. to All Chief Probation Officers on New Criteria*

¹ See *United States Sentencing Commission*, Recidivism of Federal Offenders Released in 2010, September 20, 2021, available at <https://www.ussc.gov/research/research-reports/recidivism-federal-offenders-released-2010>

² Available at https://www.uscourts.gov/sites/default/files/77_2_2_0.pdf.

³ Available at <https://www.uscourts.gov/news/2013/09/24/early-termination-supervision-cost-effective-and-safe>.

for Accessing Early Termination of Supervision (Oct. 30, 2002); *see also* Baber & Johnson at 17 (explaining Judicial Conference policies “encourage[] probation officers to seek early termination as soon as offenders [are] statutorily eligible if the offender ha[s] satisfied the conditions of supervision, ha[s] successfully reintegrated into the community, and d[oes] not pose a foreseeable risk to public safety generally or to any individual third party”). As discussed above, Mrs. Parks meets these criteria.

Courts should “align [their] resources effectively to address those cases that are more complex and pose the greatest risks to community safety, while reducing expenditures in less complex and lower risk cases when it is prudent to do so.” Hon. Robert Holmes Bell, *Mem. on Cost-Containment Strategies Related to Probation and Pretrial Services Offices* (Feb. 16, 2012). Time and money spent supervising Mrs. Parks should instead go towards providing reentry support to those with greater needs. Mrs. Parks has shown that she does not require any further supervision.

Lastly, the interests of justice support early termination. Mrs. Parks was on pre-trial supervision for 8 months prior to being sentencing and has served an additional 19 months of supervision while on probation. Her total 27 months’ supervision has restricted her liberty. She has accepted responsibility for her crime and served her sentence perfectly. There is no longer any need for any further restrictions of Mrs. Parks’ liberty.

Conclusion

For the foregoing reasons, Mrs. Parks respectfully requests that the Court grant this motion, terminate her term of probation, and discharge her.

Respectfully submitted,

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FEDERAL PUBLIC DEFENDER

/s/
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