

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 v. : **21-CR-155 (ABJ)**
 :
JACOB HILES, :
 :
 Defendant. :
 :

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION FOR
EARLY TERMINATION OF SUPERVISED RELEASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this opposition to the Defendant Jacob Hiles’s Motion for Early Termination of Supervised Release. In support thereof, the United States submits the following:

1. This Court sentenced the Defendant to twenty-four (24) months of Supervised Release on December 6, 2021, following the Defendant’s guilty-plea to Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C § 5104(e)(2)(G). Hiles has therefore completed approximately half of his sentence. The Government understands that Mr. Hiles has been in full compliance with the conditions of his Supervised Release and paid restitution.

2. Although the Government does not object to the characterizations of the Defendant’s conduct regarding his interactions with law enforcement, the Court was fully aware of that factor at the time it imposed the sentence. Moreover, as the Court indicated during the sentencing hearing, the extent of the Defendant’s good behavior factored significantly into the Court’s assessment of the § 3553(a) factors and ultimate determination that 24 months of Supervised Release was the appropriate sentence. Likewise, the Government’s willingness to

offer a misdemeanor plea and argue in favor of a probationary sentence was based in large part on the Defendant's interactions with law enforcement following January 6th.

3. The Defendant states that the Court indicated during the sentencing hearing that it would entertain a motion for early termination of probation. That is not exactly accurate. In discussing the standard condition that the Defendant not possess a firearm, the Court rejected the Defendant's argument that the Court modify that condition to allow him to possess firearms. The Court followed up, however, that the Court would entertain a motion to modify *that condition* if the Defendant could provide authority to support the modification. The Defendant has provided no such authority.

4. Although "new or unforeseen circumstances" or unusually good behavior while on supervision is not a prerequisite for the Court to terminate Supervised Release early, such a consideration makes sense in the context of the Defendant's Motion. *See generally United States v. Harris*, 258 F. Supp. 3d 137, 149 (D.D.C. 2017) (citations omitted); *cf. generally United States v. Davies*, 746 Fed. App'x 86, 89 (3d Cir. 2018) (unpublished) ("Generally, early termination of supervised release under § 3583(e)(1) should occur only when the sentencing judge is satisfied that 'new or unforeseen circumstances' warrants it.") (*citing United States v. Lussier*, 104 F.3d 32, 34-35 (2d Cir. 1997)). Here, apart from the Defendant's compliance with Supervised Release—compliance that should be expected as the baseline—the Defendant has not proffered any argument that undercuts the bases for the Court's original sentence.

5. Accordingly, although the Defendant's compliance and good behavior is commendable, the ends of justice are not served by allowing the Defendant to evade the Court's original sentence.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2023, I caused a copy of the foregoing motion to be served on counsel of record via electronic filing.

/s/ Christopher R. Howland
Christopher R. Howland
Assistant United States Attorney