

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

UNITED STATES OF AMERICA	:	
	:	No. 22-cr-30 (TJK)
	:	
v.	:	
	:	
ROBERT THOMAS SNOW,	:	
	:	
<i>Defendant.</i>	:	

DEFENDANT’S MOTION FOR EARLY TERMINATION OF PROBATION

Defendant, Robert Thomas Snow, by and through his undersigned counsel, seeks an Order terminating his probation, and states as follows:

1. On January 4, 2022, Mr. Snow voluntarily surrendered to the Federal Bureau of Investigation (“FBI”) on an Arrest Warrant relating to misdemeanor offenses and was processed at the United States District Court for the Eastern District of Arkansas, where he was shackled. An initial presentment was held that day and Mr. Snow was released on his personal recognizance, where the assigned judge refused to grant all of the Government’s requested conditions of release given Mr. Snow’s complete absence of a criminal history. On January 11, 2022, Mr. Snow appeared before Magistrate Judge G. Michael Harvey by video, where he was again permitted to remain on his personal recognizance.

2. On March 24, 2022, Mr. Snow entered a guilty plea to one count of Parading, Demonstrating, or Picketing in a Capitol Building, a petit misdemeanor offense, in violation of 40 U.S.C § 5104(e)(2)(G), which carries a maximum period of incarceration of six months. At the conclusion of that proceeding, Mr. Snow was permitted to remain on his personal recognizance.

3. As discussed at his sentencing, while inside the U.S. Capitol, Mr. Snow did not break, damage, or steal any property; hurt, injure, accost, or threaten law enforcement (or anyone else); go into any private office space or proceed to the well of the House or the Senate. Mr. Snow was not involved in planning or leading any of the activities that the crowd was engaged in on January 6, 2021, nor was he associated with any of the groups reported to be responsible for aspects of what occurred that day.

4. At 78 years of age, prior to his misdemeanor conviction in this case, Mr. Snow had no criminal history, had never been arrested before, and had been in full compliance with his conditions of release. Prior to being arrested, Mr. Snow fully cooperated with law enforcement at all stages of its investigation, including, but not limited to: (i) giving multiple interviews to FBI agents and full statements accounting to his presence inside the U.S. Capitol; and (ii) providing his cellphone and an item worn on January 6, 2021 to law enforcement without a search warrant. Following his arrest and arraignment, Mr. Snow moved up his status hearing so that he could enter a guilty plea *earlier* than originally anticipated in this matter.

5. As set forth in his Presentence Report (“PSR”), Mr. Snow is practically blind in his left eye due to a macular hole, suffers from retina bleeding, and has cataracts in both eyes. Mr. Snow also suffers from arthritis conditions due to his age, which affects his back, hips, and legs. He also suffers extreme pain with shoulder disjoints (from a prior injury) and has a significant heart condition. In August 2016, he suffered a heart attack due to atherosclerosis in three arteries, which resulted in damage to the mitral valve. He underwent an angioplasty to place three stents in affected arteries. *See* PSR, ¶¶ 54-56 (detailing Mr. Snow’s failing medical condition).

6. On July 7, 2022, this Court sentenced Mr. Snow to one-year of probation, with requirements that he complete 60 hours of community service, pay a special assessment of \$10.00,

and pay restitution in the amount of \$500.00. During the sentencing hearing, the Court advised Mr. Snow that if he made his required payments and met his community service obligations, the Court would entertain a motion for early termination of probation.

7. Mr. Snow reports that on July 7, 2022, following the sentencing hearing, he paid his special assessment and required restitution to the Clerk of the Court. A receipt for both payments was provided to U.S. Probation and the assigned U.S. Probation officer confirmed that the required payments were made.

8. Mr. Snow reports that he has also completed the required 60 hours of community service (performed with the Cleburne County Road Department) and that a community service sheet provided by United States Probation was completed and signed by the supervising official for the community service entity.

9. Undersigned counsel sent the assigned U.S. Probation Officer the completed community service report and noted that the pending motion for early termination would be filed. On August 12, 2022, the assigned U.S. Probation officer confirmed receipt of the community service confirmation and undersigned counsel's correspondence.

10. Currently, Mr. Snow is in full compliance with his supervision requirements as he was during the term of his pretrial release in this matter.

11. Accordingly, given the exemplary actions undertaken by Mr. Snow to expeditiously make full restitution and complete 60 hours of community service and consistent with the Court's statements at sentencing, Mr. Snow respectfully requests that his probation be terminated.¹

¹ Consistent with his prior representations to the Court, Mr. Snow underwent macular hole retina surgery on August 11, 2022, wherein he is currently restricted from any significant movement for a period of time. Mr. Snow's second eye surgery is tentatively scheduled for August 31, 2022, subject to an evaluation of Mr. Snow's eyesight from his most recent surgery.

12. To the extent the Court grants the instant motion, Mr. Snow also respectfully requests that his passport be returned to him as it was surrendered by him to U.S. Probation in Arkansas as part of the imposition of his release conditions in this case.

Dated: August 15, 2022

Respectfully submitted,

s/ Christopher Macchiaroli

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