

1 STEVEN G. KALAR
 Federal Public Defender
 2 JODI LINKER
 Assistant Federal Public Defender
 3 450 Golden Gate Avenue
 San Francisco, CA 94102
 4 Telephone: (415) 436-7700
 Telefacsimile: (415) 436-7706
 5
 Counsel for Defendant STIPULATION
 6

7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
 11

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 MICHAEL SANTOS,)

16 Defendant.)

Case Nos. CR-13-0785 & 13-0786

STIPULATION AND [~~PROPOSED~~]
 ORDER FOR EARLY TERMINATION OF
 SUPERVISED RELEASE

17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

1 Defendant Michael Santos was sentenced to a total of 45 years in custody in two cases out
2 of the Western District of Washington, Case Nos. 87-122 and 88-034, both related to multiple
3 drug offenses.¹ He was also sentenced to a term of four years of supervised release for multiple
4 drug related convictions. After serving of 25 years in federal custody, Mr. Santos commenced
5 his term of supervision on August 12, 2013. Because he was released to a halfway house in San
6 Francisco to be near his wife, his cases were transferred to the Northern District of California in
7 December 2012. Having successfully completed more than one year of supervision in an
8 exemplary and extraordinary fashion, Mr. Santos now seeks early termination of his supervised
9 release. The United States Probation Office supports this request for early termination and the
10 government has no opposition to this request.

11 Under 18 U.S.C. Section 3583(e), the Court has authority to grant early termination of a
12 previously imposed term of supervised release. Section 3583(e)(1) provides:

13 (e) Modification of conditions or revocation.— The court may, after considering the
14 factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6),
and (a)(7) –

15 (1) terminate a term of supervised release and discharge the defendant released at
16 any time after the expiration of one year of supervised release, pursuant to the
17 provisions of the Federal Rules of Criminal Procedure relating to the modification
of probation, if it is satisfied that such action is warranted by the conduct of the
18 defendant released and the interest of justice.

19
20 ¹Specifically, in Case. No. 87-122, Mr. Santos was convicted and sentenced as follows:
21 one count (count 1) of 21 U.S.C. § 848 for a sentence of 35 years and a \$500,000 fine; seven
22 counts (counts 4, 5, 6, 11, 14, 15 & 16) of 21 U.S.C. § 841(a) for a sentence of 15 years; one
23 count (count 9) of 18 U.S.C. § 371 and 1952(a) for a sentence of 5 years to run concurrently with
all other counts; two counts (counts 10 & 17) of 21 U.S.C. § 843(b) for a sentence of 4 years to
24 run concurrently with all other counts; five counts (counts 13, 18, 19, 20 & 21) of 18 U.S.C. §
1952(a) for a sentence of 5 years to run concurrently with all other counts, for a total sentence of
35 years in this case.

25 In Case No. 88-34, Mr. Santos was convicted and sentenced as follow: one count (count
26 1) of 21 U.S.C. § 846 for a sentence of 8 years; two counts (counts 2 and 4) of 21 U.S.C. §§
841(a) & 841(b)(1)(C) for a sentence of 8 years to run concurrently with all other counts; one
27 count (count 3) of 21 U.S.C. §§ 841(a) & 841(b)(1)(B) for a sentence of 8 years to run
concurrently with all other counts; and two counts (counts 23 and 24) of 18 U.S.C. § 1623 for a
28 sentence of 2 years to run consecutively with all other counts, for a total sentence of 10 years and
four years of supervised release to follow in this case.

The term of imprisonment in each case was run consecutively, resulting in a total
sentence of 45 years of imprisonment.

1 18 U.S.C. § 3583(e)(1). Pursuant to Federal Rule of Criminal Procedure 32.1(c)(2)(C), the Court
2 may grant early termination without a hearing in a case such as this where the defendant waives a
3 hearing, the relief sought is favorable to the defendant and the government does not object after
4 notice.

5 According to U.S. Probation Officer Cristopher Taylor, Mr. Santos has done
6 exceptionally well while on release. The attached letter Mr. Santos wrote to the U.S. Attorney's
7 office explain how much he has changed since his offense conduct, the education and
8 employment opportunities he has worked so hard to obtain, and why he is seeking early
9 termination of his supervision. The attached article from the San Francisco Chronicle also
10 explains a bit about Mr. Santos's unique and inspirational story.

11 Based on Mr. Santos' successful performance on supervised release, he hereby requests
12 that this Court terminate his supervised release forthwith pursuant to 18 U.S.C. Section 3583(e).
13 The government has no opposition to that request. Mr. Santos waives his right to a hearing on
14 this matter and requests that the Court grant the parties' stipulation without hearing.
15 Should the Court have any questions about Mr. Santos' performance on supervised release and
16 the basis for the request for early termination, the parties have no objection to the Court
17 contacting USPO Cristopher Taylor directly.

18 IT IS SO STIPULATED.

19
20 8/12/14 _____
DATED

/s/
KIMBERLY HOPKINS
Assistant United States Attorney

21
22
23 8/12/14 _____
DATED

/s/
JODI LINKER
Assistant Federal Public Defender

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

For good cause shown, and based on the stipulation of the parties, the Court ORDERS that defendant Michael Santos' terms of supervision in Case No. 13-785 and Case No. 13-786 are hereby terminated forthwith.

IT IS SO ORDERED.

8/12/14

DATED



SUSAN ILLSTON
United States District Judge