

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

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MOTION TO AMEND CONDITIONS OF RELEASE

The Defendant, by and through undersigned counsel, hereby moves to amend her conditions of release, so as to authorize the United States Probation Officer who supervises the Defendant's supervised release to allow the Defendant to participate in and complete a long-term residential substance abuse program as recommended and directed by the probation officer. In support thereof, undersigned counsel states as follows:

1. On July 12, 2010, a hearing was held on Defendant's violations of the conditions of her supervised release; said terms and conditions are set forth in the Court's Judgment filed November 30, 2006. The Defendant was found to have violated the terms and conditions of her supervised release, and the Defendant's supervised release was revoked.

2. The Court further ordered on July 12, 2010, that the Defendant be sentenced to 48 days imprisonment, and shall be given credit for time previously served. Supervised release was reimposed for a period of 34 months on the same terms and conditions previously imposed plus the following: Defendant is to

enroll in the Swain Recovery Center in Black Mountain, North Carolina, a 42-day program, by 12:00 noon on July 15, 2010. Between any time of release and entry into this program, the Defendant is to remain in the custody of [REDACTED] at the address and telephone number provided to the United States Probation Officer. The Defendant may elect to extend the program with Swain Recovery Center up to 90 days with consent of the recovery center.

Upon completion of the Swain Recovery Center, the Defendant is to immediately enroll in the First Step Farms Program in Chandler, North Carolina. During any period between completion of Swain Recovery Center and First Step Farms, the Defendant is to comply with all terms and conditions of house arrest, to include location monitoring if deemed necessary by the United States Probation officer at an address determined by the United States Probation office. The Defendant is to pay for said location monitoring. Upon completion of the First Step Farms Program, the Defendant will remain on supervised release on the terms and conditions previously imposed. Defendant is to pay for any and all costs of treatment at Swain Recovery Center.

3. The Defendant advised undersigned counsel, on August 11, 2010, that she would be completing her 42-day residential treatment on August 26, 2010, at Swain Recovery Center. She further advised that she would not be extending her treatment at Swain Recovery Center because she did not have the needed economic funds.

Additionally, the Defendant advised that, at this point, due to her child support obligations she is unable to participate in the long term residential treatment at First Step Farms. However, [REDACTED] informed undersigned counsel that she has been interviewed by Empowering Inc., Women of Substances, located at 319 Orris Camp Road, Hendersonville, North Carolina. Empowering Inc., Women of Substances is a long-term residential program similar to First Step Farms. The program has mandatory completion of a 90-day treatment program and offers an extension of treatment program. [REDACTED] intends to remain at Empowering Inc., Women of Substances for a period of twelve months. [REDACTED] was interviewed by [REDACTED], Chief Executive Officer of Empowering Inc., Women of Substances. See Attached Exhibit A. Undersigned counsel spoke to [REDACTED] on August 12, 2010. [REDACTED] advised that [REDACTED] had been offered enrollment at her agency and that [REDACTED] [REDACTED] could report to Empowering Inc., Women of Substances upon completion of Swain Recovery Center on August 26, 2010.

4. Undersigned counsel contacted United States Probation Officer [REDACTED]. [REDACTED] advised that the Defendant has complied with her conditions of release and that Defendant had contacted her regarding the issues with Swain Recovery Center and First Step Farms. [REDACTED] has no objection to the proposed modification of the Defendant's conditions of supervised release, and recommends that the order be amended to state that [REDACTED] participate in and complete a long-term residential substance abuse

program as recommended and directed by the probation officer.

██████████ informed counsel that ██████████, United States Probation Officer of the Western District, will eventually supervise Defendant. Ms. ██████████ has spoken twice to ██████████.

5. Undersigned counsel contacted Assistant United States Attorney ██████████, who advised that the Government does not object to the proposed modification of the Defendant's terms and conditions of supervised release.

WHEREFORE, the Defendant hereby moves for an order authorizing the United States Probation Officer who supervises Defendant to allow Defendant to participate in and complete a long-term residential substance abuse program as recommended and directed by said probation officer. All other terms and conditions of release imposed by this Court's oral order of July 12, 2010, and written order of July 14, 2010, shall remain in effect.

Respectfully submitted this the 16th day of August, 2010.

LOUIS C. ALLEN III
Federal Public Defender

/s/ Mireille P. Clough
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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2010, I electronically filed the foregoing Motion to Amend Conditions of Release with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

[REDACTED]
Assistant United States Attorneys
101 South Edgeworth Street
Greensboro, NC 27401

Ms. Karen Tremblay
Senior United States Probation Officer
2330 Broad Street
Durham, North Carolina 27704

Respectfully submitted,

/s/ Mireille P. Clough
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