

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
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v. :
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DEFENDANT'S MOTION TO ESTABLISH HEARING DATE

NOW COMES [REDACTED] Assistant Federal Public Defender and counsel of record for the defendant [REDACTED] and moves the Court to expedite the setting of a Hearing on the Petition for Revocation of Supervised Release in this matter, filed on April 16, 2002. The basis for this motion is that the defendant has already served more than the recommended minimum term of imprisonment that would apply if his supervised release is revoked. [REDACTED] has already served approximately 7 months in custody, has been transferred on numerous occasions between different federal installations, and has suffered physical hardship as a result of the interruption of his medication as a consequence of his having been frequently moved. In further support of this motion counsel for the defendant states as follows:

1. [REDACTED] was originally sentenced on [REDACTED] [REDACTED], to 18 months imprisonment followed by 3 years supervised release upon his conviction for mail fraud. His original

sentence was imposed by the United States District Court for the Western District of Michigan.

2. His supervision commenced on [REDACTED].

3. On June 15, 2001, jurisdiction of [REDACTED] case was transferred to the United States District Court for the Middle District of North Carolina.

4. On [REDACTED], a supervised release violation report issued from the U.S. Probation Office for the Western District of Michigan, citing multiple alleged violations of conditions of supervision.

5. On [REDACTED], the United States District Court for the Western District of Michigan ordered the defendant to undergo a psychological evaluation for the purpose of determining his mental competence to participate in the revocation proceedings.

6. The psychological evaluation was concluded on or about [REDACTED], however information regarding the transfer of jurisdiction in this case to the Middle District of North Carolina had not been forwarded to the Federal Medical Center at Butner, North Carolina. [REDACTED] was consequently returned to the Western District of Michigan. As a result of either miscommunications or clerical errors [REDACTED] was moved to numerous federal installations before arriving in the Middle District of North Carolina.

7. [REDACTED] has been receiving medication for previously diagnosed post-traumatic stress disorder and depression. His medication has been interrupted each time he has been moved during recent months which has caused him to experience symptoms of withdrawal, and exacerbation of some of his symptoms.

8. The recommended guideline imprisonment range should the allegations of supervised release violations be sustained and supervision revoked, is 5-11 months. As noted previously [REDACTED] [REDACTED] has already served approximately 7 months in custody.

9. Counsel for the defendant believes that [REDACTED] prolonged stay in local custody, without necessary treatment of his underlying psychological condition, will ultimately prove to be detrimental to [REDACTED] prospect for recovery.

WHEREFORE counsel for the defendant respectfully requests that the Court expedite the scheduling of the Hearing on the Petition for Revocation of Supervised Release in this case.

Respectfully submitted this the ____ day of [REDACTED].

[REDACTED]
Federal Public Defender

[REDACTED]
Assistant Federal Public Defender
North Carolina State Bar No. [REDACTED]
101 S. Elm Street, Suite 210
Greensboro, NC 27401
(336) 333-5455

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing motion upon, [REDACTED], Assistant United States Attorney for the Middle District of North Carolina, P.O. Box 1858, Greensboro, North Carolina, 27402, by hand-delivering or by mailing a copy of the same.

This the ____ day of [REDACTED].

[REDACTED]
Assistant Federal Public Defender