

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 2:13-cr-79-FtM-38DNF

KEVIN MARTELLO

ORDER¹

Before the Court is Defendant Kevin Martello's Unopposed Motion to Modify (Terminate) Supervised Release. ([Doc. 58](#)). Martello moves for an early termination of his three-year term of supervised release under Federal Rule of Criminal Procedure 32.1 and 18 U.S.C. § 3583(e)(1), and the Government does not object.

In June 2014, the Court sentenced Martello to twenty months' imprisonment and three years' supervised release for possessing cocaine with the intent to distribute. ([Doc. 52](#)). Martello has served the prison sentence, but he remains on supervised release until November 2018. He moves for early termination of his supervised release because he "has lived a law-abiding life since being released from incarceration and his over two years transition period into society has been successful." ([Doc. 58 at 4](#)). Martello represents that his probation officer believes him to have "overall compliant with his conditions of supervised release, and has maintained suitable stable residence." ([Doc. 58 at 2](#)).

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A district court may order early termination of supervised release at any time after one year of the supervised release, provide it is “warranted by the conduct of the defendant released and the interests of justice” and after considering the factors in [18 U.S.C. § 3553\(a\)](#). See [18 U.S.C. § 3583\(e\)\(1\)](#). A court has broad discretion to grant early termination. See [United States v. McClamma](#), 548 F. App’x 598, 599 (11th Cir. 2013). But “early termination is not warranted as a matter of course; on the contrary, it is only occasionally justified due to changed circumstances of a defendant, such as exceptionally good behavior.” [United States v. Reisner](#), No. 4:06-cr-077-SPM, 2008 WL 3896010, at *1 (N.D. Fla. Aug. 20, 2008) (internal quotation and citation omitted).

Here, Martello’s conduct and the interests of justice warrant early termination of his supervised release. He has served over two-thirds of his supervised release period, during which he has maintained a stable and acceptable residence as required. He also owns and operates a property maintenance company. Also, neither the Government nor the United States Probation Office oppose early termination. The Court thus grants his motion.

Accordingly, it is now

ORDERED:

Defendant Kevin Martello’s Unopposed Motion to Modify (Terminate) Supervised Release ([Doc. 58](#)) is **GRANTED**.

DONE AND ORDERED at Fort Myers, Florida, this 29th day of March 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record