

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	NO. 4:14-MJ-00773-1
	§	
ANDREW CECIL EARHART SCHNECK	§	Hon. Judge Nancy K. Johnson
	§	

**UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE**

**TO THE HONORABLE NANCY K. JOHNSON, UNITED STATES MAGISTRATE JUDGE:**

1. Andrew Cecil Earhart Schneck (“Schneck”), through counsel, moves this Court for an order terminating Schneck’s term of supervised release pursuant to 18 U.S.C. § 3583(e)(1) and Fed. R. Crim. P. Rule 32.1. Schneck has successfully completed 28 months of his 60-month sentence of supervised release. Early termination of supervised release is warranted due to Schneck’s exemplary post-conviction adjustment and conduct, including completing discharging the financial obligations related to this case.

2. The United States is not opposed to the early termination of Schneck’s supervised release. Houston Probation Office has indicated that they would defer to Schneck’s prior office of supervision for a position on this motion. Plano Probation Office has declined to take a position on this motion, but is available to provide information regarding their supervision if requested by the Court.

**Background**

3. Schneck plead guilty to one count of storing an explosive in a manner not in conformity with regulations, Title 18 U.S.C. §§ 842(j) and 844(b), and was sentenced on August

7, 2014. Schneck was sentenced to five (5) years of supervised release, assessment of \$25.00, and restitution of \$159,087.05. Dkt [5].

### Legal Standards

4. A defendant may seek a modification to a term of supervised release. *See* 18 U.S.C. § 3583(e)(1); *United States v. Jeanes*, 150 F.3d 483, 484 (5th Cir.1998). Upon motion, a court may terminate a term of supervised release after one year of supervised release if the interest of justice and the defendant's conduct warrant it. *See* 18 U.S.C. § 3583(e)(1). 18 U.S.C. § 3583(e)(1) authorizes the Court, after considering the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), to terminate supervised release at any time after the expiration of one year, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice. 18 U.S.C. § 3583(e)(1).

5. “[T]he court to take into account a variety of considerations, including the nature of the offense and the history of the offender, as well as any implications for public safety and deterrence.” *United States v. Jeanes*, 150 F.3d 483, 484 (5th Cir.1998). The Supreme Court has explained that “Congress intended supervised release to assist individuals in their transition to community life,” such that “[s]upervised release fulfills rehabilitative ends, distinct from those served by incarceration.” *United States v. Johnson*, 529 U.S. 53, 59 (2000); *see also Jeanes*, 150 F.3d at 485 (“The supervised release term serves a broader, societal purpose by reducing recidivism.”).

6. The Fifth Circuit has noted that Section 3583(e)(1) “confers broad discretion” on a district court. *Jeanes*, 150 F.3d at 484. The procedure to modification to a term of supervised release is found in Rule 32.1. *United States v. Boston*, 419 Fed. Appx. 505, 506 (5th Cir. 2011).

Before modifying the conditions of supervised release, the court must hold a hearing, except when the person waives the hearing, the relief sought is favorable, and does not extend the term of supervised release or the Government does not object to the relief sought. *See* Fed. R. Crim. P. 32.1.

**Justification**

**Early Termination of Schneck's Supervised Release is Warranted by his Conduct and is in the Interest of Justice.**

7. Schneck's conduct during his term of supervised release has been of exemplary character such as to warrant early termination. Schneck devoted himself to his education and was awarded a Bachelor of Arts from Austin College, majoring in Chemistry with a minor in Classics. Prior to completing his education, he expanded his course work to include computer science instruction. As the Court is aware, Schneck overcame significant hurdles to complete this portion of his education. This achievement is a result of personal growth and highlights that supervised release has fulfilled its rehabilitative ends. Over the term of his supervised release, Schneck has matured and his focus is no longer concentrated on high-risk activities. Schneck is currently evaluating employment and educational opportunities with the desire to obtain an advanced degree where he hopes to study chemical reactions using cutting-edge computer learning software.

8. Schneck has, as is expected of him, faithfully adhered to all of the conditions of his sentence of supervised release. He has committed no new crimes, not unlawfully possessed a controlled substance, and completed his financial obligations.

9. Schneck is not a risk to public safety nor is there a history of violence.

10. The early termination of supervised release in this case is sought for the purpose of advancing Schneck in transition to community life. Early termination would mark the end to

this chapter in his story, giving him the opportunity to move past this mistake. It would signal to Schneck's friends, family, potential employers, and educational institutions that he has established a responsible, productive lifestyle. The benefits to Schneck are real and tangible. Actions for which he is ashamed and regretful have been punished, and restitution has been made.

### CONCLUSION

11. Early termination of supervised release is warranted due to Schneck's exemplary post-conviction adjustment and conduct, including completing discharging the financial obligations related to this case. Schneck, therefore, requests the Court to grant this unopposed motion to early terminate the remainder of Schneck's sentence of supervised release.

Respectfully submitted,

**HILDER & ASSOCIATES, P.C.**

By: /s/ Philip H. Hilder

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on November 3, 2016, I conferred via email with Assistant U.S. Attorney Carolyn Ferko, in charge of this case, regarding this motion and that she indicated the Government is unopposed to Defendant's Motion for Early Termination of Supervised Release.

*/s/ Philip H. Hilder* \_\_\_\_\_  
Philip H. Hilder

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2016, a true and correct copy of this pleading was served on all counsel of record via ECF.

*/s/ Philip H. Hilder* \_\_\_\_\_  
Philip H. Hilder