

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**IMRE FUREDI,**

**Defendant.**

**Case No. 04-20008-01-KHV**

This matter is before the Court on defendant's unopposed Motion For Modification Of Supervisory Conditions (Doc. #68) filed June 4, 2007. For reasons set forth below, the Court finds that defendant's motion should be sustained.

On May 18, 2004, defendant pleaded guilty to one count of possession of child pornography under 18 U.S.C. § 2252(a)(4)(B). Based on a series of sentencing enhancements, the Court initially sentenced defendant to the statutory maximum of 60 months in prison. Defendant appealed, asserting that the sentencing enhancements violated the Sixth Amendment as set out in Blakely v. Washington, 542 U.S. 296 (2004). The Tenth Circuit agreed, and remanded for resentencing. See United States v. Furedi, 143 Fed. Appx. 122 (10th Cir. 2005) (citing United States v. Booker, 125 S. Ct. 738, 748-49 (2005)).

On December 19, 2005, the Court sentenced defendant to time served with three years supervised release. See Doc. #60. The amended judgement includes special conditions of supervision, including that “the defendant shall participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the probation officer.” Amended Judgment (Doc. #61) at 4. Defendant asks the Court to modify this condition of release because (1)

it interferes with his employment, (2) he has engaged in individual counseling with the Army Chaplain Service, and (3) the Court did not specify this term of supervision during the sentencing hearing.

Section 3583(e)(2) permits a district court to “modify, reduce, or enlarge the conditions of supervised release” under Rule 32.1 “at any time prior to the expiration or termination of the term of supervised release.” 18 U.S.C. § 3583(e)(2). The Court finds that defendant’s arguments for modification are well-taken. The Court therefore modifies the special conditions of supervised release to reflect that defendant shall not be required to “participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the probation officer.” Amended Judgment (Doc. #61) at 4, ¶ 3.

**IT IS THEREFORE ORDERED** that defendant’s unopposed Motion For Modification Of Supervisory Conditions (Doc. #68) filed June 4, 2007 be and hereby is **SUSTAINED**. The Clerk is directed to enter an amended judgment pursuant to this order.

Dated this 20th day of August, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge