

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:12-cr-10085-JTM-10

DESMOND YANKEY,

Defendant.

**MEMORANDUM AND ORDER**

This matter is before the court on defendant Desmond Yankey's Motion for Early Termination of Supervised Release. Dkt. 372. After reviewing the motion, the record, and the recommendation of the U.S. Probation Office, the court concludes that the motion should be denied.

Section 3583(e)(1) of Title 18 provides in part that after expiration of at least one year of supervised release, and after consideration of the factors in § 3553(a), a district court may end a term of supervised release and discharge the defendant "if it is satisfied that such action is warranted by the conduct of the defendant ... and the interest of justice."

Defendant was convicted by a jury of one count of distribution of cocaine and was sentenced by the court to 27 months imprisonment, three years of supervised release, and a \$100 special assessment. Defendant completed his term of imprisonment and began supervised release on June 26, 2015.

The record shows that defendant has a documented history of alcohol and marijuana abuse. In September of 2015, the court modified the conditions of supervision to require defendant's participation in approved programs for substance abuse and mental health treatment after defendant admitted to marijuana usage on several occasions. Dkt. 355. In May of 2016, the court again modified the conditions to require that defendant participate in a behavioral program and reside at a halfway house. The Probation Office reported at that time that defendant had submitted eight positive drug tests for marijuana over the past year, that marijuana-related items were found in a search of his residence in March 2016, and that in April 2016 defendant tried to manipulate the results of a drug test by submitting another person's urine. Dkt. 370. In addition, the Probation Officer reports that defendant has received write-ups for rule violations at Mirror, Inc. and that a recent breathalyzer test showed alcohol use.

Under the circumstances, the court concludes that continued supervision is necessary to ensure defendant's compliance with the law and to enable him to overcome his dependence on alcohol and drugs.

**IT IS THEREFORE ORDERED** this 19<sup>th</sup> day of July, 2016, that defendant's Motion for Early Termination of Supervised Release (Dkt. 372) is DENIED.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE