

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:13-cm-60112-JTM-1

SCOTT A. ZAHRADNIK,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant's Motion for Early Termination of Supervised Release. Dkt. 27. The Government and the U.S. Probation Office oppose the motion. Dkt. 28.

Section 3583(e)(1) of Title 18, U.S. Code, provides:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7) -
(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interests of justice;...

Defendant's motion cites two factors supporting his request: defendant's full-time employment since his violation of supervision in August 2014 and his compliance with the terms of supervision since that time. The court has considered those factors, as well as the statutory factors cited above, and concludes that the motion should be

denied at this time. As noted by the Government, defendant has a history of sex offenses involving minors going back nearly twenty years. He had lapses on supervision in early 2014 and violations in August 2014 that caused this court to revoke the term of supervision. Since that time defendant has complied with the requirements set by the court, but the court concludes that continued supervision is necessary and will in fact be beneficial to defendant. Given defendant's history and the nature of the offense, as well as defendant's particular circumstances, there is some risk of relapsing again into inappropriate behavior, and continued monitoring by the Probation Office will assist defendant in avoiding situations that might contribute to a violation.

IT IS THEREFORE ORDERED this 8th day of March, 2016, that defendant's Motion for Early Termination of Supervised Release (Dkt. 27) is DENIED.

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