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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Darius Adrain Blackwell,

13 Defendant.
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No. CR-13-01462-001-PHX-MTL

ORDER

15 Before the Court is Darius Adrain Blackwell's Motion to Terminate Supervised
16 Release. (Doc. 349.) Mr. Blackwell was prosecuted and sentenced in the District of
17 Arizona, but he now resides in Georgia. The United States opposes early termination. (Doc.
18 352.) The Motion states that the supervising probation officer from the United States
19 Probation Office in the Northern District of Georgia does not oppose early termination.
20 Both the Motion and the United States' response brief indicate that the United States
21 Attorney's Office here in the District of Arizona is unable to confirm that position.

22 **I.**

23 Mr. Blackwell pleaded guilty [i] Conspiracy to Possess with Intent to Distribute
24 50 kg or more of Marijuana, a lesser included offense to Count 1 of the Indictment, and
25 [ii] Conspiracy to Commit Money Laundering, which was Count 2. He was sentenced to
26 110 months in custody followed by a three-year term of supervised release. Mr. Blackwell
27 was released from custody on December 31, 2020, and he began his supervised release
28 term on that same day. Supervised release is set to terminate on December 30, 2023.

II.

Supervised release may be terminated by the court “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 interest of justice.” 18 U.S.C. § 3583(e)(1); *see also United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014). The court should consider certain § 3553(a) sentencing factors, including the nature and circumstances of the offense, the need for deterrence, the need to protect the public, the need to provide defendant with training or medical care, and the applicable sentencing guidelines provisions. *Id.* § 3583(e). District courts have broad discretion to determine whether supervised release should be terminated early. *Id.* § 3583(e)(1); *see also United States v. Bainbridge*, 746 F.3d 943, 951 (9th Cir. 2014).

III.

Mr. Blackwell conducted a three-year conspiracy to illegally transport marijuana from Arizona to Georgia via the United States Postal Service. This conspiracy included illegal money laundering of funds earned from this enterprise. Prior to this conviction, Mr. Blackwell was convicted and sentenced to 10 years in custody for aggravated assault. The offense conduct involved Mr. Blackwell breaking into a home and tying up two residents with duct tape. Mr. Blackwell engaged in an armed standoff with law enforcement.

The Motion argues that Mr. Blackwell’s supervised release should be terminated early, with approximately 14 months remaining, because he has been in full compliance with the terms of supervised release since exiting federal custody. Mr. Blackwell states that he is now living in his home state of Georgia, he has not engaged in drug use as evidenced by negative drug screenings and he has steady employment with a courier business. He further states that he would like to obtain a commercial driver’s license and make interstate deliveries. While he may travel outside of Georgia, a condition of his supervised release requires that he obtain prior approval of his supervised probation officer. A representative from the commercial driver’s license training school has expressed a concern that the delay

1 in obtaining the probation officer's approval for interstate travel "will make it difficult for
2 him to undertake the training, since the road assignments for training come up quickly."
3 (Doc. 349 at 3.)

4 The United States opposes early termination of supervised release based on Mr.
5 Blackwell's criminal history. The United States expresses concern that his leadership role
6 in the drug trafficking offense and his involvement in the home invasion require continued
7 supervised release to protect the public from further crimes. (Doc. 352 at 4, citing 18 U.S.C.
8 § 3553(a)(2)(C).)

9 The Court agrees with the United States that wholesale termination of supervised
10 release is not warranted nor is it in the interests of justice. Mr. Blackwell's criminal history
11 is serious and does implicate the § 3553(a) objectives of protecting the public from further
12 crime, as well as considering the nature and circumstances of the underlying offense, the
13 final advisory guideline range and affording adequate deterrence. The Court also
14 concludes that further supervision will provide continued drug screening which, even
15 though he has tested negative for drug use so far, is necessary given the nature and
16 circumstances of the underlying offense conduct.

17 While early termination of supervised release is not warranted under the present
18 circumstances, the Court will direct the parties to jointly engage the supervising probation
19 officer in the Northern District of Georgia to determine if modifications can be made to
20 any supervised release conditions that will facilitate his participation in commercial
21 driver's license instruction. This includes conditions relating to interstate travel. It appears
22 that Mr. Blackwell has achieved commendable personal success while he has been on
23 supervised release for almost two years. His desire to achieve more opportunities and
24 earnings potential with a commercial driver's license deserves recognition and support.

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IV.

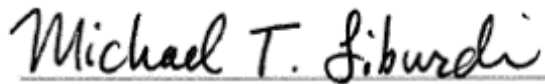
Accordingly,

IT IS ORDERED:

1. The Motion to Terminate Supervised Release (Doc. 349) is **denied** without prejudice.

2. The parties shall confer with Mr. Blackwell's supervising probation officer in the Northern District of Georgia to determine if any modifications to the supervised release terms and conditions are appropriate for accommodating commercial driver's license instruction.

Dated this 4th day of November, 2022.



Michael T. Liburdi
United States District Judge