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Due to an incident in Reentry Court on May 26, 2016, the U.S Marshals (USM) have directed him to be escorted in and out of the Courthouse by probation or the USM. There have been no further incidents. Sullivan scores out as a "moderate" risk level on the Post Conviction Risk Assessment (PCRA). His dynamic risk factors are cognitions, social networks and alcohol/drugs. Mental health issues are a responsivity issue.

On October 11, 2016, Sullivan appeared with his attorney at a hearing where his conditions were amended and modified to include a computer monitoring condition and a condition to prohibit him from operating STDCarriers.com or a reputation management website. On October 14, 2016, Sullivan met with probation to discuss our computer monitoring software program. Sullivan didn't want to sign the probation monitoring agreement which lead to a plethora of office appointments, e-mails, meetings and phone calls with Sullivan, AFD Ruben Iñiguez, AUSA John Haub, probation managers and officers throughout October and November 2016. On November 28, 2016, I met with Sullivan to advise probation agreed to allow him to participate in the computer monitoring program without having to sign the probation computer monitoring agreement. On December 1, 2016, Sullivan signed the User Software License Agreement for paycomputermonitoring.com, NCPTC, Inc. On December 3, 2016, Sullivan installed the monitoring software.

Then on December 3 2017, Sullivan began to have problems with his computer that he attributed to the monitoring software. Further, Sullivan discovered an exploit in the software that allowed users to access the internet without being monitored. He let probation know about the vulnerabilities. Sullivan tried to uninstall the software to fix his computer. He did advise probation of his attempts to get his computer to work with the software. Sullivan contacted tech support with the software company for assistance. Sullivan began to research the monitoring company, the software it uses and personnel associated with the company. Sullivan received a new computer for Christmas and installed the monitoring software on December 28, 2016. He continued to have problems with the software on his new computer and posted defamatory information about the software company on www.pissedconsumers.com. Sullivan sent e-mails to the company advising them how to fix their software. On December 30, 2016, he uninstalled the software, but continued to make use of the internet as evidenced by e-mails he sent to the computer monitoring company on January 4, 2017.

The computer monitoring company believes Sullivan is using an unmonitored computer to search the internet for content that is not accessible using the monitoring software. Sullivan has complained about blocks the monitoring company uses. The company advises that the blocks are utilized to maintain the integrity of the technologies and the safety of staff. The company maintains Sullivan has violated their User License Agreement (which he signed) and tampered with their system. The company is very concerned about the disparaging remarks he has posted about the company and their partners on sites that can't be retracted. It is concerning that Sullivan appears to be circumventing the probation computer monitoring program and posting defamatory comments about a corrections partner. Additional conditions will need to be ordered to supervise his computer use or he will need to lose access to the internet altogether.

RECOMMENDATION

Cyrus Sullivan is on supervised release for Making Threatening Communication which involved the internet and for Assault of a Federal Employee (14-CR-0190-HZ). His conviction history includes Criminal Mischief II, Assault on a Public Safety Officer (2 counts), Harassment, Reckless Endangering Another Person and for Recklessly Endangering Another. On October 11, 2016, Sullivan appeared at a hearing where his conditions were modified to include a computer monitoring

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condition. Although he has violated his supervision, I believe his conditions can be modified to allow him to remain in the community. I recommend Sullivan's term of supervised release be continued and his conditions modified so that his internet activity can be closely monitored. The following is a suggested sentencing format:

It is the finding of the Court that defendant violated the terms of his supervised release by failing to participate in the U.S. Probation Office's computer monitoring program.

The Court finds, however, defendant is suitable for community supervision.

IT IS ORDERED that defendant's term of supervised release is continued subject to the standard conditions and the following special conditions: 1) The defendant is prohibited from using or possessing any computer(s) (including any handheld computing device, any electronic device capable of connecting to any on-line service, or any data storage media) and/or directing third parties to do so on his behalf, without the prior written approval of the U.S. Probation Officer. This includes, but is not limited to, computers at public libraries, internet cafes, or the defendant's place of employment or education; 2) Do not access the Internet except to obtain employment, to perform the duties of defendant's employment, to engage in online banking and bill pay, to communicate with U.S. Probation, to communicate with defendant's attorney, to conduct legal research specific to motions filed by the defendant and to engage in religious activities unless expressly authorized in advance by the probation officer; 3) Defendant shall not uninstall, tamper with or alter, rewrite, disassemble, reverse compile, make derivative works or programs of computer monitoring software. Defendant shall not seek to evade computer monitoring on any device or utilize any program, script, code or method by which the computer monitoring software can be overridden, nullified or avoided; and 4) The defendant is prohibited from posting, and shall remove or cause the removal of any internet posting, blog entry, comment or other publicly accessible bulletin board which was made by defendant and which refers to "IPPC" or "paycomputermonitoring.com" that identifies any exploit, workaround, vulnerability or method by which to defeat or avoid the intended operation of monitoring software.

All other conditions are to remain in full force and effect.

You have the right to appeal. If you so request, the Clerk of the Court will prepare and file forthwith a Notice of Appeal. If you file the Notice of Appeal, it must be filed within 14 days of entry of this judgment. If you are unable to pay the cost of an appeal, you may apply for a leave to appeal *in forma pauperis*. If you so request, the Clerk of the Court will prepare and file a Notice of Appeal on your behalf.

Respectfully submitted,
by /s/ Matthew K Preuitt
Sr. U.S. Probation Officer
Date: January 31, 2017

Approved,
by /s/ Eileen Groshong
Supervising U.S. Probation Officer
Date: January 31, 2017

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cc: AUSA, Defense, File