

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA,**                    )  
  )  
                  **v.**    )  
  )  
**STEPHEN JIN-WOO KIM,**                    )  
  )  
                                  **Defendant.**                    )

**Criminal No. 10-225 (CKK)**

**UNOPPOSED MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE**

Defendant Stephen Kim, through counsel, respectfully moves this Court for an order granting early termination of supervised release. Defense counsel has discussed the substance of this motion with the United States Attorney’s Office, which does not oppose it. Defense counsel also discussed this motion with Mr. Kim’s probation officer, who stated that Mr. Kim is in full compliance and has met all of the conditions for early termination of supervised release, and they therefore do not oppose the motion. In support of the motion, the defense states as follows:

**I. BACKGROUND**

As the Court is aware, Mr. Kim pled guilty to one count of disclosing national defense information without authorization and was sentenced to a term of thirteen months imprisonment and twelve months of supervised release. Mr. Kim was released from prison on May 12, 2015, and then served thirty days at a halfway house in Washington, D.C. Mr. Kim began his one-year period of supervised release on June 15, 2015. Since that time, he has complied with all conditions of release, and has been granted permission to travel to South Korea to visit ailing family members without incident.

Mr. Kim has taken responsibility for his actions and has served his sentence. The health and well-being of his family – specifically, his elderly parents and his teenage son, all of whom live in South Korea – are his primary concern in filing the instant motion.

## **II. EARLY TERMINATION IS APPROPRIATE IN THIS CASE**

Under 18 U.S.C. § 3583(e), this Court has the authority to terminate a period of supervised release early if the Court determines that such action is warranted by the conduct of the defendant and the interests of justice. 18 U.S.C. § 3583(e). To determine whether early termination is warranted, the Court must consider the factors set forth in 18 U.S.C. §§ 3553(a)(1), (a)(2)(B)-(D), and (a)(4)-(7). *Id.* For the reasons set forth below, the defense respectfully submits that early termination is warranted in this case.

### **A. The Failing Health of Mr. Kim’s Parents in South Korea Supports Early Termination**

Pursuant to the Court’s August 26, 2015 Order, Mr. Kim travelled to South Korea from September 23, 2015 to October 30, 2015 to visit his elderly parents and to seek medical treatment.

During his trip, Mr. Kim met with the physician currently treating his parents. The physician advised Mr. Kim that his mother is suffering from chronic heart and immune system conditions, and that she “need[s] to be assisted [by] a family member ... when she go[es] out for daily activities.” *See* Ex. A (Medical Certificate for Ms. Park). The physician also advised Mr. Kim that his father has been diagnosed with early stages of Parkinson’s disease, as well as dementia caused by the onset of Alzheimer’s disease. *See* Ex. B (Medical Certificate for Mr. Kim). Mr. Kim’s father has shown some signs of cognitive impairment and, in the opinion of his doctor, “need[s] to be taken care of by close family member at a proper facility.” *Id.*

Given their advanced age and failing health, Mr. Kim needs to be in South Korea to take care of his parents. He respectfully requests that this Court terminate his period of supervised release so that he may move to South Korea to do so.

**B. Mr. Kim Has Secured an Offer of Employment in South Korea**

If the Court were to grant the defense's request for early termination, Mr. Kim has secured an offer of employment in South Korea that would allow him to cover his expenses while caring for his family. During his trip to South Korea, Mr. Kim met with Mr. Joongi Kim, a Professor of Law and Associate Dean for International Affairs at Yonsei Law School in Seoul, South Korea. Professor Kim offered Mr. Kim a position as a special assistant for ongoing projects at Yonsei Law School, where he would be responsible for assisting with research and editorial work as well as project management for research and academic projects. *See* Ex. C (Employment Offer).

Mr. Kim has thus secured an offer of employment that would allow him to re-start his professional career while caring for his parents in South Korea. Professor Kim has asked Mr. Kim to start work effective January 1, 2016, in Seoul. The defense has filed this motion in the hopes that Mr. Kim will be able to accept this offer of employment and relocate to Seoul.<sup>1</sup>

**C. Supervised Release Is No Longer Necessary to Protect the Public or Provide Deterrence**

Finally, as the Court recognized in sentencing Mr. Kim to a below-Guidelines sentence, the offense at issue in this case was not a crime of violence or espionage, but rather consisted of

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<sup>1</sup> If the Court were to deny this motion for early termination, Mr. Kim requests, in the alternative, that he be permitted to travel to Seoul, South Korea on December 28, 2015, to begin his work at Yonsei Law School and to care for his family. If the Court were so inclined, Mr. Kim could coordinate an acceptable travel schedule with his probation officer through the end of his current term of supervised release.

a single oral disclosure of sensitive information to a news reporter. Mr. Kim had no prior criminal history, and the events at issue were an aberration in an otherwise stellar career of public service.

Mr. Kim took responsibility for his mistake, pled guilty to a felony offense that precludes him from accessing classified information in the future, and served time in federal prison. Since his release from prison, he has successfully reintegrated into the community, maintained a job, and reconnected with friends and family members. He has complied with all conditions of his imprisonment and release, has no history of violence or drug/alcohol abuse, and poses no risk to public safety. In short, none of the factors listed in 18 U.S.C. §§ 3553 and 3583 necessitate a continued period of supervised release. The Probation Office would confirm his performance and his lack of any need for further supervision. Defense counsel respectfully submits that permitting Mr. Kim to relocate to South Korea to care for his elderly parents and to re-start his professional career is in the interests of justice, and that his request for early termination should be granted.

Dated: December 17, 2015

Respectfully submitted,

/s/ Abbe David Lowell  
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*Counsel for Defendant Stephen Kim*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2015, I caused a true and correct copy of the foregoing motion to be served via the Court's ECF system to all counsel of record in this matter.

/s/ Abbe David Lowell