

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)
 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TOBY MACFARLANE,)
)
 Defendant.)
 _____)

Case No. 1:19-cr-10131 NMG

TOBY MACFARLANE’S EMERGENCY MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO 18 U.S.C § 3582(c)(1)

Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), defendant Toby Macfarlane, by and through undersigned counsel, hereby moves the Court for an order modifying his term of imprisonment to reduce his six month prison sentence to “time served” and to order that he serve the remaining portion of that term in home confinement, initially under conditions of self-quarantine to ensure the safety of himself and of the public which include traveling alone in a car from the prison to his residence and staying alone in his residence through at least April 21, 2020 or a later date, as required by U.S. Probation.

As set forth in the accompanying Memorandum in Support of Toby Macfarlane’s Emergency Motion for Modification of Sentence Pursuant to 18 U.S.C § 3582(c)(1), Mr. Macfarlane is statutorily eligible to seek this relief because the Bureau of Prisons (“BOP”) has refused to move for a modification of the term of his imprisonment. See § 3582(c)(1)(A). Furthermore, relief is warranted in light of “extraordinary and compelling” circumstances: the national emergency posed by the ongoing COVID-19 pandemic,

LOCAL RULE 7.1(a)(2) CERTIFICATION

I, Ted W. Cassman, counsel for the defendant Toby Macfarlane, certify that I have conferred with Eric Rosen, Assistant United States Attorney, and other members of the prosecution team concerning the relief sought by this motion. Government counsel has informed me that it opposes Mr. MacFarlane's request but notes that, to the extent the defendant seeks relief from this Court so as not to serve the next 14 days in solitary confinement as part of a 14-day quarantine, pursuant to the Memorandum of the Attorney General, dated April 3, 2020, the Bureau of Prisons has discretion to release Mr. MacFarlane to his home to self-quarantine.

Dated: April 10, 2020

Respectfully submitted,

 /s/ Ted W. Cassman
Ted W. Cassman

