

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 13-CR-80038-RSR**

UNITED STATES OF AMERICA,

v.

JEFFREY GROOVER.

Defendant.

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NOTICE OF FILING AND RESPONSE TO DE NO. 178

The Defendant, JEFFREY GROOVER, by and through undersigned counsel hereby filed the attached in response to this Court's order dated May 8, 2025, docket entry number 178.

Dated: July 8, 2025.

Respectfully submitted,

/s/ Michael B. Cohen, Esq.

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Court Filing

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Mon, Jul 7, 2025 at 6:28 PM

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Date: July 7, 2025

Re: United States v. Jeffrey Emil Groover – Case No. 13-CR-80038-RSR
Subject: Attempt to Restrict My Use of Smartphone

Dear Mr. Cohen,

I am writing you this letter in strong opposition to any proposed restriction or revocation of my use of a personal smartphone. Such a measure would be unsupported by the facts of my case, disproportionate under federal law, and inconsistent with the purpose of supervised release as set forth by Congress and interpreted by the courts.

Since my release to the halfway house in July 2023, I have been permitted to possess and use a smartphone. I have done so continuously and without any incident, infraction, or misuse for two years. Probation was aware of this from the outset, and no objection was raised until now. This uninterrupted, compliant usage underscores that there is no legitimate basis to now revoke this essential tool of modern life.

I. Unfounded Basis for Digital Restriction – No Connection to Offense Conduct

The offenses of my conviction did not involve the use or misuse of computers, smartphones, or internet-connected devices. The case involved financial transactions and the alleged cashing of checks. There were no allegations, findings, or charges of cybercrime, or any technology-based misconduct.

The law is clear that conditions of supervised release must be reasonably related to the specific offense and the individual's history and characteristics. See:

- United States v. Holm, 326 F.3d 872 (7th Cir. 2003)
- United States v. Voelker, 489 F.3d 139 (3d Cir. 2007)
- United States v. Peterson, 248 F.3d 79 (2d Cir. 2001)

Restricting smartphone access in this context would be punitive and unsupported by the record.

II. Continuous, Lawful Use of Smartphone Since July 2023

Upon release to the halfway house in July 2023, I was granted permission to own and use a smartphone. Since that time, I have maintained a clean record, used the device responsibly, and integrated its functionality into every facet of his rehabilitated life.

For two years there has been no issue with my smartphone use. To now reverse that longstanding, stable condition—absent any misconduct—is arbitrary and inconsistent with fair supervision practices.

III. Daily Life in 2025 Requires Smartphone Access – Not a Luxury, a Necessity

I am now 64 years old, I have no personal vehicle and rely on public transit to maintain full-time employment. I use my smartphone every day in the following essential areas:

1. Employment & Professional Communication

- Accesses work schedules, text messages, and app-based communication with supervisors.
- Uses GPS to locate delivery addresses in real time.
- Rely on calendar and reminder tools to stay organized and punctual.
- my job depends on digital connectivity, and removing this would jeopardize his employment.

2. Transportation & Safety

- I use the Broward Transit App and MyRide to buy digital bus fares and track arrivals.
- I depend on Uber or Lyft to travel during off-hours or bad weather.
- I use Apple and Google Maps for real-time navigation on foot, bus, or work.
- Without this access, I risk being stranded or missing work.

3. Healthcare Access

- I manage health through the MyChart app (Memorial Healthcare System) to access doctors, test results, and appointments.
- I use Walgreens and CVS apps to manage prescriptions and refills.
- At my age, this digital connection to medical care is critical—not optional. I also use the app for video visits with my doctor.

4. Financial Management

- I use a banking app to receive paychecks, manage accounts, and pay bills.
- I generally have no access to traditional check cashing or in-person banking due to work hours and transportation limitations.

IV. Banning Smartphone Use is Illogical and Vindictive

While the Court has authorized computer use for employment purposes with the approval of the probation office, My smartphone is my only device for accessing the internet, work resources, and basic utilities. To prohibit it while allowing computer for work use is a meaningless distinction that punishes based on form rather than function.

Courts have repeatedly held that modern devices cannot be restricted without strong justification, especially where they are vital to lawful reintegration:

- United States v. Ellis, 984 F.3d 1092 (5th Cir. 2021)
- Packingham v. North Carolina, 582 U.S. 98 (2017)
- United States v. Loy, 237 F.3d 251 (3d Cir. 2001)

V. Absence of Misconduct

I have complied with all supervision conditions and maintained lawful conduct. I live modestly, work six days per week, and have not been charged with any new offense.

VI. Constitutional and Legal Limits on Supervised Release Conditions

The federal courts have consistently emphasized that conditions of supervised release:

- Must be grounded in the defendant's specific conduct (Freeman, 316 F.3d 386)
- May not extend punishment beyond the served sentence (Johnson, 446 F.3d 272)
- Must be no more restrictive than necessary (Perazza-Mercado, 553 F.3d 65)

Applying those standards here, a smartphone ban would be unconstitutional and contrary to the rehabilitative mission of supervised release. Additionally, they are attempting to treat me on an equal level as a sexual offender or predator of some type and I feel that I'm being improperly targeted when it's not necessary.

I have used my smartphone for two years with no incident and rely on it to function as a working, law-abiding member of society. To revoke this access now would be punitive, unsupported by law, and destructive to the goals of reintegration.

So, I ask you to inform the court of this information so that I can continue to live a normal life.

Sincerely,

Jeffrey Groover