

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

JEFFREY A. MARTINOVICH,	)	
Petitioner,	)	Case Nos. 4:12cr101
	)	4:15cr50/4:18cv27
	)	
v.	)	Honorable Chief Judge Mark S. Davis
	)	
	)	
UNITED STATES,	)	
Respondent	)	

MOTION FOR COMPASSIONATE RELEASE AND/OR IN THE ALTERNATIVE FOR  
SENTENCE REDUCTION OR REDUCTION TO TIME-SERVED IN SUPPORT OF  
ALL STAKEHOLDERS' OBJECTIVES

NOW HERE COMES Jeffrey A. Martinovich, proceeding pro se and in forma pauperis, in Motion for Compassionate Release or in the alternative to Reduce Sentence to Time-Served as opposed to five more years on Home Confinement. Herein, Mr. Martinovich submits the following factual evidence and argument in support of the titled submission:

1. Relevant Procedural History
2. Relevant Extraordinary Case History
3. Martinovich Conduct and Compliance
4. Punishment, Deterrence, Restitution
5. Evidence for Fourth Circuit's Reversal Ordered Evidentiary Hearing
6. Previous Shareholders and Current Employers' Support
7. Compassionate Release/Time Served Legal Argument-Precedent
8. Conclusion and Remedy

**RELEVANT PROCEDURAL HISTORY**

1. On April 15, 2020, Mr. Martinovich submitted an Administrative Petition for Compassionate Release to Warden D.L. Young, FPC Beckley, Beaver, West Virginia.
2. On April 21, 2020, Mr. Martinovich submitted to his Honorable Court a Motion for Immediate Compassionate Release Pursuant to 18 U.S.C. Sec. 3582(c)(1)(A) and the FIRST STEP Act. [Docs. 147, 353].

3. On April 26, 2020, Mr. Martinovich submitted a Motion to Supplement the above Motion.

[Docs. 148, 354].

4. On May 14, 2020, this Honorable Court Ordered "all five compassionate release motions are **DISMISSED without prejudice** as they have been rendered moot. 4:15cr50 ECF Nos. 147, 148; and 4:12cr101 ECF Nos. 353, 354, 356."

5. On May 16, 2020, Mr. Martinovich filed a Notice of Administrative Exhaustion for the Record noting the BOP had exhausted its administrative window, pursuant to U.S.C. Sec. 3582(c)(1)(A) the FIRST STEP Act, "If the BOP rejects the request or takes no action within the 30 day window, the inmate is then free to press his position in the appropriate federal court." [Doc. 151]

6. On May 19, 2020, Mr. Martinovich was transitioned to home confinement under 18 U.S.C. Sec. 3624(c)(2), as amended by Sec. 12003(b)(2) of the CARES Act and remains under the supervision of James River RRC.

#### **RELEVANT EXTRAORDINARY CASE HISTORY**

As this Honorable Court is well aware of the extraordinary proceedings, violations, and reversals already documented in Mr. Martinovich's lengthy legal and incarceration proceedings, herein Mr. Martinovich respectfully omits this inclusion.

#### **MARTINOVICH CONDUCT AND COMPLIANCE**

Prior to the Financial Crisis of 2008, during nearly seven years of incarceration, and after being transitioned to Home Confinement, Mr. Martinovich has displayed an extraordinary commitment to his community, his fellow inmates, and the restoration of his stakeholders and himself.

##### **Community Support:**

- President Big Brothers Big Sisters
- Chairman, Children's Village of Hampton Roads
- Chairman, Virginia, Young Presidents' Organization (YPO)

- Board Director, United Service Organization (USO)
- Board Director, CNU Luter School of Business
- Board Director, Securities Industry Small Firms Committee (SIFMA)
- Youth Basketball Coach, YMCA, St. Andrews Church, HR Academy, NN Parks

**Federal Bureau of Prisons:**

- Math and Reading Tutor for GED
- Head Law Library Clerk
- Assistant to Director of Education
- Instructor, Job Skills and Parenting
- Creator and Instructor, "Building Special Companies" 25-Lesson Course
- Zero Infractions, Zero Security Points
- Rated Lowest Score for Recidivism Risk in entire Prison Facility
- 100% Prison Wages Paid to Financial Responsibility Program (FRP) towards Restitution

**Home Confinement:**

- Driver's License, Bank Account, Eyeglasses, VA health insurance, Taxes
- Management Consulting practice restored to permit forward income and equity restoration for all stakeholders.
- Monthly Restitution Payments made, even though not required
- Monthly Spousal Support Payments made
- \$27,000 Unclaimed Property and \$95,000 Unclaimed MICG Partners accounts submitted to Court for shareholders' restitution-restoration [Doc. 153]

"A defendant's post-sentencing conduct may be taken as the most accurate indicator of his present purposes and tendencies and significantly to suggest the period of restraint and the kind of discipline that ought to be imposed upon him." [*Pepper v. United States*, 179 LED 2D 196, 52 US 476 (2011)].

**PUNISHMENT, DETERRENCE, COURT OBJECTIVES**

Mr. Martinovich respectfully submits that the Department of Justice and the U.S. District Court have long ago achieved their objectives of punishment and deterrence, and any further custody only delays, and likely nullifies, the final objective of restitution.

First, Mr. Martinovich reiterates his tremendous regret and remorse for all that has occurred with his employees and shareholders. He could add a hundred more pages of all the

decisions he wished he made differently, the investments he wished he passed on, and the remedies he wants to achieve in making things rights for everyone involved. Mr. Martinovich has even written a book, "Icarus," with fifteen chapters detailing the mistakes he has made in order to help others not make the same.

Addressing specific punishment, Mr. Martinovich has lost his billion-dollar advisory firm which he started from zero, his corporate licenses and accreditations, his business and community reputation, and his home and every property and investment he accumulated over thirty years. He has been publicly humiliated in the local and regional newspapers, repeatedly on the front page. His family has lost everything and has battled against the stigma of lawsuits, liabilities, and community ostracism. An only child, he has been removed from caring for his elderly mother, as his father passed during his trial proceedings, as well as supporting his only son. He has served seven years in the custody of the BOP, with the majority of time placed with a false Management Variable in a higher security, violent facility, where he experienced a multitude of assaults and incidents, to include a gang riot in which ten inmates were stabbed in the melee surrounding him. [Doc. 322].

Addressing individual deterrence, Mr. Martinovich has never been in trouble with local, state, or federal authorities. For nearly two decades, Mr. Martinovich's +36% annual corporate growth rate, over 99% client retention rate, and his dramatic impact on the Hampton Roads charitable community was all built upon playing within the rules, doing the right thing simply because it was the right thing to do, and outworking all competitors. Addressing his history and character, even U.S. District Judge Wright Allen labeled him a "water-walker." [Doc. 322].

Finally addressing general deterrence, Mr. Martinovich respectfully submits that this Honorable Court must conclude that a tremendous number of CEO's, financial advisors, and hedge fund managers have been deterred by his very-public losses, trial, punishment, and further punishment achieved by the Department of Justice in this case. A significant number of these other business associates will never again run a hedge fund or invest in a solar company,

and a great number have given up the investment business entirely. General deterrence has long been accomplished. "Federal sentencing law requires the district judge in every case to impose 'a sentence sufficient, but not greater than necessary, to comply with the purposes of federal sentencing, in light of the Guidelines and other [sentencing] factors.'" [*U.S. v. Boyd*, U.S. App. LEXIS 36478 (4th Cir. 2018); citing *Freeman v. U.S.*, U.S. 522,131 S. Ct. 2685 (2011) [quoting 18 U.S.C. § 3553(a)].

#### **FOURTH CIRCUIT'S REVERSAL ORDERED EVIDENTIARY HEARING**

Mr. Martinovich respectfully submits that the voluminous documentation to be presented in the currently scheduled December 11, 2020, Evidentiary Hearing illuminates a great number of unfortunate violations, mistakes, and questionable conduct demonstrated by all previous actors in this extraordinary case. At this point in the marathon proceedings, Mr. Martinovich posits "to what end?" As punishment and deterrence have long been served, and the opportunity to provide restitution for shareholders has been continually denied, this upcoming proceeding likely only provides extremely-unfavorable evidence of previous actors and systems, while likely completely nullifying the restoration of all stakeholders. Mr. Martinovich, again, reiterates his respectful request for a proactive, positive remedy and conclusion for all stakeholders, in opposition to what the Government repeatedly termed "the scorched earth strategy."

In regards to the three separate issues of reversal, the Fourth Circuit Court of Appeals has asserted, *inter alia*, that Martinovich made "credible" and "truthful" submissions, "the court's explicit statement...is troubling," "the government's contention...is without merit," "it is concerning that counsel did not challenge the court's statement," and "the district court's reasoning is illogical."

Mr. Martinovich has thus far submitted but a small portion of the voluminous documentation in regards to court, counsel, and government well-documented actions which

must be presented in the upcoming hearing, yet he again questions what may be accomplished for stakeholders at this point, as well as the justification of occupying significantly more government, court and taxpayer resources. A remedy and conclusion to these proceedings would eliminate further appeals, the FTCA actions, malpractice lawsuits, and so much more negative energy, time and resources, all which could be finally converted to restitution and positive results. Currently, an inadvertent violation, or supervisor having a bad day, could send Mr. Martinovich back behind the fences and devastate the incredible progress and restoration for many.

#### **PREVIOUS SHAREHOLDERS AND CURRENT EMPLOYERS' SUPPORT**

Although the reality of the system sadly dissuades and prevents defendants from restoring victims, this Honorable Court is well aware of Mr. Martinovich's proclivity and ability to make things right, if finally given the opportunity by the government and this Court. While Mr. Martinovich is extremely grateful for his transition to Home Confinement, the current BOP Custody constrains the ability to restore all stakeholders.

In the simplest sense, his vehicle loaned from a friend to travel to work in Norfolk finally expired, yet the restrictions do not allow him to establish new credit or get a couple-thousand-dollar car loan to get back to work. In the broader picture, even though the previous District Court stated, "absent a miracle, nobody is getting paid," this Honorable Court understands that Mr. Martinovich has a high probability of restoring all stakeholders, even well beyond government requests, if given the current opportunity [Doc. 322].

Mr. Martinovich is thankful for the current support of a significant number of shareholders who had experienced substantial losses during this collapse. He is also grateful for the previous and new business associates who have presented substantial economic opportunities once Mr. Martinovich's station is remedied (see a sampling attached):

1. Letter from Mr. Kevin Cadieux, significant shareholder, family shareholders.
2. Letter from Mr. Kenneth Monroe, significant shareholder, employee
3. Letter from Ms. Kimberly Tucker, CEO, KRT, Inc.
4. Letter from Mr. Brian Raduenz, CEO, AEVEX Aerospace
5. Letter from Mr. Amichay Zelcer, President, 55 Industries LLC
6. Letter from Mr. Brian Stevens, BOP Dir. of Education
7. Affidavit from Mr. Jeffery Clevenger, BOP classes student

### **STATUTE AND PRECEDENT SUPPORT**

As noted above, Mr. Martinovich has confirmed “administrative exhaustion” pursuant to 18 U.S.C. Sec. 3582(c)(1)(A), as well as submitted a great number of “extraordinary and compelling reasons” for this Order [4:15cr50 ECF Nos. 147, 148; and 4:12cr101, ECF Nos. 353, 354, 356]. “Thus, the correct interpretation of Sec. 3582(c)(1)(A) – based on the text, statutory history and structure, and consideration of Congress’s ability to override any of the Commission’s policy statements “at any time” [*Mistretta v. United States*, 488 U.S. 361, 394 (1989)] – is that when a defendant brings a motion for a sentence reduction under the amended provision, the Court can determine whether any extraordinary and compelling reasons other than those delineated in U.S.S. G. Sec. 1B1.13 cmt. N.1 (A)-(C) warrant granting relief.” [*United States v. Cantu*, No. 19-6043 (10<sup>th</sup> Cir. 2020)].

The rule of lenity mandates that when two rational readings of a statute are possible, the one that treats the defendant less harshly prevails. [*McNally v. United States*, 483 U.S. 350, 359-60 (1987)].

“The Government asserts that a formal resentencing hearing is unnecessary, and that this Court should instead exercise its discretion to correct Petitioner’s sentence of imprisonment to a term of time served and correct Petitioner’s period of Supervised Release to a term of three years. *Id* at 2 (citing *United States v. Hadden*, 475 F. 3d 652 (4<sup>th</sup> Cir. 2007))(discussing the district court’s authority to grant habeas relief in the form of a sentence correction that is imposed without a resentencing hearing) see 28 U.S.C. Sec. 2255(b) (providing the Court’s

authority to vacate the original judgment and discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate) [*Umberger v. United States*, E. D. Virginia (2017), GRANTED, Hon. Judge Mark S. Davis].

### **CONCLUSION AND REMEDY**

Herein, Mr. Martinovich, proceeding pro se and in forma pauperis, respectfully requests this Honorable Court GRANT, and the Government concur with, Compassionate Release, and/or in the alternative a Reduction or Time Served. The Government and Court have implemented tremendous punishment and deterrence, well beyond the three separate plea agreements offered by the Government, and now Mr. Martinovich again appeals for the restoration of all stakeholders, to include himself and his family. As noted above, Mr. Martinovich has complied with and accomplished everything the Government and Court have asked of him, plus so much more, and he respectfully entreats the Government and this Honorable Court to act in the best interests of the Government, Court, Employees, Clients, Shareholders, and United States Taxpayers.

With Great Respect,

Date: 11/04/2020

  
Jeffrey A. Martinovich, pro se

Atchs:

1. Shareholders/Employers Ltrs.



AFFIDAVIT AND CERTIFICATE OF SERVICE

I, Jeffrey A. Martinovich, proceeding pro se, submit under the penalty of perjury pursuant to 28 U.S.C. Sec 1746, that the above is true and correct to the best of my knowledge, and that a true and correct copy of this Motion has been mailed with sufficient first-class postage on

11/4/2020 to:

U.S. Attorneys Office  
Attn: Mr. Brian Samuels, AUSA  
101 W. Main St., Suite 8000  
Norfolk, VA 23510

Date: 11/4/2020

  
Jeffrey A. Martinovich

Mr. Kevin Cadieux  
25066 E. Plymouth Circle  
Aurora, CO 80016

October 27, 2020

The Honorable Chief Judge Mark S. Davis  
Walter E. Hoffman U.S. Courthouse  
600 Granby Street  
Norfolk, VA 2510

Dear Honorable Chief Judge Davis:


I have been asked to send a letter of support along with Jeff Martinovich's current motion for reduction or release. I was a significant personal shareholder in MICG Investment Management and the MICG Funds, along with other members of my family.

Also an Air Force Academy graduate, I have known and been a friend of Jeff's for over thirty-years. I supported him through all the trials and subsequent appeal processes, even testifying on his behalf along with other managers, external auditors, and even the government's star witness, solar valuation expert Peter Lynch, all completely supporting Jeff's defense.

The remarkable events of his trial, reversals, removals and discoveries have been a journey none of us could have imagined ten years ago. I believe Jeff will restore everyone who was injured in this crisis, to include himself and his own family. The Government won its case, sentenced Jeff to a substantial punishment that he is still serving, but now he should be allowed the opportunity to restore everyone who has incurred financial loss. My family members and myself cannot understand why it makes sense to stop Jeff from making good on the financial terms of his penalties. Why are we, the taxpayers, spending money to keep him confined and not fully able to make things right? As a shareholder waiting nearly ten years already, this just does not make sense.

I am well-aware that you did not preside over the previous proceedings, yet I respectfully ask that you bring common sense now to this terrible situation. I also am well-aware that some other investors would oppose this common sense because they have been convinced that restoration cannot happen. That is simply not true and extremely short-sighted. Please allow Jeff to begin working for my family, as well as for all the other investors. Thank you for your consideration.

Sincerely,

  
Kevin Cadieux

Mr. Ken Monroe  
18809 Bartlette Creek Drive  
Davidson, NC 28036

November 1, 2020

The Honorable Chief Judge Mark S. Davis  
Walter E. Hoffman U.S. Courthouse  
600 Granby Street  
Norfolk, VA 2510

Dear Honorable Chief Judge Davis:

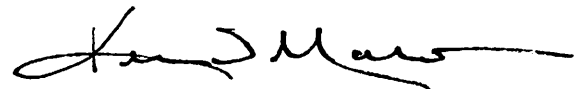
This letter of support is for Jeff Martinovich's current motion for reduction or release. I served as the Managing Director of Real Estate for MICG and invested much of my earnings back into the company.

I have known Jeff for nearly 15 years and worked alongside him before and during the financial crisis. I supported him through his trial, testifying on his behalf. Although I had lost money and my job, I felt compelled to support Jeff because I believe he and the management team battled the worst financial crisis of our time with honesty.

The numerous reversals and removals along the path of this case are evidence of Jeff's hard-working, relentless efforts. While he has been a model prisoner, he has also helped other prisoners better their situation while tirelessly working on his own behalf. Jeff is capable of directing enormous will power and energy towards a goal

Jeff has served time in prison. Much of it has been in very tough facilities, but now he should restore everyone injured in this crisis. Some investors may doubt his ability to pay the financial penalties in this case, but that would be a mistake. It's time for Jeff to direct his energy and drive towards restoring those impacted. I know he will not rest until he has accomplished that goal because only then can he be free to rebuild his life.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Monroe', with a long horizontal flourish extending to the right.

Ken Monroe



The Honorable Chief Judge Davis  
U.S. District Courthouse  
600 Granby Street  
Norfolk, VA 23510

November 2, 2020

Re: Jeffrey A. Martinovich's Work With KRT, Inc.

Dear Your Honor:

My name is Kimberly L. Tucker, and I am the Founder, CEO and President of KRT Inc., a minority/woman-owned provider of shipboard repair and cleaning solutions to the maritime community. I also am widely known for providing second chances for formerly incarcerated individuals, having hired over 2,000 over the last 20 years.

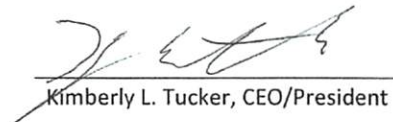
After closely following Jeff Martinovich's legal challenge for nearly seven years, I jumped at the chance for him to work with KRT, Inc. while on Home Confinement. His education and experience building successful companies has made a huge impact on our growing company in just the first couple months. Our revenue is up dramatically, our new business pipeline is full, and we are now hiring and training a large number of new workers to fill this capacity. We were even awarded a grant with Tidewater Community College to now begin a Tank Cleaning School providing training for these skilled-labor positions.

Mr. Martinovich has brought business ideas and a lot of hard work to our family operation, and so much good is being spread because of him. I know that he sincerely wants to rebuild and help everyone who was affected by the closure of his company, and I pray that you will give him an opportunity to keep rebuilding.

I watched him work tirelessly for over six years to bring out the truth with his company and his case, getting him home five years early, and I know he will continue to work hard, be productive, and greatly help our community again. I ask that this Court draft a solution which allows him to continue on this path. We at KRT need him on our team.

Thank you for your consideration.

Sincerely,



Kimberly L. Tucker, CEO/President



Mr. Brian Raduenz  
Chief Executive Officer  
AEVEX Aerospace  
440 Stevens Ave., Suite 150  
Solana Beach, CA 92075

1 November 2020

The Honorable Chief Judge Mark S. Davis  
Walter E. Hoffman U.S. Courthouse  
600 Granby Street  
Norfolk, VA 2510

Dear Honorable Chief Judge Davis:

Your Honor, I have requested the opportunity to submit a letter in strong support of Jeff Martinovich's petition for compassionate release and/or reduction in sentence to time served, for the benefit of everyone involved.

I am the CEO of an Aerospace & Defense services company headquartered in San Diego, California. We employ around 700 people, and I often evaluate candidates for various positions in the company. I am often required to make decisions about which candidates will have the character, integrity, drive, humility, and persistence to serve our team well, and which might not be a good bet. I can say *unequivocally* that Jeff Martinovich will serve society well should he be granted this compassionate release.

I've known Jeff for almost four decades, first meeting in Colorado Springs when we entered the US Air Force Academy together. After Jeff left the service, I followed his successful financial career as I followed a separate path as a 20-year Air Force Officer. Recently, I asked Jeff to help us with various projects and programs for our company and one of our subcontractors. He has been brilliant.

I have diligently monitored Jeff's legal actions since the very beginning. I, along with many fellow friends and associates, strongly support him on his journey back to a successful career. While his current restraints and associated instability with his future do not allow us to fully engage him, we would love to bring him on board full time. Seven years is a long time, and if released Jeff will work tirelessly to cure any monetary penalties or restitution. Further incarceration serves no one. I am certain that upon his release, he will do the right thing. Many will benefit. Please allow that to happen.

Very Respectfully,

A handwritten signature in blue ink, appearing to read 'Brian Raduenz', written over a horizontal line.

Brian Raduenz

440 Stevens Ave. Ste. #150  
Solana Beach, CA 92014

AEVEX.COM



Mr. Amichay Zelcer, President  
1320 NW 65th Pl, Ste 105  
Ft. Lauderdale, FL 33309

November 3, 2020

The Honorable Judge Mark Davis  
U.S. Courthouse  
600 Granby Street  
Norfolk, VA 2510

Honorable Judge Davis:

Your Honor, I would like to submit a letter in support of Jeff Martinovich's petition for reduction or release.

For the past ten years, I, with my partners, have built 55 Industries and multiple other companies to serve the U.S. military and government agencies. We provide parts, repairs, and many services to aid our fighting forces, nationally and globally.

Through our senior partners in the defense industry, we were introduced to Jeff Martinovich for advice and consulting on a complicated merger of four companies, all which he provided pro bono. His broad business knowledge and experience was invaluable in, finally, bringing together all the partners for a successful transaction. Now, we definitely want to bring Mr. Martinovich into the fold to help lead and direct our future growth, yet we are restrained by his current status, his inability to travel, and the uncertainty of his situation. We want to make a long-term commitment to engage his services.

We are well-briefed on the details of his prior corporate and legal challenges, and we have conducted our own due diligence. We also understand that his economic success will help satisfy the final monetary penalties, as well as benefit his previous clients once and for all. We support the restoration of Mr. Martinovich and his family, as well as the concurrent restoration for his clients.

**1320 NW 65<sup>TH</sup> PLACE, FORT LAUDERDALE FL 33309**



Your Honor, understanding that Mr. Martinovich has served a great deal of time as punishment and has complied with everything asked of him, we ask that you allow him liberty to now reestablish his economic earnings, for everyone's benefit.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zelcer', written over a horizontal line.

Mr. Amichay Zelcer



Mr. Brian Stevens  
Director of Education  
FPC - Beckley  
1600 Industrial Road  
Beaver, WV 25813

July 8, 2019

Re: Jeffrey A. Martinovich, Reg. No. 81091-083

To Whom It May Concern:

My name is Brian Stevens, and I am the Director of Education at Federal Prison Camp - Beckley, Beaver, West Virginia. I hired Mr. Martinovich to work in the Law Library and Leisure Library shortly after his arrival at FPC-Beckley, May 2018.

Noting his strong work ethic and willingness to take on new responsibilities, he was soon promoted to Head Clerk, Grade 1, overseeing the Electronic Law Library and the Leisure Library, as well as compliance and administration for General Education Degree (GED) programs, Adult Continuing Education (ACE) classes and testing, and further education and reentry programs.

Mr. Martinovich has been an invaluable resource in the Law Library, aiding inmates in navigating the electronic system and understanding the requirements and processes, while enabling pro se inmates to stay in compliance with court filings and procedures.

Mr. Martinovich administers both the ACE Technical Publishing Course (TPC) study and testing operation, as well as the ACE Classic Novels reading and testing program. These weekly programs provide inmates with operational education in welding, HVAC, and electrical, along with promoting familiarity with Dickens, Hemingway and Steinbeck. This year, Mr. Martinovich facilitated the Job Skills and Parenting reentry programs instructing inmates in interview and job search techniques along with personal communication strategies for parenting-from-afar. Mr. Martinovich's knowledge and experience in business and communications engaged the soon-to-be-released inmates, most never before exposed to "A-Player" interview techniques, Dale Carnegie's "How to Win Friends and Influence People," and the power of handwritten notes and building relationships.

Finally, over the last year Mr. Martinovich created and instructed a new 25-lesson ACE course titled "Building Special Companies." This



class taught the eclectic students including former CEO's and those never-before-employed in starting and building extraordinary organizations which are not only profitable and create jobs, but that have positive results for the individual employees and communities.

Mr. Martinovich has been a reliable employee for the FPC-Beckley Education Department, as well as a valuable resource for inmates working to build a better future.

Sincerely,



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Mr. Brian Stevens  
GED Instructor  
FPC - Beckley

Atchs:

1. Martinovich Work Detail
2. Martinovich Education Transcript

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY A. MARTINOVICH,

Defendant.

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Case No. 4:15cr50  
4:12cr101

AFFIDAVIT OF JEFFERY CLEVINGER, REG. NO. 16800-104 IN SUPPORT  
OF SENTENCING FOR JEFFREY A. MARTINOVICH

I, Jeffery Clevenger, Reg. No. 16800-104, under the penalty of perjury assert that all the statements below are true and correct to the best of my knowledge pursuant to 28 U.S.C. § 1746.

When I came to FPC Beckley nearly a year ago, I was disappointed to learn that the Education Program was severely depleted. It was Jeffrey Martinovich, an inmate, who resurrected the Adult Continuing Education Programs. He administers and grades the tests every other Thursday, types certificates and enters the data for our files.

I, personally, have taken three of the classes which he teaches, personally. The twenty-five section business class had over twenty inmates, many of whom were former executives in large firms. He also taught the Job Skills Class to inmates who have never had a resume. His motivational teaching style is mostly personality-driven. I watched guys who have had a tough life light up when Jeffrey interjected them, personally, into the Parenting Lessons, the third Martinovich-taught class I have attended.

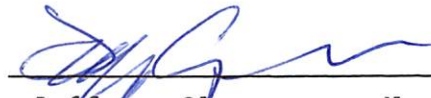
He also runs the Library as his full-time job, which has a very active Legal Library. I see him not only working on his own

case after hours, but helping others with their motions. He got my cellmate, Mr. McCoy, a new hearing after his attorneys failed to do so.

I can't overstate how hard he works keeping all this going. I try to get him to play Bocce, but he really doesn't have the time. He runs the track at 2:40pm until chow and then back to the library until it closes at 10:00pm. I personally will owe him a year of my life if all of my education credits, including an Electrician's License, count toward sentence reduction.

I, Jeffery Clevenger, Reg. No. 16800-104, under the penalty of perjury assert that the above statements are true and correct to the best of my knowledge pursuant to 28 U.S.C. § 1746.

Date: 3 JUL 2019

  
\_\_\_\_\_  
Jeffery Clevenger, No. 16800-104

Jeffrey A. Martinovich  
128 Seekright Drive  
Yorktown, VA 23693

November 4, 2020

Clerk of Courts  
U.S. Courthouse  
600 Granby Street  
Norfolk, VA 23510

Re: Martinovich v. United States [4:12cr101; 4:15cr50/4:18cv27]

Dear Clerk:

Please process and docket to each case number the enclosed Motion for Extension and the Collateral Motion for Compassionate Release and/or Reduction or Time-Served. Pursuant to Affidavits, the Government has been provided service.

Thank you very much for your assistance.

Sincerely,



Jeffrey A. Martinovich