

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 12-30213-DRH

KEVIN J. VEATH,

Defendant.

ORDER

HERNDON, Chief Judge:

Now before the Court is Veath's motion to modify (Doc. 24). Specifically, defendant moves the Court to modify the conditions of his probation to allow him to engage in moderate social drinking. The terms of defendant's probation required that for a period of one year he submit to a remote alcohol testing system and comply with all program requirements [related to abstinence from the use of alcohol] as approved by the United States Probation Office for a period of one year. That year has expired and no modification is required.

The only alcohol abstinence provision remaining is that associated with substance abuse rehabilitation (the paragraph above that referred to in defendant's motion). Were the Court to grant defendant's motion, it could be construed in conflict with accepted drug rehabilitation practices and protocol and the aforementioned term of probation and the Court will not do so.

The intent behind defendant's motion appears to have occurred by operation of the terms of the order itself since the only other term regarding alcohol use operative, unless the defendant is in a drug rehabilitation program, is the standard condition which

prohibits the use of alcohol to excess.

Therefore, the defendant's motion is **DENIED AS MOOT.**

IT IS SO ORDERED.

Signed this 19th day of February, 2014.

 Digitally signed by
David R. Herndon
Date: 2014.02.19
16:47:03 -06'00'



**Chief Judge
United States District Court**