

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)
)
 V.) CASE NO.: 1:21-MJ-430-GMH
)
BRIAN GLENN BINGHAM)

UNOPPOSED MOTION TO MODIFY CONDITIONS OF SUPERVISED RELEASE

BRIAN BINGHAM, through undersigned Counsel, Sandi Y. Irwin, submits this motion to modify conditions of his pretrial release to eliminate the condition that he submit to location monitoring. In support, Mr. Bingham would show the following:

1. The government, through Assistant United States Attorney Christopher Amore, does not oppose this motion.
2. On June 30, 2021, the Court ordered Mr. Bingham released pending trial and further ordered that he report for courtesy pretrial supervision to the Middle District of Alabama. ECF Nos. 7, 10. The Court ordered several conditions of pretrial release, including that Mr. Bingham submit to location monitoring. *Id.* at Condition 7(q).
3. At his detention hearing, the Court and the government contemplated that Mr. Bingham could seek to amend the conditions of his pretrial release to remove the condition requiring location monitoring if he were compliant with all conditions of his pretrial release for one to two months.
4. As of this filing, Mr. Bingham has been on pretrial supervision for one month and seven days. According to his supervising officer with United States Probation and Pretrial Services, Mr. Bingham has been fully compliant with all conditions of his pretrial release.

5. The statute governing pretrial release explicitly states that a judicial officer who determines conditions are necessary to assure appearance in court or the safety of the community for a particular defendant, “*shall* order the pretrial release of the person . . . subject to the *least restrictive* further condition, or combination of conditions” 18 U.S.C. § 3142(c)(1)(B) (emphasis added).

6. Mr. Bingham has demonstrated that he will comply with the conditions of his pretrial release and that location monitoring is more restrictive than necessary to ensure his appearance or the safety of the community. Mr. Bingham, therefore, respectfully requests that the condition that he submit to location monitoring be removed.

7. All other conditions of pretrial release would remain unchanged.

WHEREFORE Mr. Bingham prays the Court grant this motion and modify the conditions of pretrial supervision to eliminate the condition that he be subject to location monitoring.

Dated this 6th day of August 2021.

Respectfully submitted,

s/ Sandi Y. Irwin
SANDI Y. IRWIN
Bar No.: CA292946
Federal Defenders
Middle District of Alabama
817 South Court Street
Montgomery, AL 36104
TEL: (334) 834-2099
FAX: (334) 834-0353
E-Mail: Sandi_Irwin@fd.org

