

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BRETT

Defendant.

Case No. 22CR11

MOTION TO MODIFY CONDITIONS OF RELEASE

James Brett, through counsel, respectfully moves this Court for an Order modifying his conditions of release. Specifically, Mr. Brett moves the Court to enter an Order permitting the Pre-Trial Services Agency (PSA) to modify his curfew during only those periods of time that Mr. Brett is traveling on a trip pre-approved PSA. Undersigned counsel has discussed this modification with Mr. Brett's Probation Officer, Nathaniel Dodson, who stated that Mr. Brett has been compliant with conditions of his curfew. PSA defers to the Court as to this request but states no specific opposition. The government has no objection to this request.

1. Mr. Brett is before the Court charged with various offenses related to his alleged participation in the events of January 6, 2021, at the U.S. Capitol. He was arrested on June 3, 2022, in Clearwater, Florida, where he resides.
2. The government did not seek detention in this case. As for conditions of release, the government agreed that GPS monitoring or a curfew would be appropriate. Mr. Brett elected to be monitored via GPS. Accordingly, at the

initial appearance in this matter, the Honorable Magistrate Judge Faruqui issued an Order placing Mr. Brett on GPS monitoring along with other standard conditions of release. *See* ECF. No. 67. Subsequently, Mr. Brett moved the Court to grant his request to replace GPS monitoring with a curfew. *See* ECF. No. 81. The Court granted his request and he has been abiding by a curfew since September 20, 2022. Mr. Brett's Pre-Trial Officer Nathaniel Dodson reports that with the exception of one missed call, Mr. Brett has been compliant with all conditions.¹

3. Officer Dodson explained that under the existing Order, Mr. Brett is required to obtain permission from Pre-Trial Services in order to travel within the continental United States. However, because he is on a curfew, Mr. Brett is also required to move the Court for permission each and every time he wishes to take a trip approved by PSA. Mr. Dodson explained that an Order permitting PSA to modify Mr. Brett's curfew only during those times that Mr. Brett is on a pre-approved trip would eliminate the need to move the Court each time Mr. Brett wishes to take a short trip.
4. Mr. Brett is 48 years old. He runs his own cleaning business. Detention was never an issue in this case. According to his probation officer, Mr. Brett has been compliant with his conditions of release.

¹Mr. Brett explained that he slept through two attempted calls. Pre-trial did not request that any action be taken. *See* ECF. No. 88.

5. Undersigned counsel has consulted with the government and it represents that it consents to this request.

For the reasons stated herein and any others that appear to the Court, Mr. Brett moves the Court to enter the attached Order permitting Pre-Trial Services to modify his curfew only during times when Mr. Brett is on a trip previously approved by PSA.

Respectfully submitted,

A. J. Kramer
Federal Public Defender

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