

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:21mj376
	)	
JASON DOUGLAS OWENS,	)	
	)	
Defendant.	)	
_____	)	

**MOTION TO MODIFY TERMS AND CONDITIONS OF RELEASE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JASON OWENS, by and through his attorney of record, and files this Motion to Modify Terms and Conditions of Release, and, in support thereof, would show the Honorable Court as follows:

I.

On April 19, 2021, Magistrate Judge Susan Hightower of the Western District of Texas, Austin Division, ordered JASON OWENS' release. On April 21, 2021, Magistrate Judge G. Michael Harvey of the District of Columbia ordered JASON OWENS' release and, as a condition of release, ordered that he was to have no contact with anyone present at or involved with the events at the U.S. Capitol on January 6, 2021, including his son, Grady Owens. See Terms and Conditions of Release attached hereto as Exhibit "A."

II.

By email dated May 5, 2021, Linda Cano, Pretrial Services Officer in the Western District of Texas, Austin Division, indicated to Christine Schuck, Pretrial Services Officer in the District of Columbia, that Ms. Cano would be supervising both father and son if Grady was released. Ms. Cano had no objection at that time with the two residing in the same home. Christine Schuck endorsed Ms. Cano's recommendation by memo dated May 5, 2021. See Exhibit "B" attached hereto.

III.

Since the date of these memoranda, Grady Owens has been released and allowed to return to his hometown. He had been living with a friend from church, but has now moved into a rental property that the Owens have in the same town. The Delta variant of COVID-19 ran through the Owens family during July and early August. They have finally recovered. Attached as Exhibit "C" is a copy of Jason Owens' lab results. For continued health of the family, Defendant requests that his son be allowed to live with him in the same residence. Defendant agrees that he will not discuss the events of January 6, 2021, with his son.

IV.

Counsel has conferred with AUSA Jennifer Rozzoni, and she has indicated the Government will oppose this motion.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this motion be granted and that the Court modify the Terms and

Conditions of Release to indicate that Defendant is to have no contact with anyone present at or involved with the events at the U.S. Capitol on January 6, 2021, other than his son, Grady Owens.

Respectfully submitted,

JIM DARNELL, P.C.  
310 N. Mesa, Suite 212  
El Paso, TX 79901  
Phone: (915)532-2442  
Fax: (915)532-4549

By: /s/Jim Darnell  
Jim Darnell  
[jdarnell@jdarnell.com](mailto:jdarnell@jdarnell.com)  
TX State Bar No. 05391250  
NM State Bar No. 148187

Attorney for Defendant

Certificate of Service

I hereby certify that on this 13th day of October, 2021, a true and correct copy of the foregoing instrument has been filed with the Clerk of this Court using the CM/ECF system which will automatically send notification of such filing to the United States Attorney's Office.

/s/Jim Darnell  
Jim Darnell

10090.1ad

EXHIBIT A

UNITED STATES DISTRICT COURT  
for the  
District of Columbia

United States of America

v.

Jason Douglas Owens

*Defendant*

)  
)  
)  
)  
)

Case No. 21-mj-376

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: U.S. District Court for the District of Columbia, 333 Constitution Ave NW, D.C.

*Place*

before Magistrate Judge G. Michael Harvey (Telephonic/VTC)

on 7/20/2021 1:00 pm

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian

Date

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the Pretrial Services of the Western District of Texas ("PSA") weekly by phone; verify address weekly with PSA.  
 telephone number (512) 916-5297, no later than \_\_\_\_\_.
- ( ) (b) continue or actively seek employment.
- ( ) (c) continue or start an education program.
- ( ) (d) surrender any passport to: \_\_\_\_\_
- ( ) (e) not obtain a passport or other international travel document.
- (X) (f) abide by the following restrictions on personal association, residence, or travel: Stay away from DC except for attendance at Court proceedings, meeting with counsel, or required PSA business.
- (X) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: No contact with anyone present at or involved with the events at the U.S. Capitol on Jan. 6th, 2021, including Def.'s son, Grady Owens.
- ( ) (h) get medical or psychiatric treatment: \_\_\_\_\_
- ( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_
- ( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
- (X) (k) not possess a firearm, destructive device, or other weapon.
- ( ) (l) not use alcohol ( ) at all ( ) excessively.
- ( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- ( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
- ( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
- ( ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
- ( ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or
- ( ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
- ( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
- ( ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- ( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
- ( ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (X) (s) Notify PSA in advance of any travel outside the W.D.TX. Def. must receive Court's approval for any travel outside of the Continental U.S. Def. shall receive courtesy supervision of PSA (W.D.TX.).

**ADVICE OF PENALTIES AND SANCTIONS**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of the Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

acknowledged on the record

*Defendant's Signature*

*City and State*

**Directions to the United States Marshal**

- (xx ) The defendant is ORDERED released after processing.
- ( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: April 21, 2021 *nunc pro tunc*



G. Michael Harvey  
2021.04.22 13:31:39 -04'00'

*Judicial Officer's Signature*

G. Michael Harvey, U.S. Magistrate Judge

*Printed name and title*

EXHIBIT B



From: **Christine Schuck** <[Christine.Schuck@psa.gov](mailto:Christine.Schuck@psa.gov)>

Date: Wed, May 5, 2021, 8:31 PM

Subject: Grady Douglas Owens Dkt# 21-cr-286

To: [jennifer.m.rozzoni@usdoj.gov](mailto:jennifer.m.rozzoni@usdoj.gov) <[jennifer.m.rozzoni@usdoj.gov](mailto:jennifer.m.rozzoni@usdoj.gov)>, Pat Woodward <[patmwoodwardjr@gmail.com](mailto:patmwoodwardjr@gmail.com)>

Good Evening,

DC Pretrial Services has reached to the US Probation Office for the Western District of Texas Austin Office in regards to this case. Should Chief Judge Howell decide release is appropriate, they are willing to accept courtesy supervision. The officer, USPO Cano, who would be assigned to the defendant is also supervising his father. Here is what she relayed to me in regards to potential conditions of release:

- I have no objection to the two residing in the same residence.
- Grady's mother sold all the firearms that Jason owned. So we know there are no firearms in that residence.
- It is my understanding Grady was in school when he was arrested. He will need his parents' financial support until he begins working.
- If Location Monitoring (LM) is ordered, please ask for GPS

She also mentioned to me they both attend the same church so if a stay away/ no contact order was imposed it would be very difficult to monitor this condition because the father, Jason Owens, is not on LM and therefore she would not know if the two were in the same location.

It appears we may have a few cases to process for Mag Court in the morning but I should be available in the afternoon. I have Mag Court on Friday and that will have my full attention that day.

Please let me know if I can be of further assistance.

-Christine

**Christine Schuck**

Pretrial Services Officer

Pretrial Services Agency for the District of Columbia

US District Court Unit

333 Constitution Avenue NW Suite 2507

Washington DC 20001

(202) 442-1017 (desk)

(202) 740-0370 (cell)

(202) 442-1000 (main)

(202) 442-1001 (fax)

**From:** Linda Cano <[Linda\\_Cano@txwpt.uscourts.gov](mailto:Linda_Cano@txwpt.uscourts.gov)>

**Sent:** Wednesday, May 5, 2021 5:29 PM

**To:** Christine Schuck <[Christine.Schuck@psa.gov](mailto:Christine.Schuck@psa.gov)>

**Subject:** RE: Grady Douglas Owens (Washington DC Dkt# 21-cr-286): Likely Request for Courtesy Supervision from Washington DC Forthcoming after 5/7/2021

Hello,

I am supervising the defendant's codefendant/ father, Jason Owens.

I have no objection to the two residing in the same residence.

Grady's mother sold all the firearms that Jason owned. So we know there are no firearms in that residence.

It is my understanding Grady was in school when he was arrested. He will need his parents' financial support until he begins working.

If LM is ordered, please ask for GPS - Loc8 xt from BI.

Linda Cano

Sr. U.S. Pretrial Officer

U.S. Pretrial Services

Western District of Texas, Austin Division

Office: **512-391-8839**

Cell: **512-949-7155**

[linda\\_cano@txwpt.uscourts.gov](mailto:linda_cano@txwpt.uscourts.gov)

Click our seal to visit the Texas Western Pretrial website

EXHIBIT C



# FULL SPECTRUM EMERGENCY CENTER

18007 IH 10 West

San Antonio, Texas 78257

Telephone # 210-530-1040 Fax # 210-530-1187

Medical Director: Karen Tindall MT (ASCP), SH, MBA COLA #27465

## SARS-COV-2/FLU A&B/RSV

OWENS, JASON D

Multi-test Sars

A RT-PCR test for the qualitative detection of nucleic acid for SARS-CoV-2/Flu A&B/RSV (often referred to as COVID-19 or the novel coronavirus), was administered on

7-30-21

(Date)

### RESULTS

TEST PANEL	Positive	Negative	TEST PANEL	Positive	Negative	Internal QC (V)
SARS-CoV-2	✓		Flu A		✓	✓
RSV		✓	Flu B		✓	

\* For emergency use only.

Laboratories within the United States and its territories are required to report all SARS-CoV-2 results to the appropriate public health authorities.

This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostic tests for detection and/or diagnosis of COVID-19 under Section 564(b)(1) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.

- False negative results may occur if virus is present at levels below the analytical limit of detection.
- Negative results do not preclude SARS-CoV-2, influenza or RSV infection and should not be used as the sole basis for treatment or other patient management decisions.
- Results from the Xpert Xpress SARS-CoV-2 Flu/RSV test should be correlated with the clinical history, epidemiological data, and other data available to the clinician evaluating the patient.
- As the Xpert Xpress SARS-CoV-2/Flu/RSV test does not differentiate between the N2 and E gene targets, the presence of other coronaviruses in the B lineage, Betacoronavirus genus, including SARS-CoV-1 may cause a false positive result. None of these other coronaviruses is known to currently circulate in the human population.
- This test is not intended to differentiate RSV subgroups, influenza A subtypes or influenza B lineages. If differentiation of specific RSV or influenza subtypes and strains is needed, additional testing, in consultation with state or local public health departments, is required.
- This test has not been FDA cleared or approved.
- This test has been authorized by FDA under an EUA for use by authorized laboratories.
- This test has been authorized only for the simultaneous qualitative detection and differentiation of nucleic acids from SARS-CoV-2, influenza A, influenza B, and respiratory syncytial virus (RSV), and not for any other viruses or pathogens.
- This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostic tests for detection and/or diagnosis of COVID-19 under Section 564(b)(1) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.
- Your healthcare provider will work with you to determine how best to care for you based on the test results along with medical history, and your symptoms.

TEST RESULTS VERIFIED BY: JRDATE: 7/30/21 TIME: \_\_\_\_\_

RESULTS FAXED TO: \_\_\_\_\_

FAX #: \_\_\_\_\_

FAXED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_



Becker

Becker

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:21mj376
	)	
JASON DOUGLAS OWENS,	)	
	)	
Defendant.	)	
_____	)	

**ORDER GRANTING MOTION TO MODIFY TERMS AND CONDITIONS OF RELEASE**

Be it remembered that on this day the Defendant's Motion to Modify Terms and Conditions of Release came before the Court for consideration. After reviewing the motion and the attachments thereto, the Court is of the opinion that said motion should be granted.

IT IS, THEREFORE, ORDERED that the Terms and Conditions of Release dated April 21, 2021, Document 7 on file herein, is amended as follows:

(7)(g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: No contact with anyone present at or involved with the events at the U.S. Capitol on January 6, 2021, other than his son, Grady Owens.

SIGNED the \_\_\_\_ day of October, 2021.

\_\_\_\_\_  
G. MICHAEL HARVEY  
UNITED STATES MAGISTRATE JUDGE