

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:21-CR-348-T-SCB-SPF

JEREMY BROWN

_____ /

**MOTION FOR REVOCATION OF MAGISTRATE JUDGE’S DETENTION
ORDER¹**

COMES NOW, the Defendant, JEREMY BROWN, pursuant to 18 U.S.C. § 3145(b), and files this Motion for Revocation of the Magistrate Judge’s Detention Order (Dkt. 19). Undersigned counsel respectfully requests that this Honorable Court find that the Magistrate Judge erred in his factual and legal findings, reverse the Detention Order, and conduct a new detention hearing before this Court. In support, Mr. Brown respectfully states as follows:

I. Procedural and Factual History

1. On October 1, 2021 Mr. Brown was charged via criminal complaint with entering and remaining on a restricted building or grounds in violation of 18 U.S.C. §1752(a)(1), and disorderly and disruptive conduct in a restricted building or grounds in violation of 18 U.S.C. §1752(a)(2),

¹ Counsel notes that the magistrate judge is currently assessing whether to reopen Mr. Brown’s detention hearing. Mr. Brown filed a Motion for Pre-Trial Release. Doc. 27. If the magistrate

8:21-mj-1990-SPF. This case is pending in Washington D.C.

2. On October 1, 2021, Mr. Brown was charged via criminal complaint with possessing firearms not registered to him in violation of 26 U.S.C. § 5861(d). 8:21-mj-1991-SPF.
3. On October 1, 2021, Mr. Brown made his initial appearance before the Court. At that time the Government requested detention based on 18 U.S.C. § 3142(f)(1)(C), and the Court continued the hearing until October 5, 2021.
4. After a hearing on October 5, 2021, this Court issued an Order of Detention finding “that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community.” Doc. 19. The Court stated that it was “particularly troubled by a sign Brown placed on the door of his residence in which he warned that ‘FBI/DHS/USMS/HSCO’ that they: ‘Better bring a bigger Tactical PACKAGE.’” The Court took this as a direct threat to law enforcement.

I. October 5, 2021 Detention Hearing

At the hearing, the United States submitted documentary evidence to the Court to attempt to show that this decorated military Special Forces veteran is a

judge re-opens the detention hearing and issues an order of release upon certain conditions, this

danger to himself and the community. Most of the documentary evidence submitted by the government should be given little to no weight by this Court.

A. Exhibit 5

At the hearing, the United States admitted a 2014 Baker Act report. Doc. 17, USA Exhibit 5. At the hearing, this Court was apprised that seven (7) years ago, Mr. Brown was going through a very difficult divorce. As such, law enforcement thought best to Baker Act him, and Mr. Brown was taken without injury or incident. We submit that this incident seven (7) years ago sheds no light on whether Mr. Brown has current mental health issues or is a danger to himself or others.

B. Exhibit 6

Also, at the hearing, the government presented to the Court a February 2019 missing person report. Id., USA Exhibit 6. The defense explained to the Court that Mr. Brown was not missing; rather, he was located at a Quality Inn the very next day and was at the hotel because he needed to be alone after his brother's suicide. Defense submitted evidence that Hillsborough County Chief Judge Ronald Ficarrota heard Tampa Police Department's Petition for Risk Protection, which was filed by the Police after they found Mr. Brown at the Quality Inn. Doc. 18, Exhibit 1. Judge Ficarrota specifically found that "[b]ased on testimony of

appeal would become moot.

witnesses and Respondent the Court finds that the Respondent does not pose a significant risk of danger.” Id. The court ordered that Tampa police return Mr. Brown’s firearms. Mr. Brown submits that the evidence that the United States has provided the Court in Exhibit 6 neither shows he is a danger to himself nor to others.

C. Exhibit 7

In Exhibit 7, the United States put before the Court what it deemed as evidence of Mr. Brown’s violent past when it placed into evidence a 2019 docket sheet from state court. Doc. 17, Exhibit 7. The docket sheet shows that a female (Ms. Aldridge’s sister) filed a petition for a restraining order against Mr. Brown. Judge Art McNeil in Plant City held a hearing, dismissed the petition as insufficient, and ordered the police to return Mr. Brown’s firearms. Mr. Brown submits that this exhibit neither shows he is a danger to himself nor to others.

D. Exhibit 8

Exhibit 8, which is a sign Mr. Brown had in the window of his home, troubled the Court. Id., Exhibit 8. The sign shown in Exhibit 8 was only in Mr. Brown’s window for approximately two weeks in March 2021, when Mr. Brown was out of town. When Mr. Brown returned home, Mr. Brown took the sign out of his window seven (7) months before law enforcement came to his house to arrest him for a misdemeanor trespass out of Washington D.C. As explained the to Court

by Mr. Brown, the “P.S. Better Bring a Bigger Tactical PACKAGE” was said in jest not as a threat of violence to law enforcement. There is absolutely no evidence in Mr. Brown’s history that he poses a threat to anyone. To the contrary, he spent 20 years in active military service, 17 years in the special forces and received two Bronze Stars for his meritorious service in combat.

II. Argument and Memorandum of Law

A review of the Magistrate Judge’s decision denying pretrial release is *de novo*. See United States v. Allen, 891 F. Supp. 594, 597 (S.D. Fla. 1995). The Magistrate Judge erred in his findings, because the judge did not adequately consider the alternatives to incarceration set forth by Mr. Brown.

At the hearing, Mr. Brown presented the following conditions and arguments for release pursuant to 18 U.S.C. § 3142(c). Mr. Brown submits that that the following conditions of release are sufficient to assure Mr. Brown’s appearing in court and will assure the safety of the public and law enforcement:

- Electronic monitoring: While the government alluded at the detention hearing that Mr. Brown knows how to circumvent GPS monitoring because of his special training, this statement was wholly without basis or evidentiary support. Mr. Brown will absolutely abide by electronic monitoring.

- Report to probation on a regular basis: Mr. Brown will report to probation as often as this Court requires.
- Searches and Seizures: Mr. Brown and Ms. Albridge (his girlfriend) agree to have their home searched prior to his release and surrender any weapons found in the home. Tylene Aldridge, the owner of the home, agrees to any searches and to surrender and to remove any and all weapons from the home.
- Secured Appearance Bond: Ms. Aldridge is willing to put her home up as collateral to secure an appearance bond. This issue was not raised before the magistrate judge as it was not known at the time of the hearing.
- Restrictions on travel: Mr. Brown will surrender his passport and will remain in the Middle District of Florida during the pendency of this case.
- Curfew: Mr. Brown will abide by any curfew that this Court imposes.
- Drug testing: Mr. Brown will submit to any drug testing that the Court requires. There is no evidence that Mr. Brown has an issue with drugs or alcohol.
- Psychological testing: Even though the government claimed at the detention hearing that Mr. Brown suffers from fairly serious mental

health issues, the United States presented no evidence from a doctor, psychologist or any documentation as to any type of mental health issue Mr. Brown might be suffering from. In addition, as explained in detail above, the 2014 Baker Act from seven (7) years ago when he was going through a divorce and the 2019 missing person report, when he was not even missing, are not evidence that Mr. Brown currently has mental health issues. That said, Mr. Brown is willing to submit to any mental health or psychological exam that this Court requires.

Accordingly, based on the forgoing, we move this Court to revoke the magistrate judge's order of detention, and either release Mr. Brown on the above conditions of release, or conduct a separate independent detention hearing.

IV. Conclusion

WHEREFORE, for the reasons stated herein, Defendant respectfully requests that this Honorable Court reverse the Magistrate Judge's Detention Order and grant Mr. Brown release or a new detention hearing before this Court.

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished by electronic filing using the CM/ECF system to Risha Asokan, United States Attorney's Office, this 3d day of November, 2021.

Respectfully submitted,

s/William Sansone
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