

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

United States)	
)	
v.)	NO. 1:21cr140
)	
Larry Brock)	
)	
<u>Defendant.</u>)	

MOTION TO MODIFY CONDITIONS OF RELEASE

Comes now, the accused, Larry Brock and moves to modify his conditions of release. In support of this motion, Mr. Brock asserts the following:

BACKGROUND

I. Background of Larry Brock

Mr. Brock lives in Texas and is a veteran of the Air Force with multiple combat deployments and decorations as an A-10 pilot. He has had a productive private sector career in civilian aviation and other industries. He has no criminal convictions.

II. Procedural Background

Mr. Brock is charged with misdemeanor offenses stemming from the events at the United States Capitol on January 6, 2021. He surrendered to authorities in Northern District of Texas. On January 14, following a hearing, the district judge set conditions of release, stating that:

I'm taking into account that the defendant quickly self-surrendered, he did not possess weapons, or, at this stage, have any evidence of violent actions involved with his alleged activities on January 6th, and his long and distinguished military career.

Ex. 1,

The district judge placed Mr. Brock on home detention and prohibited him from accessing the internet unless specifically approved by his pretrial officer. Ex. 2. Pretrial installed monitoring software on Mr. Brock's devices.

ARGUMENT

Under 18 U.S.C. § 4142, this Court should impose the "least restrictive" set of conditions to assure Mr. Brock's appearance at court and the safety of the community.

Maintaining Mr. Brock on home detention and limiting his internet use is more restrictive than necessary. As stated above, Mr. Brock has had an admirable civilian and military career. He has no criminal convictions. He is not accused of committing violent acts at the U.S. Capitol or destroying government property. Most importantly, he has proven over nearly two months that he will scrupulously abide by any conditions of release set by this Court.

The current conditions of release will cause Mr. Brock significant hardship. Mr. Brock lost his job as a result of this case and the media attention. He is diligently working on new employment as a home inspector and/or flight instructor. Pursuing these careers will require significant local travel which will likely be burdensome to coordinate ahead of time with pretrial. Mr. Brock submits that a condition requiring pre-approval for trips outside of Texas is sufficient. He also has no objection to a condition prohibiting him from engaging in protest activity in any location.

A near-complete ban on internet use is also not necessary. Mr. Brock has no wish to use social media, but the internet is necessary for many day-to-day tasks such as

seeking information on YouTube¹ or using GPS direction apps. Potentially starting at new career as a home inspector at age 54, Mr. Brock has to devote extra time and study to be successful and much of the educational material is online.

It is not feasible to coordinate all of these online tasks in advance through probation. Mr. Brock submits that a prohibition on social media use is a sufficient condition of release. In addition, Mr. Brock has no objection to maintaining monitoring software on his devices so any illicit internet use will be communicated to probation.

CONCLUSION

For the foregoing reasons, Mr. Brock respectfully requests this Court to remove him from house arrest and instead order that any travel outside of Texas be approved by pretrial. Mr. Brock further requests permission to use the internet with the restriction that he not use social media.²

Respectfully Submitted,

By:

/s/ Charles Burnham
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¹ To be clear, Mr. Brock is not seeking permission to post content to YouTube, but merely to view content posted by others.

² Mr. Brock has inquired of the government's position on this request. As of the date of filing they have not taken a position.

CERTIFICATE OF SERVICE

I have served this filing on the government through the ecf system.

Respectfully Submitted,

By: /s/ Charles Burnham
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1 THE COURT: All right. Well, based on the evidence
2 and the testimony before the Court, I will find that there is
3 probable cause for the charges in the criminal complaint out
4 of the District of Columbia.

5 As pointed out, the defendant is charged with
6 misdemeanor charges carrying the exposure as disclosed by the
7 defense. I'm considering the factors under the statute,
8 Section 3142, and in weighing those in light of the evidence
9 and the information I have, I'm taking into account that the
10 defendant quickly self-surrendered, he did not possess
11 weapons, or, at this stage, have any evidence of violent
12 actions involved with his alleged activities on January 6th,
13 and his long and distinguished military career.

14 I believe that any of the concerns regarding risk of
15 flight or nonappearance or a danger to the community can be
16 addressed with an appropriate set of conditions and
17 combination of conditions that will assure that this defendant
18 will not be a risk of flight or a danger to the community.

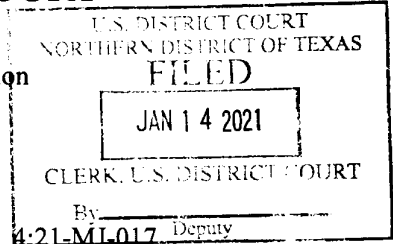
19 They are going to be restrictive. There is going to
20 be location monitoring and restricted travel of the defendant,
21 as well as other tightly-composed conditions.

22 So, we'll need to stand in recess for a few minutes
23 while an order setting conditions of release is prepared, and
24 I will go over those with you, Mr. Brock, and you'll go
25 through those with your attorney before I even do that.

UNITED STATES DISTRICT COURT

for the

Northern District of Texas, Fort Worth Division



United States of America v.

LARRY RENDALL BROCK Defendant

Case No.

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 42 U.S.C. § 14135a.
(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: United States Courthouse, 333 Constitution Avenue, NW, Washington, DC 20001 Place

Before Magistrate Judge G. Michael Harvey

on as directed by the Court and/or US Probation Officer Date and Time

If blank, defendant will be notified of next appearance.

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

AO 199B

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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 United States Probation Officer as directed, telephone number _____, no later than _____.
 - (X) (b) continue or actively seek employment.
 - () (c) continue or start an education program.
 - (X) (d) surrender any passport to: _____ and/or any passport card to the United States Probation Office _____.
 - (X) (e) not obtain a passport or other international travel document.
 - (X) (f) abide by the following restrictions on personal association, residence, or travel: Travel restricted to the Northern District of Texas and to and from the District of Columbia for Court purposes unless permission received from the US Probation Officer
 - (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: but not limited to anyone involved in anyway with the US Capitol protest held on January 6, 2021 and any protest participants, those involved in the organization or planning of a protest
 - () (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.
 - (X) (l) not use alcohol () at all (X) excessively.
 - (X) (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.
 - (X) (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
 - (X) (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.
 - (X) (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.
 (X) 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.
 - (X) (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) Not participate in any capacity in any criminal activity, associate with any person engaged in any criminal activity, or enter into, or perform under, any agreement to act as an informer for, or special agent of, any governmental agency without permission of the court.
 - (X) (t) Restricted from entering the US Capitol or the grounds of the US Capitol
 - (X) (u) no access the internet except for participation in online classes which he is enrolled. and internet monitoring by the US Probation Officer, subject to change if unable to adapt monitoring, further exception of internet access specifically approved by his pretrial officer.

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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.

Defendant's Signature

Fort Worth, TX

City and State

Directions to the United States Marshal

- 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: January 14, 2021

Judicial Officer's Signature

JEFFREY L. CURETON, UNITED STATES MAGISTRATE JUDGE

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL