

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

LUKE RUSSELL COFFEE

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§

CASE No. 21-MJ-236

**OPPOSITION TO MOTION FOR TRANSPORT ORDER**

TO THE HONORABLE JUDGE BERYL A. HOWELL OF SAID COURT:

COMES NOW, LUKE COFFE RUSSELL, the Defendant in the above styled and numbered cause, and moves the Court to the Government Motion for Transport Order the Government to and for cause would show the Court as follows:

I.

**The Magistrates Hearing was fairly and correctly conducted.** The Motion for Transport Order shall not be granted because the Magistrate determined that the Record was very clear that the Government presented no evidence (compelling or non-compelling) that defendant is a danger to the community, witnesses, or anyone and the Government presented no evidence (compelling or non-compelling) that defendant is a serious flight risk.

**The Government would have no legal basis to challenge Judge’s decision if it tried to file an Appeal.**

The Motion for Transport Order shall not be granted because the Government would have no legal basis to challenge Judge’s decision if it tried to file an Appeal. That is why the Magistrate had no problem Granting Release because the Magistrate was presented no evidence by the Government to rule otherwise. Although the Government met its initial burden that there is probable cause for the charges by constantly replaying one very short and limited video, this was a Pretrial Release Hearing reviewing whether the defendant was dangerous to the community or a serious flight risk. The Government failed to produce any evident of either.

**The Motion for Transport Order is premature.**

The Motion for Transport Order should not be granted as premature to the decision of the Court of how to proceed. The Motion for Transport Order to move defendant from his present detention is not necessary and is premature until Court decides how it wishes to proceed. There is a very good chance that the Court will review the Record and agree with the Magistrate that the Government did not meet its burden of proof that defendant was dangerous to the community or a serious flight risk.

**The Government Failed to Meet its Burden.** The Motion for Transport Order shall not be granted because the Government failed to prove that Luke Coffee was a flight risk or a danger to any person or the community. Luke Coffee has never been a violent man and has never committed any violent offense prior to the alleged assault on January 6, 2021.

**There is no emergency in this case so Counsel requests 30 days to prepare for a hearing before the Court on the Motion to Transport Order.**

The Motion for Transport Order shall not be granted because there is no emergency or urgency to make a decision on the Review of another Magistrate. The Defendant is in detention and his presence is not required until the Court decides how to proceed. The defense requests 30 days to prepare for a hearing before the Court on this matter.

## II.

The Defendant opposes to the Motion to Transport. The Defendant and the Defendant's Attorney reside in Dallas, Texas. Both pre-trial services in Northern District of Texas and the presiding Magistrate Judge did not believe that the Defendant, Luke Coffee is a flight risk or a danger to the public.

The transport of the Defendant would be a waste of judicial resources, USMS resources, and taxpayer resources to transport the Defendant at that time as these issues have yet to be resolved. Magistrate Judge Horan released the Defendant subject to certain conditions, including electronic monitoring. See the Order Setting the Conditions of Release signed by Magistrate Judge Horan, document number 9.

## III.

The Defendant, requests that the magistrate judge's decision to transport the defendant be upheld and the motion for transport and review of release order be denied.

WHEREFORE, PREMISES CONSIDERED, the Defendant pray that his motion be in all things granted.

Respectfully submitted,

**/s/ Jim Burnham**

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**CAUSE NO. 21-MJ-236**

**ORDER FOR  
OPPOSITION TO MOTION FOR TRANSPORT ORDER**

On this \_\_\_\_\_ day of \_\_\_\_\_ 2021, the foregoing Order for Opposition to Motion for Transport Order; having been presented to the Court, the same is hereby (GRANTED) to which action of the Court the Defendant excepts).

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Honorable Judge Beryl A. Howell