

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

UNITED STATES OF AMERICA

V.

MICHAEL STEVEN PERKINS

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CRIMINAL NUMBER 21-447-4

ORDER

AND NOW, this day of , 2021, the Court grants Defendant's Second Motion for Modification of Conditions of Release. It is hereby **ORDERED** that the condition (7)(g) of the Order Setting Conditions of Release (ECF 29) is modified as follows: that Mr. Perkins "avoid all contact directly or indirectly with any person who may be a victim or witness in this investigation and prosecution."

BY THE COURT:

THE HONORABLE CARL J. NICHOLS
United States District Court Judge

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	:	
MICHAEL STEVEN PERKINS	:	

**DEFENDANT'S SECOND MOTION FOR MODIFICATION
OF CONDITIONS OF RELEASE**

Michael Steven Perkins, by and through his attorney, Nancy MacEoin, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, respectfully requests Mr. Perkins be removed from home detention and placed on stand-alone electronic monitoring. As grounds, counsel avers as follows:

1. On June 25, 2021, Magistrate Judge G. Michael Harvey signed a Criminal Complaint and Arrest Warrant for Mr. Perkins alleged criminal conduct on January 6, 2021 on the grounds of the United States Capitol Building. Law enforcement agents arrested Mr. Perkins at his home in Plant City, Florida on June 30, 2021 pursuant to this warrant.

2. On July 1, 2021, a grand jury returned an indictment charging Mr. Perkins with assaulting, resisting, or impeding certain officers using a dangerous weapon in violation of 18 U.S.C. §§ 111(a)(1) and (b), entering or remaining in a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(1), disorderly and disruptive conduct in a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(2), engaging in physical violence in a restricted building or grounds in violation of 18 U.S.C. § 1752(a)(4), and act of physical violence in the Capitol grounds or buildings in violation of 40 U.S.C. § 5104(e)(2)(F). Mr. Perkins is one of five

individuals charged in this indictment.¹

3. The government moved to detain Mr. Perkins pretrial. Docket Entry No. 10. The Honorable G. Michael Harvey heard oral argument on the government's motion on July 8, 2021. On July 13, 2021, Judge Harvey issued an Order releasing Mr. Perkins from custody forthwith and an Order Setting Conditions of Release. Docket Entry No. 27 and 29. One condition of Mr. Perkin's release was that he is to "avoid all contact directly or indirectly with any person who may be a victim or witness in this investigation and prosecution, *including: co-defendants charged in the instant matter, unless in the presence of counsel.*" Docket Entry No. 29 (7)(g) (emphasis added). Of the four defendants on pretrial release, Mr. Perkins is the only individual who has restriction in their Order Setting Conditions of Release.

4. Mr. Perkins resides in Plant City, Florida and has been in compliance with all conditions of release since his release on July 13, 2021.²

5. Co-defendants Joshua Doolin and Olivia Pollock reside in nearby Lakeland, Florida and are parishioners at the same church as Mr. Perkins. Brittany Perkins, Mr. Perkins' wife, frequently holds prayer services and other church-related activities at their home in Plant City. Condition (7)(g) has prevented Joshua Doolin and Olivia Pollack from attending such services as it would place Michael Perkins in violation of condition (7)(g). Neither Joshua Doolin nor Olivia Pollock has condition (7)(g) in their Orders Setting Conditions of Release.

¹ As of September 9, 2021, the lead defendant, Jonathan Daniel Pollock, has not been apprehended.

² On September 24, 2021, this Court denied Mr. Perkins' Motion to Modify Conditions of Release to remove the condition of home confinement. The Court subsequently granted Mr. Perkins' Motion to Temporarily Modify Conditions of Release to attend a church retreat on November 17, 2021.

Docket Entry Nos. 22 and 23, respectfully.

6. Mr. Perkins respectfully requests the Order Setting Conditions of Release be modified, removing the language “*including: co-defendants charged in the instant matter, unless in the presence of counsel*” from condition (7)(g) of the Order Setting Conditions of Release. Mr. Perkins has no objection to the remaining language in condition (7)(g) that he “avoid all contact directly or indirectly with any person who may be a victim or witness in this investigation and prosecution.” This modification will allow Mr. Doolin and Ms. Pollock to attend religious services and church activities hosted at the Perkins’ residence, including one scheduled for Friday, December 31, 2021, New Year’s Eve.

7. Assistant United States Attorney Benet Kearney has informed defense counsel that the government opposes this Second Motion to Modify Conditions of Release.

WHEREFORE, Mr. Perkins respectfully requests the Court modify condition (7)(g) by deleting the language “*including: co-defendants charged in the instant matter, unless in the presence of counsel.*” This will allow Joshua Doolin and Olivia Pollock to attend religious activities and church-related events at the Perkins’ residence without placing Mr. Perkins in violation of the conditions of his release.

Respectfully submitted,

/s/ Nancy MacEoin
NANCY MacEOIN
Assistant Federal Defender

CERTIFICATE OF SERVICE

I, Nancy MacEoin, Assistant Federal Defender, Federal Community Defender Office for the Eastern District of Pennsylvania, hereby certify that I filed the attached Defendant's Second Motion for Modification of Conditions of Release via the Court's Electronic Filing (ECF) system which sent notification to Benet Kearney, Assistant United States Attorney, One Saint Andrew's Place, New York, New York 10007, via her email address Benet.Kearney@usdoj.gov.

/s/ Nancy MacEoin
NANCY MacEOIN
Assistant Federal Defender

DATE: December 30, 2021