

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 :
 V. : CRIMINAL NUMBER 21-447-4
 :
 :
 MICHAEL STEVEN PERKINS :

ORDER

AND NOW, this day of , 2022, the Court grants Defendant's Supplemental Second Motion for Modification of Conditions of Release. It is hereby **ORDERED** that the condition (7)(n) of the Order Setting Conditions of Release (Docket Entry No. 29), requiring the defendant submit to testing for prohibited substances, is hereby rescinded.

BY THE COURT:

THE HONORABLE CARL J. NICHOLS
United States District Court Judge

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**DEFENDANT'S SUPPLEMENTAL 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. Perkins' release is that he submit to testing for prohibited substances. Docket Entry No. 29, (7)(n).

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, including all requirements that he submit to drug testing.² Mr. Perkins has never tested positive for any controlled substances, nor does he have a history of substance abuse.

5. Mr. Perkins respectfully requests the Order Setting Conditions of Release be modified, removing the condition that he submit to testing for controlled substances. Mr. Perkins is on Home Detention with GPS monitoring. He works as a handyman and is paid per job he completes. The condition that he submit to testing for controlled substances requires him to take time off work whenever he is randomly called. He is required to report to the drug testing laboratory, which is approximately 45 minutes away from Plant City, Florida, and wait

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. Mr. Perkins Second Motion to Modify Conditions of Release (Docket Entry No. 71) is pending before this Court.

for often up to an hour to submit the drug testing. The total time away from work can be in excess of two-and-a-half to three hours, including travel time.

6. Since his release on July 12, 2021, he has submitted ten (10) of urine samples.³ Each and every one of those submissions tested negative for any controlled substances. Rescinding the requirement that he submit to testing for controlled substances will allow Mr. Perkins additional hours to work and making a living to support his family.

7. Defense counsel attempted to contact Assistant United States Attorney Benet Kearney regarding this Supplemental Second Motion to Modify Conditions of Release but as of this filing, has not made contact and as such, cannot make a representation of the government's position on the instant Motion.

WHEREFORE, Mr. Perkins respectfully requests the Court modify condition of his release by rescinding condition (7)(n) requiring him to submit to testing for controlled substances.

Respectfully submitted,

/s/ Nancy MacEoin
NANCY MacEOIN
Assistant Federal Defender

³ Defense counsel spoke to Pretrial Services Officer Danielle Sull on Tuesday, January 4, 2022, and confirmed this information.

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 Supplemental 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: January 4, 2022