

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

UNITED STATES OF AMERICA :

v. : **Case No. 1:21-cr-0332-JMC**

PAUL RUSSELL JOHNSON, et al., :

:

CONSENT MOTION TO MODIFY CONDITIONS OF RELEASE
(Attend Football Camp with Son)

Paul Russell Johnson, through undersigned counsel, moves this Court to modify its June 8, 2021 Order Setting Conditions of Release (ECF No. 32) under 18 U.S.C. § 3145(a). Mr. Johnson requests that this Court allow him to travel to his son's football camp in South Carolina from March 25, 2022 to March 28, 2022.

In support of this Motion, Mr. Johnson states as follows:

1. On April 12, 2021, the United States District Court for the District of Columbia issued an arrest warrant charging Mr. Johnson for acts allegedly committed in Washington, D.C. on January 6, 2021.
2. On April 13, 2021, FBI agents arrested Mr. Johnson at his Virginia home in the early morning hours. According to the Pretrial Services Report (ECF No. 13), Mr. Johnson has no criminal convictions.
3. On April 14, 2021, Mr. Johnson appeared in federal court in the Eastern District of Virginia to be transferred to Washington, DC regarding this case.
4. On April 29, 2021, Mr. Johnson's detention hearing was held before a United States Magistrate Judge in this District. The Magistrate Judge ordered that Mr. Johnson be released subject to the condition, among others, that he submit to a location monitoring program and that

he be restricted to his residence at all times with certain exceptions, such as employment and church services.

5. The Court originally ordered that Mr. Johnson's location be monitored through a GPS ankle monitor. *See* ECF No. 20. This device interfered with Mr. Johnson's occupation as a tree trimmer. The Court modified its original order so that Mr. Johnson's location would be monitored through the SmartLINK cell phone application. *See* ECF No. 31.

6. Mr. Johnson is a devoted father to his sons. He assists the football team on which his two sons play and transports them to and from practice. One of his sons hopes to attend the FlexWork Sports Management Trevor Lawrence Youth Football Camp in Greer, South Carolina on March 27, 2022.

7. Mr. Johnson requests the Court's leave to accompany his son on this trip. He would depart by car from Virginia the morning of March 25 and arrive at the Holiday Inn located at 3509 Clemson Boulevard in Anderson, South Carolina that evening. The next day, he would attend with his son a tour of the Clemson Campus with the Clemson football team. After the tour, he would return to the hotel. On March 27, he would transport his son from the hotel to the football camp located at the Mesa Soccer Complex at 1020 Anderson Ridge Road. After the camp ends at 1 PM, he would take his son back to the hotel. He hopes to then stay the night and make the seven-hour return drive to his home on March 28.

8. Counsel for Mr. Johnson contacted his Pre-Trial Services Officers in Virginia and in Washington, D.C. Both agree that Mr. Johnson has complied with his conditions of release to date—totaling approximately 305 days from May 7, 2021 to March 8, 2022. If the Court approves of the modified conditions of release, then neither the Pretrial Services Office in Washington D.C.

nor the Pretrial Services Office in the Eastern District of Virginia (the supervising jurisdiction) oppose the proposed modifications.

9. The government consents to a modification to Mr. Johnson's release order allowing him to accompany his son to football camp in South Carolina this March 26 and March 27 on the conditions that (1) Mr. Johnson provides his pretrial services officer with an itinerary of his travel, including his accommodations, the location of the football camp, and the practice schedule, and (2) Mr. Johnson conducts a daily check-in with his pretrial services officer.

10. In accepting these proposed conditions, Mr. Johnson reserves the right to file a motion to further modify his conditions under 18 U.S.C. § 3145(a).

11. As the Court knows, the Bail Reform Act of 1984 requires pretrial release under the least restrictive conditions that will reasonably assure the accused's appearance at court proceedings and the safety of the community. 18 U.S.C. § 3142(c)(1)(B). This Court has the authority to amend the conditions of a release order to conform to the Bail Reform Act's directives. 18 U.S.C. § 3145(a)(2). The Bail Reform Act's directives are rooted in the Fifth Amendment's prohibition of deprivation of liberty without due process and the Eighth Amendment's prohibition against excessive bail. *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (citations omitted). Additionally, the Bail Reform Act recognizes that accusations in an indictment are not convictions and the accused is presumed innocent. *See* 18 U.S.C. § 3142(j) (stating that "[n]othing in this section shall be construed as modifying or limiting the presumption of innocence"). Moreover, "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Munchel*, 991 F.3d 1273, 1279 (D.C. Cir. 2021) (internal citation omitted). Thus, the Court has both a statutory and constitutional mandate to release the accused under the least restrictive conditions that will reasonably assure his appearance

in court and protect the safety of the community. The parties have reached an agreement regarding the modification of Mr. Johnson's release conditions and urge the Court to allow the parties to effect this agreement.

CONCLUSION

WHEREFORE, for the reasons stated above, Mr. Johnson respectfully requests that the Court modify his current release conditions under 18 U.S.C. § 3145(a) to permit Mr. Johnson to accompany his son to football camp in Greenville, South Carolina from March 25, 2022 to March 28, 2022.

Dated: March 14, 2022

Respectfully submitted,



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