

THE HONORABLE PAUL L. FRIEDMAN

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
WASHINGTON, D.C.

UNITED STATES OF AMERICA,

Plaintiff,

v.

TYLER SLAEKER,

Defendant.

) No. CR 21-604-PLF

) **RESPONSE TO PRETRIAL**
) **SERVICES STATUS REPORT AND**
) **REQUEST TO SURRENDER**
) **FIREARMS TO LAW**
) **ENFORCEMENT AND PROVIDE**
) **DOCUMENTATION TO PRETRIAL**
) **SERVICES**

The Pretrial Services Agency for the District of Columbia Memorandum (Status Report) was filed on October 27, 2021, at 5:00pm EST. Dkt. 27. Pretrial Services requests the Court to “order the defendant to immediately surrender his firearms to local law enforcement authorities and provide the documentation to his supervision officer” in order to account for any firearms and his intentions to relocate to Tennessee. Dkt. 27 at 2. At 3:45pm Pacific Standard Time, Mr. Slaeker advised that he had no firearms to transfer as he had gifted the firearms to his mother. This morning, upon learning that the probation office still required documentation of that fact, Mr. Slaeker signed the Custodian Firearms Form and forwarded the executed form to his probation officer in Seattle. *See* Custodian Firearms Form, attached as Ex. 1. Accordingly, the alleged violation before the Court and request to modify the terms of supervision should be dismissed as moot.

1 The appearance bond should also be modified to allow for the lawful possession
2 of a firearm. Certainly this Court has significant discretion to construct the terms of
3 pretrial supervision however, the conditions should be rationally related to the facts in
4 each case and the least restrictive means of protecting the community and reasonably
5 assuring Mr. Slaeker's appearance. 18 U.S.C. § 3142(c)(1)(B). Mr. Slaeker is charged
6 with two misdemeanor offenses and while the events of January 6, 2021 included
7 violence, Mr. Slaeker is not accused of contributing to any violence, nor of any violent
8 act beyond his "mere presence." Moreover, neither the charged offense nor the relevant
9 conduct involving that offense has any relevance to or connection with the use or
10 possession of a firearm or dangerous weapon by Mr. Slaeker. In addition, he has no
11 criminal history. Accordingly, the "no firearms" condition should be modified to
12 proscribe the *unlawful* possession of a firearm only. *Accord United States v. Voda*, 994
13 F.2d 149 (5th Cir. 1993) (district court abused discretion in imposing firearm
14 prohibition as a condition of supervision); *United States v. Weber*, 451 F.3d 552, 557
15 (9th Cir. 2006) (conditions of supervised release must be "necessary to accomplish one
16 or more of the factors listed in § 3583(d)(1)" and "involve no greater deprivation of
17 liberty than is reasonably necessary.")

18 Finally, if a hearing is scheduled to address these issues, counsel and Mr. Slaeker
19 will be available however, please note that this same date, counsel intends to file an ex
20 parte motion for leave to withdraw and appoint new counsel for Mr. Slaeker.

21 DATED this 28th day of October 2021.

22 Respectfully submitted,

23 s/ *Jennifer E. Wellman*

24 Assistant Federal Public Defender

25 Attorney for Tyler Slaeker



United States Probation and Pretrial Services
Western District of Washington

Monique D. Neal
Chief

Brenda L. Amundson
Deputy Chief

Custodian Firearms Form

Defendant:

List all registered weapons:

1. _____ Serial#: _____
2. _____ Serial#: _____

I, Tyler Welsh Slaeker, confirm that on _____, 20____, I turned over the possession of the above listed firearms to _____. I understand that as part of my conditions of release, I may not possess any weapons.

☒ I do not possess or have any firearm (s) in the residence where I live.

Signed: _____

Date: 10/27/21

Custodian of firearm:

I confirm that I, _____, have taken possession of the above listed weapon(s). I understand that I must keep possession of the above listed weapons until otherwise informed by Pretrial Services.

Printed Name: _____

Address: _____

Telephone: _____

DOB: _____

SSN: _____

Signed: _____

Date: _____

United States Probation Officer: _____

Date: _____