

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No.: 21-cr-00028-APM
	:	
THOMAS EDWARD CALDWELL	:	
	:	
DONOVAN RAY CROWL, and	:	
	:	
JESSICA MARIE WATKINS	:	
	:	
Defendants	:	

MOTION FOR REVIEW OF DETENTION ORDER PURSUANT TO 18 U.S.C.
§ 3145 (b) AND MOTION FOR RELEASE

COMES NOW the Defendant, THOMAS EDWARD CALDWELL, (“Caldwell”) by counsel, and hereby requests this Honorable Court grant him bail, and suggest a personal recognizance bond, in the present matter and in support of said Motion, states as follows and refers the Court to his Memorandum, filed herewith:

Pursuant to 18 U.S.C. § 3142, et seq., Caldwell should be admitted to bail.

Caldwell is not subject to a rebuttable presumption against bond pursuant to 18 U.S.C. 3142 (e)(2), as he has no prior convictions for Federal or State offenses.

Caldwell is not subject to a rebuttable presumption against bond pursuant to 18 U.S.C. 3142 (e)(3), as he is not charged with the crime(s) enumerated in

subsections A-E. Even if the Court finds otherwise, the facts support his rebuttal of the Government's position.

At the Rule 5 hearing, the Government opposed bond pursuant to 18 U.S.C. § 3142 (f)(1)(A) and (f)(2)(B), in which detention is authorized, but not presumptive.

Contrary to the Government's position, Caldwell alleges he is not charged with a crime of violence, merely a crime against property, and the weight of evidence against him is circumstantial at best. Since the Rule 5 hearing, the Government is in possession of evidence that contradicts the facts as set forth in the indictment as he never was in the Capitol Building and there is no evidence of his presence there or his destruction of property. Caldwell is an upstanding citizen, a honorably discharged officer from the United States Navy, and long-time resident of the Western District of Virginia. Caldwell has no criminal history, and was not on probation, parole, or other release pending trial when he was arrested. There is no danger to any person or to the community should Caldwell be granted bond.

As appropriate, should the Court not release him pursuant to 18 U.S.C. § 3142 (b), the Court should release him pursuant to 18 U.S.C. § 3142 (c) Caldwell argues that most conditions under 18 U.S.C. § 3142 (c) are inapplicable. However

he agrees to any conditions of release imposed by the Court. His position is fully set forth in the accompanying Memorandum.

WHEREFORE, the Defendant THOMAS EDWARD CALDWELL respectfully requests the Court to grant him a bond in the above-styled case. Defendant further requests to be heard on this motion as soon as possible.

Respectfully submitted:

THOMAS EDWARD CALDWELL
By Counsel

/S/

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CERTIFICATE OF SERVICE

I certify that on this 8th day of February, 2021, I electronically filed the foregoing Memorandum in Support of Motion for Review of Detention Order Pursuant to 18 U.S.C. §3145(b) and Motion for Release using the CM/ECF System, which will send Kathryn Leigh Rakoczy at kathryn.rakoczy@usdoj.gov

/S/

Thomas K. Plofchan, Jr., Esq.