



and her son for five years.

### **BACKGROUND/PROCEDURAL HISTORY**

On March 27, 2021, Mr. McHugh was arrested on a complaint alleging charges arising out of the events on January 6, 2021. *See* ECF Dkt. Nos. 1, 5. A detention hearing was held on June 1, 2021, and Mr. McHugh was held detained by the Honorable Kendall J. Newman who found him to be both a danger and a risk of flight. *See* Exhibit 1, Transcript at pg. 16.

Magistrate Judge Newman relied on Mr. McHugh's "criminal history, including failures to appear on probation violation and then especially in light of the factual allegations in this case"

*Id.* at pg. 21, and held him detained. The government argued that Mr. McHugh presented a danger to the community based on (1) nature of the instant allegations, (2) his criminal history, (3) and its concern about Ms. Hunt being an appropriate third party custodian. *Id.* at pp. 12-16.

Although the government moved for detention based on danger to the community and risk of flight, it offered no evidence or argument that he poses a risk of nonappearance. Defense counsel then argued that (1) there is no identified an articulable threat to the community because five months had elapsed since January 6, 2021, and Mr. McHugh had violated no rule or law, (2) conditions could be placed to address his history of substance abuse, (3) Ms. Hunt is an appropriate third party custodian as she is employed and has a steady home, (4) other cases involving similar facts and charges of assault supported release, and (5) Mr. McHugh's criminal history overstates dangerousness. *Id.* at pp. 4-13. Nevertheless, the court ordered Mr. McHugh detained. The Court, however, invited the defense to move for reconsideration should they receive more information and was willing to consider release should the defense participate in an in-patient drug treatment program. *See* Exhibit 1, Transcript.

#### **I. Standard of Review**

18 U.S.C. §3145(b) permits this Court to conduct a de novo review of the magistrate judge's detention order. *United States v. Hunt*, 240 F. Supp. 3d 128, 132 (D.D.C. 2017); *United States v. Karni*, 298 F. Supp. 2d 129, 130 (D.D.C. 2004). The district court must make its own *de novo* determination of the facts with no deference to the findings or legal conclusions of the magistrate judge. *United States v. Koenig*, 912 F. 2d 1190, 1192 (9<sup>th</sup> Cir. 1990); *United States v. Gaviria*, 828 F.2d 667, 670 (11<sup>th</sup> Cir. 1987).

## **II. Governing Authority For Detention Hearings**

Only in the “rare circumstances should release be denied,” and any “doubts regarding the propriety of release should be resolved in the defendant’s favor.” *United States v. Gebro*, 948 F.2d 118, 1121 (9<sup>th</sup> Cir. 1991). The Bail Reform Act requires the Court to impose the “least restrictive” means of ensuring the appearance of the person and safety to the community. 18 U.S.C. §3142 (c)(1)(B). There is no presumption in favor of detention here and the defendant should be released unless the government establishes by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of the community, or, by a preponderance of the evidence, that no condition or combinations of conditions will reasonably assure the appearance of the defendant as required. See 18 U.S.C. § 3142 (e-f). “In common parlance, the relevant inquiry is whether the defendant is a ‘flight risk’ or a ‘danger to the community.’” *United States v. Vasquez-Benitez*, 919 F.3d 546, 550 (D.C. Cir. 2019). In assessing whether pretrial detention is warranted for dangerousness, the district court considers four statutory factors: (1) “the nature and circumstances of the offense charged,” (2) “the weight of the evidence against the person,” (3) “the history and characteristics of the person,” and (4) “the nature and seriousness of danger to any person or the community that would be posed by the person’s release.” 18 U.S.C. § 3142 (g)(1)-(4).

“Thus, a defendant’s detention based on dangerousness accords with due process only insofar as the district court determines that the defendant’s history, characteristics, and alleged criminal conduct make clear that he or she poses a concrete, prospective threat to public safety.” *United States v. Munchel*, 991 F.3d 1273 (D.C. Cir. 2021), and the court must “identify an articulable threat posed by the defendant to an individual or the community,” before it may detain an individual. “Detention cannot be based on a finding that the defendant is unlikely to comply with conditions of release absent the requisite finding of dangerousness.” *Id.*

### **III. Argument**

#### **a. Mr. McHugh poses no articulable threat to an individual or the community.**

The government based much of its argument emphasizing the alleged conduct of the defendant on January 6, 2021. The government pointed to a screen shot under paragraph 16 of the statement of facts where it shows an individual releasing a spray into the air. *Id.* at pg. 13. However, the screen shots do not support the government’s argument. They do not show what was sprayed or whether the spray in fact reached or hurt anyone. *See* ECF Dkt. No. 1. The individual in the screen shot is not close to any law enforcement officers when releasing the spray. *Id.* This alleged conduct does not rise to the level of conduct in cases where the defendant has been detained, and defendants facing far more serious allegations have been released. In *United States v. Mark Leffingwell*, 1:21-cr-005, the defendant was released after he pushed past a wall of officers and repeatedly punched an officer with a closed fist.<sup>1</sup> Despite the direct physical contact, (and such conduct is absent here), Mr. Leffingwell was released. The government tried to suggest that Mr. McHugh “rammed” a line of officers with a large metal

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<sup>1</sup> *See also United States v. Gina Bisignano*, 21-CR-036 (CJN) (alleged to be a “leader” of the insurrection and allegedly exclaimed, “We need weapons!” while pushing against the police line); *United States v. Christopher Alberts*, 1:21-cr-026 (CRC) (found carrying a fully loaded handgun and a bullet-proof vest).

pole, however the screenshots presented do not support this. *See* Exhibit 1, Transcript at pg. 13. The only fair interpretation of the photograph is that the individual was grabbing on to a part of the sign that crowd members were holding up. *See* ECF Dkt. No. 1 at pg. 4. The photograph does not portray Mr. McHugh “ramming” anything into anyone; it shows someone grabbing the pole on the sign from the bottom not towards the officers. *Id.*

Equally unavailing is the government’s argument that Mr. McHugh took on a “leadership” role because he had a megaphone and was yelling things at the officers. *See* Exhibit 1, Transcript at pg. 13. Many protesters carry a megaphone to be loud and its use does not necessarily mean they are leaders. Mr. McHugh was not a part of the Proud Boys, the Oath Keepers, or any other identified organization. Having and using a megaphone does not suggest he is a danger to the community.

Even the carrying of pocketknife, a Taser and zip ties while making way into the Senate Gallery, is insufficient to detain a person. *United States v. See Munchel* Order at pg. 5. In reversing the district court, the Circuit noted that possessions of instrumentalities did not translate to risk to the community, especially if the record is absent of any evidence of violent act committed by the defendant. *Id.* at 18. Nor does Mr. McHugh alleged use of bear spray support a finding of danger as there is insufficient evidence on the record to conclude that this spray came close to the officers. Nor is there any evidence that the spray was dangerous. In light of the absence of clear evidence that Mr. McHugh engaged in violence at the Capitol building, he must be released. The government did not prove by clear and convincing evidence that there were no conditions could be set to protect the community. In fact the evidence is to the contrary -- Mr. McHugh returned home and did not flee. Nor was anyone in the community endangered for the five months it took for law enforcement to arrest him.

*United States v. Chad Jones*, 1:21-mj-076, also supports release. Mr. Jones is charged with assault on a police officer with the use of a deadly or dangerous weapon (a flagpole) and accused of repeatedly striking and breaking the glass of the doorway where Ashley Babbitt was shot and killed. The government did not seek Mr. Jones's detention and Magistrate Judge Harvey released him on special conditions. Mr. Vitali (*United States v. Vitali Gossjankowski*, 1:21-cr-123), is accused of assaulting a federal officer with a Taser and giving the officer a heart attack after being "Tased" multiple times in the neck. Here too, the government consented to release.

**b. This Court can set conditions of release that can reasonably assure the safety of the community.**

While Mr. McHugh has a criminal history, it is not recent and consists of mostly misdemeanor convictions. *See* Pre-Trial Service Report. Many of his prior arrests are a decade old and some have unknown dispositions and are not convictions.<sup>2</sup> *Id.* at pp. 6-8. While his prior DUI history shows he suffers from alcoholism, Mr. McHugh has been in recovery and has had no driving incidents since 2018.

As the Circuit court in *Munchel* emphasized, conditions can be set to "disable the arrestee from executing that threat." *United States v. Munchel*, 991 F.3d 1273, 1280 (D.C. Cir. 2021). For 5 months, Mr. McHugh disabled the threat himself; he complied with misdemeanor probation, participated in a DUI program (he has one class left), and lived a law abiding life. *See* Supplemental Pre-Trial Service Report. Mr. McHugh is in Alcohol Anonymous ("AA") and when he lapses he is honest about his failures to his probation officer. He disclosed use two weeks prior to his arrest but noted that he does not have a valid driver's license, and does not

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<sup>2</sup> The magistrate court ordered pre-trial services to attempt to find more information on the unknown dispositions. The parties await an updated report from pre-trial services.

drive. He agreed to more intensive drug treatment.<sup>3</sup>

The allegations arising out of January 6, 2021 are a one-off. Americans, encouraged by the then President of the United States fed off of each other and there is little likelihood of such an occurrence again. Conditions that include: (1) no travel, (2) no use of social media, (3) GPS monitoring, (4) participation in substance abuse treatment, and (4) and participation in the High Intensity Supervision Program, would assure the Court that Mr. McHugh will continue to be the non-risk he was for the five months before his arrest in this case.

**c. The government did not prove by clear and convincing evidence that Mr. McHugh presents a risk of flight.**

The government offered no evidence or argument that Mr. McHugh is a risk of flight. The magistrate court, nonetheless, found he was a risk of flight based on his prior failures to appear and his substance abuse history. But, failure to appear does not equal risk of flight and even if they did that conduct is at least a decade old (2011, 2009, and 2006). *See* Pre-Trial Services Report. Mr. McHugh was under no travel restriction despite being on probation and it was perfectly lawful for him to travel to Washington, D.C. His probation requires him to check in online and while he has had technical violations in the past, none make him a risk of flight. Should this Court find him to present a risk of flight, it can ameliorate the risk by ordering GPS monitoring.

Today, Mr. McHugh is employed, earns a decent income to support himself and his sons, and is current on his child support payments. *See* Exhibit 2, Letters of Support. Mr. McHugh has been building his relationship with his 13 year old son. Mr. McHugh's son's mother speaks to the strong relationship their son has with his father and how Mr. McHugh's

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<sup>3</sup> Undersigned counsel discussed availability of in-patient drug treatment with his counsel in Sacramento, who advised that there is bed availability at two different facilities.

priority is to maintain stability for his son. *See* Exhibit 2, Letters of Support, Letter from Amanda Donathan.

**d. Ms. Hunt is an appropriate third party custodian who can assure Mr. McHugh's compliance with his conditions of release.**

Mr. McHugh's girlfriend, Amy Hunt, has agreed to serve as a third party custodian for Mr. McHugh. She encourages Mr. McHugh's efforts to work hard, achieve his goals, attend treatment, and complete probation. *See* Exhibit 2, Letters of Support, Letter from Amy Hunt. Ms. Hunt has stable employment, a stable residence, and understands the responsibility that accompanies being a third party custodian. The notion that Ms. Hunt was unable to stop Mr. McHugh from relapsing in January is not indicative of failure. *See* Exhibit 1, Transcript at pg. 9. Ms. Hunt was not a third party custodian and not charged with reporting a relapse to the Court at that time. Relapse is a common step in recovery; what is important is how one deals with the relapse. Here, the Court can be assured that both Ms. Hunt and Mr. McHugh will both inform and re-engage should there be even the slightest hint of alcohol use. Nor should this Court belabor Ms. Hunt's failure to discuss her fraud conviction from 2012. *Id.* at pg. 15. Ms. Hunt was clearly unfamiliar with what pre-trial services was asking. When she gained clarity, she explained her prior conviction to pretrial and now to the Court. She explains the circumstances of that offense, her process of rehabilitation and her willingness to show Mr. McHugh how he can do the same. Ms. Hunt is an appropriate third custodian.

**CONCLUSION**

For the above reasons, Mr. McHugh respectfully requests that the Court revoke the order of detention in this matter and release him on strict conditions of pre-trial release.

Respectfully submitted,

A. J. KRAMER  
FEDERAL PUBLIC DEFENDER

/s/

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
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UNITED STATES OF AMERICA, ) Docket No. 21-MJ-89  
 ) Sacramento, California  
Plaintiff, ) June 1, 2021  
 ) 2:33 p.m.  
v. )  
SEAN MICHAEL McHUGH, ) Re: Detention hearing  
 )  
Defendant. )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES (via Zoom):

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Proceedings recorded via mechanical Steno - transcript produced  
via Computer-Aided Transcription

1 SACRAMENTO, CALIFORNIA, TUESDAY, JUNE 1, 2021

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3 (In open court via Zoom.)

4 THE CLERK: Calling magistrate case 21-89-JDP, United  
5 States v. Sean Michael McHugh, on for detention hearing. And  
6 this is a Rule 5 arrest out of the District of Columbia.

7 THE COURT: And good afternoon. I'm Judge Newman. If  
8 I could please have appearances for the record starting with  
9 government's counsel.

10 MS. LYDON: Good afternoon, Judge Newman; Katherine  
11 Lydon on behalf of the United States. We consent to appear via  
12 Zoom.

13 THE COURT: Ms. Lydon, good afternoon. It's been  
14 quite awhile. Good to see you.

15 MS. LYDON: It has.

16 THE COURT: And for the defense.

17 MS. NEGIN: Good afternoon, Your Honor; Lexi Negin  
18 from the Federal Defender's Office on behalf of Sean McHugh.

19 Your Honor, Mr. McHugh is present in custody at the  
20 Sacramento County Jail. I can see him on the screen, and he  
21 does consent to appear by Zoom today.

22 THE COURT: Thank you, Ms. Negin. Good afternoon.  
23 Good to see you also.

24 And Mr. McHugh, I'm Judge Newman. Before we turn to  
25 your detention hearing, I do want to remind you, sir, you have

1 the right to remain silent. You are not required to make any  
2 statements here today. And I must caution you if you make any  
3 statements, they could be used against you not only today but  
4 in future proceedings in this matter.

5 In this matter I should note that I received the  
6 pretrial services report and supplemental report. I also  
7 received a communication from Ms. Negin earlier today,  
8 including some of the legal authorities that have arisen out of  
9 other proceedings for some of the other people who have been  
10 charged arising out of the January 6th proceedings, a  
11 response -- a very brief response from Ms. Lydon as a result.  
12 And I have read through the opinion that was provided to me as  
13 a result of that January 6th. And there's obviously a couple  
14 concerns that I want to throw out there, one of which is  
15 understandably some of the folks -- well, first, let me --  
16 before I throw out my concerns, let me ask Ms. Lydon. I want  
17 to make sure the record is correct. Ms. Lydon, is the  
18 government moving for Mr. McHugh's detention?

19 MS. LYDON: We are. We move for detention as a danger  
20 and on the current bail package also as a risk of  
21 nonappearance.

22 THE COURT: Thank you. So I was going to address --  
23 we've got a couple different concerns, one of which is the  
24 focus out of the other proceedings that were provided from D.C.  
25 really seem to focus on whether or not there was actually any

1 physical altercations involving the named defendants in those  
2 matters. And, in fact, the proceeding you talked about noted  
3 that there was an opportunity for the people to engage in  
4 assault, they didn't do so; whereas, here there is evidence  
5 presented that Mr. McHugh both did get into some physical  
6 matters, pushing barriers with law enforcement but even more  
7 disturbing is spraying people at the time, but we also have a  
8 person who has a previous criminal record, so we're not seeing  
9 someone that's just caught up in the June 6th proceedings, but  
10 there's a criminal record here.

11 So Ms. Negin, I wanted to throw out those thoughts or  
12 concerns, but undoubtedly you're going to want to address all  
13 of that, so let me let you do so.

14 MS. NEGIN: Well, Your Honor, with respect to danger,  
15 as the Court saw from the *Munche1* case, the issue is that the  
16 government has to prove by clear and convincing evidence that  
17 there's an identified and articulable threat to the community,  
18 either to an individual or of the community by releasing  
19 Mr. McHugh. So we don't have that here. There is -- he's been  
20 out in the community for five months now since this event. He  
21 came back from D.C., he picked up his life and nothing has  
22 happened since then. According to pretrial services, he's been  
23 reporting to probation as required.

24 Your Honor, he does obviously have an alcohol issue  
25 that can be addressed with pretrial conditions. So to the

1 extent that there's a concern about dangerousness with the  
2 driving -- you know, driving while intoxicated obviously is a  
3 concern, and that has to be addressed, but there are release  
4 conditions that can address the alcohol issue here. He was  
5 very candid with pretrial services about that; definitely needs  
6 treatment and that should definitely be part of any release  
7 package.

8 THE COURT: Ms. Negin, can I interrupt? I apologize,  
9 but there was one thing I wanted to ask Ms. Lydon before  
10 hearing from you because this also may have been a concern.

11 In the pretrial services report, supplemental report,  
12 it talks about the defendant's girlfriend, Ms. Hunt, and her  
13 willingness to be a third-party custodian. But also in  
14 information and looking back at the complaint and affidavit,  
15 there's reference to this other woman involved and he was  
16 traveling with. Is that believed to be Ms. Hunt or someone  
17 else?

18 MS. LYDON: I don't have any information to suggest  
19 that it's Ms. Hunt, no.

20 THE COURT: Okay. I simply wanted to make sure that  
21 no one was suggesting: Yes, no, this is the same woman who was  
22 traveling with him; she's not an appropriate custodian.

23 Okay. Sorry, Ms. Negin. Thank you. Go ahead.

24 MS. NEGIN: Well, Your Honor, and I can add to that  
25 that Ms. Hunt -- I can -- as much as I can, based on the

1 information and belief that I have, I can tell the Court -- I  
2 can proffer to the Court that it, indeed, is not Ms. Hunt and  
3 that Ms. Hunt was actually objecting to him going to  
4 Washington, D.C. when she knew about the plans. She's very  
5 against these actions.

6 And I realize that there's -- with respect to the  
7 conditions of release here, I think Ms. Hunt plays into whether  
8 he's a risk of flight. She would also be a third-party  
9 custodian. But in talking to her, she's a good third-party  
10 custodian because she's actually very concerned about all these  
11 issues. And when I talked to her about her responsibility as a  
12 third-party custodian, I have tell you that Mr. McHugh should  
13 have more concerns about Ms. Hunt right now than the Court, to  
14 be perfectly honest with you, so -- and not to make light of  
15 it, but I just want to tell the Court that I spoke to Ms. Hunt  
16 at length. I talked to her about many of the -- much of the  
17 information here that she did know and that she didn't know,  
18 and she is -- appears to be a very, very responsible person and  
19 would be, I think, an excellent third-party custodian as well  
20 as an unsecured surety. She doesn't have surety to offer.

21 But, Your Honor, I did want to correct one thing. I  
22 want to stay on dangerousness for a minute. Your Honor, with  
23 respect to dangerousness here, I did say -- and I had very  
24 little time to put this together, but I did say in the paper  
25 that -- in the document I filed with the Court, one, two,

1 three, four, five, six, seven, eight -- I think seven cases  
2 where defendants have been released that were accused of  
3 actually assaulting officers, one with a skateboard, one with a  
4 fire extinguisher, one with a crutch -- multiple officers with  
5 a crutch; there was a plastic riot shield shoved into officers,  
6 one defendant used his fists to strike the officers. There was  
7 one defendant that was using a taser to break the line and then  
8 someone else who struck the officer with a lacrosse stick.

9 I also went on the Department of Justice's website to  
10 look at all of the individuals who have been charged in this,  
11 and many more of them than those seven who have been charged  
12 with physically assaulting officers have been released.

13 And so I understand the Court, you know, can't just  
14 release him because other people have been released, but when  
15 we're looking at assaultive conduct within this case and within  
16 the other defendants here, Mr. McHugh's actions are, you know,  
17 relatively minor. I mean, there is -- I think the Court  
18 pointed the most serious thing was spraying the spray into the  
19 crowd, but there's no indication that he approached an officer  
20 closely or that his hands were ever on an officer.

21 And so with respect to dangerousness, we have to look  
22 outside, you know, of the events of January 6th and what's  
23 happened since then. He poses no articulable threat to anyone  
24 with appropriate conditions. I'm not saying you should just  
25 release him on OR, of course, but I think with strict pretrial

1 supervision and particularly with getting this alcohol  
2 situation addressed that dangerousness can be addressed with  
3 conditions because we're looking at are there no conditions  
4 that can address dangerousness.

5 Your Honor, I realize his record is lengthy and I've  
6 looked at it, and the pretrial services report is a little bit  
7 complicated because I think -- well, I'm not sure. It's hard  
8 to verify. I have verified, as much as I can, the convictions  
9 that were listed, but I can't verify that the other things that  
10 are listed aren't related to those convictions. So I'm a  
11 little concerned it's overstating the history here.

12 But what I wanted to point out to the Court is in the  
13 last ten years -- Mr. McHugh is now -- he's very young. He's  
14 only 34 years old now. In the last ten years, there are two  
15 DUIs and another misdemeanor looks like trespassing case. All  
16 his previous cases have been reduced to misdemeanors, which  
17 means the state court found -- you know, you have to pass some  
18 kind of threshold to get your felony cases reduced to  
19 misdemeanors, it's not automatic, and so he does have a lot of  
20 misdemeanors, many of them very old dating back to when he was  
21 a juvenile even, but he's been -- you know, he has been --  
22 recently these things are not necessarily minor because a DUI  
23 is not necessarily minor, but he's not driving, he doesn't have  
24 his license and he needs to stop drinking.

25 So with respect to dangerousness, Your Honor, I

1 think --

2 THE COURT: Let me interrupt you a moment. And I  
3 wanted to ask, again, what you were addressing about the  
4 drinking because -- and in some ways this goes to the  
5 appropriateness of Ms. Hunt as well because you said, "Oh, if  
6 anything, he should be afraid of Ms. Hunt because of how . . ."  
7 but, yet, he admits that in January of this year he was  
8 drinking a pretty substantial amount. So where the heck was  
9 she for all of this if she's, you know, the straight and narrow  
10 and scary one, and especially given that we have a person who's  
11 got a history of drinking and then drinking and driving without  
12 a valid license. I guess one of the questions is, should he be  
13 in rehab somewhere?

14 MS. NEGIN: Yeah. And Your Honor, he indicates that  
15 he is willing to be in rehab, and I think that's appropriate,  
16 for alcohol. I think that's totally appropriate. There's  
17 obviously an alcohol problem here. And when you hide it from  
18 the people that you're living with, that's even more of a  
19 problem. I think that it's completely appropriate for him to  
20 go into in-patient treatment.

21 One of the things he said is that he believes, because  
22 he's done it before, that he could be sober without in-patient  
23 treatment and -- but he's willing to go to in-patient,  
24 basically. He wants to stop this madness, I will say, with  
25 respect to the alcohol situation and even with respect to

1 January 6th.

2 This is not a person, like many of the other people  
3 caught up in this, who have remained committed to anything here  
4 or participated with any groups or had any firearms or anything  
5 else. He went, he came back and resumed his life. And so,  
6 yes, he has an alcohol problem and that needs to be addressed,  
7 but I think addressing that with conditions would ameliorate  
8 the dangerousness.

9 Now, with respect to risk of flight --

10 THE COURT: Let me address one other thing. Let me  
11 tell you a thought I've had, and I want to then get a response  
12 from you and a response from Ms. Lydon as well.

13 My initial inclination is to allow him to go into  
14 alcohol rehab if there is a more significant bond signed by  
15 probably his dad. His dad's clearly got assets, dad has a  
16 property. It would be interesting if not only Ms. Hunt but  
17 also the father is saying, "Yeah, we will make sure that he  
18 complies"; he clearly needs alcohol treatment, maybe some  
19 mental health, some other counseling; and then he realizes not  
20 only does he let himself down or the Court, but he's going to  
21 mess up his girlfriend and his father's financial well-being  
22 for quite a long time.

23 Ms. Negin, let me hear from you, your thoughts on  
24 that, and then we'll hear from Ms. Lydon.

25 MS. NEGIN: Your Honor, I know that with respect to

1 secured bond, his father couldn't offer that because of  
2 financial -- basically because of financial reasons of things  
3 he wants to do with the property. As the Court knows, the  
4 secured --

5 THE COURT: And I'm not worried about a secured one,  
6 but I'm talking about a significant financial unsecured but  
7 where he realizes that means the government could go and  
8 foreclose against those properties or any other assets that dad  
9 has.

10 MS. NEGIN: Right. Your Honor, I can certainly talk  
11 to his father about that.

12 The conversation I had with his father was mostly  
13 about secured bond, which was, you know, as the Court knows,  
14 there's a lot of other considerations for people like trying to  
15 refinance while there's a lien on their home and things like  
16 that, so --

17 THE COURT: Right.

18 MS. NEGIN: -- I will talk to his father about  
19 unsecured with an in-patient -- you know, with a residential  
20 treatment program --

21 THE COURT: Right.

22 MS. NEGIN: -- I think the combination of those things  
23 and I can come back to the Court. I certainly would ask for  
24 that because I think -- you know, I just -- I wanted to address  
25 that I think risk of flight -- he doesn't have anyplace to go.

1 He's from Auburn, he lives in Auburn, there's no other ties  
2 anywhere, and he can get himself to D.C. and to the D.C. court  
3 and will respond to the courts.

4 He's very very -- I want the Court to know he's very  
5 respectful here to the Court, the system. There is no  
6 disrespect going on here. Yes, he was caught up in this event,  
7 but it hasn't persisted. And so to that extent I think we have  
8 a situation where we could fashion conditions, and I'd be  
9 willing to put this over to do that.

10 THE COURT: And Ms. Lydon, I don't want you to think I  
11 am ignoring the fact here is a person who's had two failures to  
12 appear, a probation violation, but I'm wondering if a large  
13 part of that is, you know, alcohol and other related. And  
14 rightly or wrongly, I've heard from defense counsel many times  
15 over the years and I think they often comment and say federal  
16 court is a whole different bailiwick, and so -- but Ms. Lydon,  
17 I know you would probably still like to see him in custody, but  
18 what of my proposal of a more significant bond and in-patient  
19 treatment?

20 MS. LYDON: Your Honor, the government has really  
21 serious concerns here about danger. So if you'd permit, I'd  
22 like an opportunity to highlight some really -- some of the  
23 facts that make the government so concerned about danger --

24 THE COURT: Uh-huh.

25 MS. LYDON: -- as well as highlight some of the

1 factors about his criminal history that we think underscore  
2 that.

3 THE COURT: Okay.

4 MS. LYDON: So with respect to the offense that he's  
5 charged with, I think Your Honor highlighted exactly the two  
6 important things here, that his conduct was assaultive, that  
7 he -- it appears from the screen shot that's under paragraph 16  
8 of the complaint that he was shooting bear spray or some  
9 chemical substance directly at a line of police officers. He  
10 rammed a line of police officers with a large metal pole while  
11 they were trying to defend the west terrace of the U.S. Capitol  
12 building. And he also had a leadership function within the  
13 crowd or riled up the crowd using a bullhorn, which was later  
14 recovered in the search warrant of his apartment to yell  
15 threatening things at the officers, like he yelled, "I'd be  
16 shaking in your little -- expletive -- boots too; there is a  
17 second amendment behind us, what are you going to do then," and  
18 taunting them that "You ain't holding the line."

19 Then once the line started to break, he exhorted the  
20 crowd into the bullhorn to rush it, yelling "Come on, let's  
21 go," and ushering people toward the line into the U.S. Capitol  
22 where they delayed and attempted to disrupt the transfer of  
23 power. So this assaultive conduct was exceptional.

24 I can't speak to the specific cases that Ms. Negin  
25 characterized because I haven't had a chance to read all of

1 them in that short brief, but based on my understanding of the  
2 defendant's charge, his conduct was really exceptional and  
3 really dangerous.

4 With respect to his criminal history, it's some of the  
5 longest criminal history I've ever seen in a pretrial services  
6 report. Just the prior arrests and prior convictions take up  
7 seven pages of the original pretrial services report, and it  
8 ranges back a full two decades. It includes violent offenses  
9 including domestic violence. It includes sex offenses, three  
10 prior rape offenses as an adult and one as a juvenile. The  
11 rapes were charged as by force or fear. Looks like in 2010  
12 ultimately pleaded to sex with a minor for that one. Then in  
13 2015, again, an arrest for rape by sex by a person incapable of  
14 consent requiring -- a person under the statute requiring that  
15 the perpetrator be over the age of 21 and the victim under the  
16 age of 16. Burglary in 2011. Obstructing a police officer in  
17 2013. Theft offenses, numerous DUIs, including four separate  
18 arrests in 2017 and 2018.

19 And of particular concern, he committed most of those  
20 offenses, the vast majority of them, while on probation. So  
21 prior conditions have failed to protect the community and have  
22 failed to dissuade the defendant from committing further  
23 crimes.

24 And most recently, while on probation he traveled to  
25 the U.S. Capitol and tried to storm the Capitol. So we have a

1 lot of concern that any conditions could be fashioned that  
2 would mitigate the danger here.

3 With respect to the particular individuals highlighted  
4 as potential custodians in the pretrial services report,  
5 currently his father has indicated he's not willing to put up  
6 his house. And that's understandable, but it is concerning.  
7 It speaks to, as of what we know right now, his father's level  
8 of confidence that he could control this individual and protect  
9 the community.

10 Ms. Hunt, the defendant's girlfriend, based on what's  
11 in the pretrial services report, does not appear to the  
12 government to be an appropriate custodian candidate for a few  
13 reasons.

14 So page 3 of the pretrial services report caused the  
15 government to have some concern about candor. Initially, the  
16 pretrial services officer had asked whether she had any  
17 criminal -- any arrests, and she indicated no. And then when  
18 the pretrial services officer said that a criminal history  
19 report would be run, Ms. Hunt said that she had been booked and  
20 released for fraud. While not technically arrested, that  
21 answer would have been responsive to the call of the question.  
22 Ultimately that booking resulted in an arrest and a conviction  
23 for felony fraud. I think we would need to know a lot more  
24 about Ms. Hunt before she could really be considered, but as of  
25 right now I just really don't think that the danger is

1 overcome.

2 I appreciate Your Honor's desire to find a way to  
3 release this defendant, but I think right now, given the  
4 incredibly strong indicia of dangerousness, we're very far. So  
5 for now the government strongly requests that the defendant be  
6 detained as a danger to the community.

7 And of course it's Ms. Negin's prerogative to bring a  
8 bail review motion down the road should they be able to  
9 generate a really substantial package.

10 THE COURT: Ms. Negin, anything else briefly?

11 MS. NEGIN: Well, Your Honor, I really have to object  
12 to Ms. Lydon's recitation there. She said many -- she's mixing  
13 and matching false things in the pretrial services report.  
14 Arrests are not convictions. The pretrial services report has  
15 scant information about these things, like it will say  
16 "disposition unknown." And I don't know if that's related to  
17 another case that was for conviction or if that's a completely  
18 separate case. And so I do take offense at the argument that  
19 he's had, for example, three rapes as if those are convictions,  
20 and they're not, and --

21 THE COURT: Let me interrupt because here's -- the  
22 more I hear and think this through, here's what's going to  
23 happen, which is -- and you can tell by my comments today, I  
24 think that Mr. McHugh should be detained with the information I  
25 currently have as both a fly risk but especially as a danger.

1 And it is possible, and I highlight that, that you may be able  
2 to address those concerns. So Ms. Negin, if you find it  
3 appropriate to say, "Judge, you know, from your comments at the  
4 last one we're back because the father is willing to post a  
5 substantial bond, we do have alcohol treatment available for  
6 him" and then -- but that is without prejudice to the  
7 government arguing, as they are today, saying, "No, it doesn't  
8 matter whether he has alcohol treatment or not, Judge, or what  
9 the bond is, this guy has proven himself a danger in part  
10 because" -- and I will share this concern the more hearing  
11 Ms. Lydon speak. This isn't the situation where the guy had a  
12 few beers and went out and did something stupid. He flew  
13 across the country and was involved in this incident and  
14 involving it with bear spray and firing up the crowd,  
15 et cetera. So that's a significant concern.

16 But also, candidly, if you're back before me, I'm  
17 going to want more information as to where it says "disposition  
18 unknown" on some of these other charges. So we say do we have  
19 a lengthy and really troubling criminal history but the only  
20 things in the last multiple years are some DUIs related or is  
21 there, in fact -- has there been multiple rapes. And that  
22 would be a significant factor, potentially, as well with regard  
23 to danger, so --

24 And then the other thing, and this is really also for  
25 Mr. McHugh's benefit, Mr. McHugh, because I'm ordering you

1 detained now -- many times, and Ms. Negin will be it talking to  
2 you about this -- the view is, hey, we could spend a lot of  
3 time here back and forth with Judge Newman, but ultimately it's  
4 going to be heard and reviewed and determined in D.C.; maybe  
5 you want to bypass back in front of me and say, nope, let's get  
6 you in front of a judge there to determine this, but that's my  
7 inclination. But let me hear first from Ms. Negin.

8 MS. NEGIN: Well, Your Honor, the first thing I'm  
9 going to do is ask the Court to order pretrial to redo the  
10 criminal history section of the pretrial services report and  
11 verify information or not because I agree that all of the  
12 convictions listed there -- every time Ms. Zepeda listed a case  
13 number with a disposition, I have been able to double check  
14 those, so I am confident about those and I don't have a problem  
15 with that. And if the Court were just looking at that or  
16 Ms. Lydon was just arguing that, I wouldn't have such a strong  
17 objection, but because this pretrial services report -- I mean,  
18 you know, I know rap sheets are hard to read and I understand  
19 that this information is hard to get in a day. Ms. Zepeda has  
20 done it over a holiday weekend and everything. I mean, I get  
21 it. It's just that this needs to be more accurate because if  
22 this goes to D.C. the way it is, you know, the judge in D.C. is  
23 not going to know what to do with all these disposition  
24 unknowns.

25 A disposition unknown to me probably means nothing

1 happened, but I don't know. So I would ask the Court to please  
2 ask -- you know, order pretrial services to do their best to  
3 update this report and to submit a supplement to the Court and  
4 to me so that when Mr. McHugh goes to D.C., we have accurate  
5 information.

6 The second request I have --

7 THE COURT: Let me interrupt -- let me interrupt a  
8 moment.

9 Ms. Zepeda, is that something you can do and at least  
10 include if there are case numbers or something even if you  
11 can't run to ground what the disposition was?

12 PRETRIAL SERVICES OFFICER: Good afternoon, Your  
13 Honor.

14 With regards to the cases that do have a case number  
15 listed and associated with them, those I did verify with online  
16 court records through each of the counties listed.

17 With regards to the arrests that show unknown  
18 dispositions, that's because the California Law Enforcement  
19 Telecommunications System report that was generated and  
20 provided to us listed them as arrests but did not list any  
21 dispositions associated with them.

22 The best that I can do is contact the local law  
23 enforcement agencies where he may have been arrested and  
24 attempt to obtain information regarding the arrests on those  
25 dates. But if they don't have any further information for me,

1 then I will not be able to provide any further details because  
2 there are no additional details in the CLETS report.

3 THE COURT: And maybe what you can just do is even  
4 supplement -- even if you say that and say you contacted them  
5 and say there's no other information available, I think that  
6 would be helpful.

7 Before you -- but then Ms. Negin wanted to address  
8 point number two, and then I wanted to address one thing. Go  
9 ahead.

10 MS. NEGIN: Also, that's very helpful what Ms. Zepeda  
11 just said. If she can just list instead of "disposition  
12 unknown" if it says "arrest only," that certainly would be  
13 better than disposition unknown because disposition unknown  
14 makes it sound like there's some disposition that's just not  
15 known as opposed to arrest only. So I think arrest -- I don't  
16 want Ms. Zepeda to have to call, you know, every agency unless  
17 that's an easy thing to do, but I think if we can just change  
18 "disposition unknown" to indicate an arrest or something like  
19 that, that would be more accurate. And so I would ask for that  
20 if she feels comfortable noting that that's what that is. That  
21 sounds like what Ms. Zepeda just said that is, so I don't know,  
22 but I would ask that that --

23 PRETRIAL SERVICES OFFICER: Your Honor, if I may with  
24 regards to that, the reason we do list "disposition unknown" is  
25 because we can't verify or confirm that, in fact, it was just

1 an arrest.

2 THE COURT: Understood. And so that's why we're  
3 asking you to -- that's what I understood you to say. So see  
4 if you can contact to see if there is any other information  
5 available and maybe otherwise just note "No other information,"  
6 you know. "Contacted; no other information available."

7 But I also want to make clear that my decision today  
8 is not -- no offense to Ms. Lydon, but not noted based on her  
9 recitation of other things where it says "disposition unknown."  
10 I know from the government's perspective that's troubling, but  
11 mine is based on: A, he does have a criminal history,  
12 including failures to appear on probation violation and then  
13 especially in light of the factual allegations in this case.  
14 That's why I'm ordering him detained.

15 But Ms. Negin, was there a point two? Sorry.

16 MS. NEGIN: Sure, sure. The point two, Your Honor, is  
17 I think -- because we're in a Rule 5 situation, I think what I  
18 would recommend that we do, because obviously detention can be  
19 brought up in D.C. because the Court's going to detain him  
20 without prejudice for a further -- you know, new information or  
21 additional information. He does have a right to a preliminary  
22 hearing in this case; has not been indicted. I'm going to ask  
23 the Court to not -- I'm going to ask the Court to issue its  
24 ruling today and then send him on his way but also assert his  
25 right to his preliminary hearing, which I think is going to

1 happen in D.C. and the marshals are just going to have to get  
2 him there within the time limits.

3 So I'm going to ask that the Court make its ruling and  
4 then I think, appropriately, he goes to -- because I think any  
5 appeal of the Court's ruling would also go to the District of  
6 Columbia District Court Judge, so I would ask that we proceed  
7 that way if that makes -- if I'm following the procedures  
8 correctly.

9 THE COURT: So the way -- in other words, what I'm  
10 going to do is order him detained. I will be signing the order  
11 having him transported forthwith to the District of Columbia.

12 But what I'm not sure about -- I don't know if  
13 Ms. Lydon has an update on this -- I don't know if that means  
14 that they're actually being transported at this point or  
15 whether or not they're having Zoom appearances and the feeling  
16 is now that we're not in any hurry, you know, huge hurry to  
17 send him someplace; he'll be appearing remotely there.  
18 Ms. Lydon, do you know?

19 MS. LYDON: I think the answer is both. So they will  
20 transport him to D.C. forthwith and then hearings I think  
21 generally are still being held via Zoom.

22 MS. NEGIN: Your Honor, can I have a breakout room  
23 really quick? I'm so sorry to interrupt. I'm just -- I know  
24 Mr. McHugh -- can I just have, like, a three-minute breakout?

25 THE COURT: Of course.

1 Alex, if you would put Ms. Negin and her client in a  
2 breakout room, let them talk.

3 And Ms. Negin, you can either message Ms. Waldrop or  
4 just tell us how long and we'll bring you back.

5 MS. NEGIN: Thank you.

6 THE COURT: Okay.

7 (Off-the-record discussion.)

8 MS. NEGIN: Thank you, Your Honor, for that breakout  
9 room.

10 We're ready to proceed in the way I suggested, which  
11 was to go ahead and get him on his way to Washington, D.C. with  
12 the -- asserting his right to a timely preliminary hearing.

13 THE COURT: Absolutely. Okay. As well as when he  
14 gets to D.C., it may be that an attorney there feels that he  
15 could also address the Court's concerns. They can always put  
16 it back before the Court for a bail review as well. So I will  
17 sign it. I'm ordering him detained and transported forthwith  
18 to the District of Columbia.

19 And two things I wanted to address. Ms. Lydon, I want  
20 to remind the government of its obligations to comply with  
21 *Brady v. Maryland* and its progeny. Failure to do so may result  
22 in sanctions and a written order will follow.

23 Second thing is, Mr. McHugh, they will take up the  
24 issue of prisoner restraint level as well once you appear in  
25 D.C., but at this point I'm not going to order particular

1 restraints. I'll leave that to both the jail. As long as  
2 you're on best behavior in the jail, they can, you know,  
3 oftentimes just move you within the jail without any  
4 restraints. And second thing, the marshals will determine how  
5 they shackle you or not when they were transporting you on the  
6 planes, et cetera; but otherwise, I'm not ordering any other  
7 restraint levels.

8 Ms. Lydon, anything else today?

9 MS. LYDON: Briefly, Your Honor. Thank you.

10 THE COURT: Sure.

11 MS. LYDON: With respect -- Ms. Negin mentioned that  
12 she's asserting the right to a timely preliminary hearing but  
13 also requesting that he be transmitted forthwith to D.C. So  
14 during the break I took a look at Rule 5 and Rule 5.1,  
15 specifically Rule 5.1(b), which indicates that scheduling or  
16 selecting a district, a defendant arrested in a district other  
17 than where the offense was committed may elect to have the  
18 preliminary hearing conducted in the district where the  
19 prosecution is pending.

20 I understand her request that he be transported to  
21 be -- requesting the preliminary hearing be held in the  
22 District of Columbia rather than here. So while I haven't  
23 found anything specifically speaking to whether the time period  
24 for calculating those 14 days starts here or in D.C. -- when he  
25 arrives in D.C. with an indictment, the time period would start

1 in -- well, no. Actually, with a complaint it's always, in my  
2 experience, started when the defendant makes his initial  
3 appearance in the district where he arrives.

4 THE COURT: Correct.

5 MS. LYDON: Is that your -- okay. Good.

6 So I just wanted to make sure we didn't end up in a  
7 situation where if, unfortunately, the marshals' bus were to  
8 take a circuitous route that the time period would elapse while  
9 he was in Tennessee or something.

10 THE COURT: And even if -- from the judge that has  
11 authority to explain why time is being excluded in light of the  
12 transportation, et cetera.

13 So Ms. Negin, is there anything you wanted to address  
14 in that regard?

15 MS. NEGIN: Yeah. I don't think there's any rule that  
16 we couldn't exclude time or anything like that. I'm just  
17 asking for him -- I'm asserting his right --

18 THE COURT: Right.

19 MS. NEGIN: -- to a preliminary hearing.

20 THE COURT: Right.

21 MS. NEGIN: And I'm asserting his right to a  
22 preliminary hearing in the District of Columbia.

23 THE COURT: Right.

24 MS. NEGIN: Those are the two things I'm doing. I  
25 don't have any other basis to force --

1 THE COURT: Right. And that's where all of that will  
2 occur. Exactly.

3 Okay. Ms. Lydon, anything further today?

4 MS. LYDON: No. Thank you, Your Honor.

5 THE COURT: Ms. Negin, anything further today?

6 MS. NEGIN: No. Thank you, Your Honor.

7 THE COURT: Mr. McHugh, good luck to you, sir. Thank  
8 you.

9 Thank you, everyone. Stay healthy.

10 (Concluded at 3:15 p.m.)

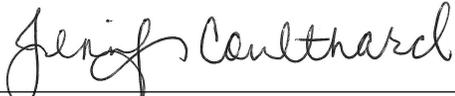
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12 C E R T I F I C A T E

13

14 I certify that the foregoing is a true and correct  
15 transcript of the record of proceedings in the above-entitled  
16 matter.

17

18   
JENNIFER L. COULTHARD, RMR, CRR  
Official Court Reporter

June 3, 2021  
DATE

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June 8, 2021

To Whom It May Concern:

I'm writing you this letter today on behalf of Mr. McHugh, I have known Mr. McHugh since 2012 and have been in a relationship with him for the last 5 years. Mr. McHugh and I have been living together for 3 years almost 4, and rent the bottom apartment of his father's two-story duplex. Mr. McHugh's father lives upstairs, and Sean, myself and my son live downstairs.

I have 3 children, two that are grown and out of the house, and one who is 12 and still lives at home. My older two are amazing, self-sufficient adults, and my 12-year old is a wonderful kid with a huge heart and has unconditional love for his close friends and family. Our home is cozy, clean and well maintained. We have no firearms in the home, there is no need for them. I like to have a mellow, peaceful home where I can raise my son in a loving environment.

Back in 2012 I was convicted of a felony for fraud, something that I'm not proud of, and it became life changing for me. Never in my life had I ever been in trouble before, nor was it my intention to commit fraud. The moment I was charged changed my life. I knew that this charge would be with me for the rest of my life, and I would be looked down upon for it. It was the scariest thing I'd ever been through; I never want to feel that way again.

The circumstances around my felony? My husband and I separated and he took everything from me, including my vehicle at the time. He left me in the home we had been renting. Him being the sole provider for us, packed his things in two days and left me in the home to be evicted. I, at the time was a stay at home mom and had been for the 3 years. I applied for aid as temporary relief to get me back on my feet while I looked for a job and moved to a new place. At the same time, I had all three of my kid's dads fighting me for custody of them. With everything going on in my life at the time; divorce court, child custody court, moving and looking for a job. Some things fell through the cracks at that point, and I didn't report money received to welfare. Therefor I was charged with felony fraud.

Since then I have worked very hard to be a productive member of society, which has led me where I am today. Even while serving my sentence of an ankle monitor, I secured a job working retail knowing that I would never again find myself in a dishonest position in life. After 4 years of retail, I was offered a job as a customer experience assistant/receptionist. I did that for about 8 months then was promoted to Accounting Manager, from there it took me about a year to become the HR Manager / Office Manager, and I couldn't be prouder of myself. It took a lot of hard work to get where I am, but I wouldn't change a thing because it's made me who I am today. I have a job I never thought I would, because of my record. I started out working retail for a few years hoping and praying I would get back into an office job. Goals are obtainable when you work hard and don't lose sight of what you want. I always tell Sean "if you want it bad enough nothing is un-obtainable, anything is possible. You have to work for it and start from the bottom to make it to the top."

I have always been supportive of Sean reaching his goals. After Sean's DUI arrest in 2018 I encouraged him to go to AA meetings every day, and sometimes twice to three times a day if needed. I would give him rides to class and even offered to sit in with him as support, because I, myself do not drink (I don't see the point). I also made sure that he was following through with everything that was required of him. I was proud of him when he earned his first chip and those thereafter. After about a year into his DUI class, he met a group of

young people, who along with him decided to start a “young people in recovery group”, and hold fund raisers and other events to bring awareness to young adults struggling with Alcohol. They called it “PlayPAA”. It was a group of young adults who were struggling with alcohol abuse, getting together to have fun while in a sober setting. They would go bowling, have ice cream socials, game nights, and even did a carnival. It was a safe place to have fun with their sobriety and get the support they needed when battling their addictions. Sean enjoyed being apart of this group and inspired others to join. I will continue to support him in his recovery. Going to AA classes, sober group events and maintaining a job will keep him on a better path.

In 2019 Sean started talking about getting his contractors license and starting his own business. I was helping him study and always encouraged him to go after what he wanted, what he *needed*. He completed all of the forms, applications and the overall necessary steps to getting his Contractors license. The only thing he was waiting for was the test date. I was so proud that he came this far already. At this time, he also completed all but one of his DUI classes. If he completes that last class, his drivers license would be reinstated, and he’d be one step closer to achieving his career goals.

When Sean decided to go to DC, I told him not to go as I felt he was way too emotionally involved in politics as it was. It consumed his life. He would talk to his mom and friends about everything that was going on in the country at the time, as they had the same political views. He tried to talk to me about politics, and I would shut him down as I had no interest in getting involved or emotionally worked up over something that you ultimately can’t change. I believe that with his mother and friends in his ear, and the emotionally heightened political views, DC was a bad idea. He had other things to worry about. His Contractors license, working, his DUI classes, spending time with his son and everything that he was striving for in leading a successful and happy life. I was upset that he chose not to listen and go against my advice. I feel like his mother was more of an influencer on him than I was, at that time in our relationship. Her and I seem to butt heads when it comes to Sean’s well-being. She sees me as a bossy and controlling girlfriend. All I want is to keep him on the right path, motivated for the right things, and see him achieve all of his goals. I know he can do it with the right support and influence. I don’t believe that his mother has his best interest at heart, and feeds into the wrong emotions when it comes to supporting her son. I hold him accountable for his behavior and actions, good or bad.

If Mr. McHugh were given the opportunity to be released, I will continue to be his support system. I will continue help him study to get his Contractors license and to complete his DUI classes. I will help keep him on the right path to reaching his personal and career goals and maintain sobriety, as I always have. I will make sure he attends all of his court appearances, meetings, and anything else that may be required upon his release.

Respectfully,

*Amy Hunt*

Dear: Honorable Chief Judge Howell

Re: Sean McHugh

I am writing this letter in reference to the character of Sean McHugh. I have known Mr. McHugh for 20 years and we share a 13 year old son together. In the past 3 years Mr. McHugh has made significant changes to his lifestyle and his participation in his son's life. Mr. McHugh has continued to have regular weekend visitations in which he provides for our son and participates in skateboarding and gymnastics activities. Our son and Mr. McHugh have after much time started bonding and building a strong relationship. If Mr. McHugh is not released, and is transferred to Washington D.C. it will put emotional strain on our son who is at a pivotal age and has enjoyed building a relationship with his father. Mr. McHugh has maintained a consistent working schedule and paying child support and paying towards his arrears. With all the changes in Mr. McHugh's recent past I know that his priorities have been maintaining stability for his son. I've known Sean McHugh through his past struggles and he has always accepted the consequences for his actions. I have no doubt Mr. McHugh, if given the opportunity for release, will abide by the courts restrictions and be present for all his court appearances. I appeal to the court to consider our sons emotional well-being in allowing Mr. McHugh to continue these court proceedings on a release of custody.

Amanda Donathan