

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOSEPH DANIEL HUTCHINSON III

Case No.: 1:21-cr-00447-CJN-2

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**MOTION TO MODIFY CONDITIONS OF RELEASE**  
**OR PROVIDE CLARIFICATION ON THE CURFEW IMPOSED VIA 10/13/2022 AND**  
**10/11/2022 MINUTE ORDERS**

COMES NOW, the Defendant, Joseph Daniel Hutchinson III, by and through his undersigned counsel, and herein respectfully moves the Court to provide clarification on the curfew imposed via the 10/13/2022 minute order. Counsel submits the following in support of this motion.

(1)

Mr. Hutchinson was arrested in the Middle District of Georgia on June 30, 2021, pursuant to a sealed complaint filed June 25, 2021. (MDGA Case 5:21-mj-00056 (*Hereinafter* “MDGA-Doc.”), 2) He made his first appearance, and was released from custody under certain conditions. (MDGA-Doc.11) He was indicted July 1, 2021. (DCD Case 1:21-cr-00447 (*Hereinafter* “DCD-Doc.”), 8). He made his first appearance in the charging district via video teleconference on July 8, 2021 and was arraigned. (DCD Case 1:21-cr-00447 (*Hereinafter* “DCD-Doc.”), 07/08/2021 text docket entry) He was given an appearance bond and released on certain conditions of release. (DCD-Doc.21).

(2)

Since his release, Mr. Hutchinson has been working for his father at a used merchandise store that his father owns and operates in Albany, GA. Mr. Hutchinson has filed a number of requests to modify his conditions of pretrial release to allow him to travel back to his hometown in Florida for a variety of holidays and family celebrations. (DCD-Doc.65, 66, 69, 86, 94, 114) All of those motions were granted, and the subsequent travel undertaken with no problems and in full accordance with the court's orders.

(3)

On August 19, 2022, Mr. Hutchinson, through counsel, filed a motion seeking the removal of the home detention condition of pretrial release. (DCD-Doc.146) The catalyst for that motion was Mr. Hutchinson's successful certification as a Pilot Escort Driver, and his desire to begin working in that field. That work requires the escort driver to travel out of state for multiple days at a time, escorting the oversized load along our nation's roads and highways. The home detention condition of pretrial release prevented Mr. Hutchinson from pursuing work in that field, and so we requested it be removed, based in part upon Mr. Hutchinson's successful trips to and from Florida while remaining in compliance with his conditions of pretrial release.

(4)

On October 11, 2022, via a text-only minute order, the court granted Mr. Hutchinson's motion that his home detention condition be removed from his conditions of pretrial release, and that he be allowed to travel subject to condition (7)(t) which requires him to provide advance notice to his supervising probation officer of the times and locations of his travels. On October 13, 2022, the court issued an additional text-only minute order directing that Mr. Hutchinson be subject to a curfew of 10:00pm through 06:00am.

In discussions with Mr. Hutchinson's supervising probation officer following these minute orders, that officer sees a contradiction between the two: if the curfew is intended to be the same curfew described in (7)(p)(i) of his conditions of release (DCD-Doc.21) then it requires he be **in his residence** every day during those times. This of course would be incompatible with his work as a Pilot Escort Driver, as he would not be at his residence on the nights he was traveling for work. If the court meant for the curfew to require that during the curfew hours, he be within whatever hotel he was staying at while traveling for work then there would be no conflict. Mr. Hutchinson, following discussion with his supervising probation officer, herein files this request for clarification from the court. <sup>1</sup>

WHEREFORE, Mr. Hutchinson, by and through undersigned counsel and in discussion with United States Probation, respectfully request that the court offer clarification of its minute orders of 10/11/2022 and 10/13/2022 as requested herein.

Dated this 21<sup>st</sup> day of October 2022.

Respectfully submitted,

/s/Timothy R. Saviello

Timothy R. Saviello

Ga. Bar No. 627820

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<sup>1</sup> Counsel for Mr. Hutchinson has spoken with the supervising probation officer, Clayton Hester, about attending the virtual motions hearing on October 27, 2022, and he is willing and able to do so in order to provide any additional information which the court might require, as well as to offer his boots-on-the-ground thoughts on how best to accomplish the court's goals of pretrial supervision on this issue. Counsel respectfully believes this might provide the most efficient way to resolve any confusion, with all stakeholders being present before the court at the same time. Having said that, Mr. Hutchinson will accept whatever approach the court prefers.

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**CERTIFICATE OF SERVICE**

I, Timothy R. Saviello, hereby certify that I electronically filed the foregoing pleading with the clerk of Court using the CM/ECF system which will send notification of such to all counsel of record.

**/s/Timothy R. Saviello**  
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