

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**  
**TO ALLOW TRAVEL HOME TO CELEBRATE THE THANKSGIVING HOLIDAY**

COMES NOW, the Defendant, Joseph Daniel Hutchinson III, by and through his undersigned counsel, and herein respectfully moves the Court to modify the conditions of his pretrial release to allow him to travel out of the arresting district to celebrate the Thanksgiving holiday with his family and friends in Florida. 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 grew up in Lakeland, FL and members of his family still live there. On November 23, 2021 Mr. Hutchinson filed a motion seeking to modify his conditions of pretrial release to allow him to travel back to Lakeland, FL to celebrate the Thanksgiving holiday with family and friends. (DCD-Doc.65) Following a hearing on the motion later that same day, the court granted the motion and issued the associated order. (DCD-Doc.66) Mr. Hutchinson then traveled to Florida for the Thanksgiving holiday and returned to Albany, GA where he has been living during the pendency of this case. Mr. Hutchinson adhered to every condition placed upon the court's permission for him to make that trip. There were no problems or violations at all. Subsequently Mr. Hutchinson filed a motion requesting permission to travel to Florida to celebrate the Christmas Holiday and the wedding of his best friend and co-defendant, Mr. Doolin. (DCD-Doc.69) The court granted the motion (12/22/2021 text docket entry). Mr. Hutchinson traveled to Florida and returned, adhering to the required conditions imposed by the Court, with no problems. Mr. Hutchinson requested permission to travel to Florida to celebrate his birthday in March 2022. (DCD-Doc.86) The motion was granted, Mr. Hutchinson made the trip and returned uneventfully. Mr. Hutchinson moved the court in April of 2022 for permission to travel to Florida to celebrate the Easter Holiday with his family. (DCD-Doc.94) The court granted that motion by a text minute entry on April 6, 2022. Mr. Hutchinson traveled to Florida and returned with no issues.

(3)

Mr. Hutchinson's conditions of release included both home detention and a requirement that he notify the Middle District of Georgia "in advance of all travel outside the jurisdiction." (Doc.21, 7(t)) Any travel outside the continental United States must be approved by the court. On

August 19, 2022, Mr. Hutchinson filed a motion asking the court to remove the home detention condition of his pretrial release to allow him to travel outside the district for work purposes. (DCD-Doc.146) By text minute entry of October 11, 2022, the Court granted the motion. Additionally, on October 13, 2022, the court entered a text minute order that Mr. Hutchinson's pretrial release would be subject to a curfew.

Although the court's order only requires notification for travel outside the jurisdiction, United States Probation has taken the position that the curfew condition (7(p)(i)) requires court approval for travel outside of the district. At the status conference held on October 27, 2022, this issue was addressed, and the court requested additional information prior to agreeing to modify or remove the curfew condition. Counsel for Mr. Hutchinson is gathering that information and will be providing it before November 18, 2022, via a written notice filed with the court.

Because the curfew condition of pretrial release remains in effect, and because United States Probation takes the position that a court order is necessary to allow Mr. Hutchinson to travel outside the district, Mr. Hutchinson, through counsel, now files this motion seeking such an order.

Mr. Hutchinson respectfully requests the modification to travel to Lakeland, FL to celebrate the Thanksgiving holiday, which is November 24, 2022.

(4)

Mr. Hutchinson respectfully requests an order from the court authorizing the following travel:

**I. TRAVEL DAY – NOVEMBER 23, 2022**

- Mr. Hutchinson would leave Albany, GA the morning of November 23, 2022.
- Mr. Hutchinson would travel by driving his vehicle from Albany, GA to Lakeland, FL and back.

- Mr. Hutchinson would stay in the same home he stayed at during his uneventful Thanksgiving trip and birthday trips: the home of his adopted brother, located at 5001 Lewellyn Rd, Lot 1, Lakeland, FL 33810.
- Mr. Hutchinson would be confined to the residence at 5001 Lewellyn Rd. in Lakeland throughout his stay there, consistent with the terms of the Home Detention condition of his pretrial release, but for the following events:

## **II. TRAVEL DAY – NOVEMBER 29, 2022**

- Mr. Hutchinson would travel home from Lakeland, FL to Albany, GA on November 29, 2022, driving his personal vehicle.
- Mr. Hutchinson would comply with US Probation’s GPS location monitoring program throughout the trip, to include taking the GPS “beacon” device from his home in Albany, GA, ensuring its accurate placement in the residence at 5001 Lewellyn Rd in Lakeland, as well as reversing the process when he returns home.

(5)

Mr. Hutchinson, through counsel, has discussed this proposed travel with the government and US Probation. US Probation will continue to supervise Mr. Hutchinson while in Florida consistent with procedures utilized during previous authorized trips.

WHEREFORE, because this request is reasonable, consistent with the current conditions of pretrial release and because it otherwise would be just and fair to grant the request, Mr. Hutchinson, through counsel, respectfully requests the court grant the motion and issue an order authorizing Mr. Hutchinson’s travel as outlined above.

Dated this 16<sup>th</sup> day of November 2022.

Respectfully submitted,

/s/Timothy R. Saviello

Timothy R. Saviello

Ga. Bar No. 627820

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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

Timothy R. Saviello

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