

**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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**AMENDED MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE**

COMES NOW, the Defendant, Joseph Daniel Hutchinson III, by and through his undersigned counsel, and herein respectfully submits the following information to the court pursuant to its request:

(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)

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 defense counsel provide additional information regarding the Mr. Hutchinson's proposed work within the pilot car industry prior to agreeing to modify or remove the curfew condition. Below is a summary of the information undersigned counsel has gathered.<sup>1</sup>

(3)

### **Industry Standards**

A Pilot Car is a general term for a regular sized vehicle, equipped with additional signage and lighting, which accompanies a tractor-trailer hauling a payload which is oversized. Generally, there is both a front and rear pilot car. The purpose of the pilot car is to make other drivers aware that a tractor-trailer with an oversized load is immediately present, will take up more than one lane of the highway, and may be moving more slowly than normal traffic. By increasing awareness, pilot cars reduce accidents caused by regular drivers who might not notice the oversized load vehicle and use appropriate caution when driving near that oversized load vehicle.

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<sup>1</sup> The information herein was obtained via internet research, legal research and interviews with independent pilot car escort drivers currently working in the industry. [National Pilot Car Association](#); [Pilot Car Loads.com](#); [Pilot Car Best Practices](#)

A pilot car operator can either be an employee of a company which supplies pilot cars to shipping companies, or an independent contractor who is hired directly by the shipping company to escort a specific shipment on a one-time basis. Mr. Hutchinson, as referenced in his motion seeking to remove the home detention condition of his pretrial release to allow him to work as a pilot car driver, has obtained the required training and certification to work in this industry. He will do so as an independent contractor, the sole employee of a licensed business.

Independent pilot car drivers contract with shipping companies to escort individual shipments. This is what Mr. Hutchinson will do. There are brokers, who act as a sort of service provider for shipping companies, connecting shipping companies in need of a pilot car driver with a pilot car driver willing to accept the job for a single shipment from point A to point B. In this case, a pilot car driver can accept or decline the offer of a job from the broker for whatever reason the pilot car driver finds appropriate. In this manner, independent contractor pilot car drivers are able to choose when they work and how far they travel for each job.

Each job is one-way, from Point A to Point B. So, the pilot car driver finishes the job at Point B, away from her/his home. The driver then can simply return home or find the next job. The normal practice in the industry is for pilot car drivers to do several jobs consecutively, rather than a single job and return home. Payment is generally made on a per-mile basis for the shipment, from Point A to Point B, and a shipper may pay for a hotel room if the shipment will clearly take more than one day to deliver. There is no payment for the pilot car driver returning home, either in mileage or accommodations. Thus, many drivers will leave home escorting a first shipment from A to B, then take another job that begins nearby, then another one and on until they are ready to return home. Obviously, the best scenario would occur when the last job ends at or near the driver's home, but that does not happen frequently. In that context, many pilot car drivers choose

to stay on the road working for from several days up to a month at a time in order to maximize earnings before returning home.

(4)

**Mr. Hutchinson's Plan**

Mr. Hutchinson herein respectfully suggests the following as an initial plan regarding his entry into this industry and his pretrial supervision:

1. *Mr. Hutchinson would be allowed to travel out of district for no more than 14 overnight stays per month;*
2. *No single trip could be longer than two consecutive overnight stays*
3. *When at home he would be subject to regular curfew hours*
4. *When not at home, he would be subject to the same curfew hours, but would be required to be in a hotel rather than his home*
  - a. *The manner for verification would be determined by his supervising probation officer*

(5)

Counsel for Mr. Hutchinson has shared the proposed plan with the government and United States Probation Office Clayton Hester, who supervises Mr. Hutchinson in the Middle District of Georgia and asked for their position on the above plan. Defense counsel is authorized to inform the court as follows:

**United States Probation:**

US Probation Officer Hester made the following 3 proposals to defense counsel and the government:

1. Remove LM (Location Monitoring) condition completely; Allow Hutchinson to travel for work purposes to the states of GA, FL, AL, SC, NC, TN but restrict him from traveling to D.C. unless for Court.
2. Maintain LM condition with no restrictions(i.e.: curfew, Home Detention, etc.), this would be stand-alone monitoring and would allow for us to track his movements; Allow Hutchinson to travel for work purposes to the states of GA, FL, AL, SC, NC, TN but restrict him from traveling to D.C. unless for Court.
3. Maintain current conditions and not allow Hutchinson to be employed as a pilot car driver

The Government:

After considering the information contained in this pleading, as well as both Mr. Hutchinson's proposal and the three options proposed by Probation Officer Hester, for the reasons set forth in its opposition to the defendant's motion to modify his conditions of release (ECF 146 and 152) the Government objects to the proposed modification.

WHEREFORE, Mr. Hutchinson respectfully requests that the court consider the information about the pilot car industry, as well as the input from the parties and US Probation, grant the motion and modify Mr. Hutchinson's conditions of pretrial release in a manner which allows him to work in the pilot car industry.

Dated this 22<sup>nd</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**

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