

**UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL NO. 21-MJ-00122 (RMM)
	:	
MATHEW CAPSEL,	:	
Defendant.	:	

MOTION TO MODIFY CONDITIONS OF RELEASE

The defendant, by and through his attorney, Christopher Davis, respectfully files this Motion to Modify his Conditions of Release in the above-captioned matter. In support thereof, the defendant states as follows:

On January 19, 2021, the defendant was arrested and charged by Criminal Complaint with one count of Obstruction, in violation of 18 U.S.C. § 243(a)(3); Assault, in violation of 18 U.S.C. § 111, and Unlawful Entry on Capitol Grounds, violation of 18 U.S.C. § 1752(a)(1) and (4). On February 5, 2021, by agreement of the parties, the Honorable Judge Meriweather ordered that the defendant remain on release subject to continued home detention/electronic monitoring. A preliminary hearing is now set for June 4, 2021. The parties anticipate resolving this matter short of indictment. However, to date, no plea offers have been extended in any of the Capitol rioter cases.

The defendant works for OSMOSE Utility Services in Illinois.¹ Mr. Caspel is a “crew member” who is required to travel to different job locations, throughout the state, for two to

¹ Osmose Utilities Services, Inc. is an 80-year strong company that specializes in providing services to the utility and telecommunications industries on a national scale.

three-week jobs.² Mr. Caspel has not been able to work since his arrest. While under electronic monitoring/home detention, he is not allowed to sleep anywhere other than at his designated residence, now his mother's home. This prevents him from travelling to different job sites every two to three weeks. When he reports to a job site, the "crew" and its foreman are required to stay in hotels until the job is completed, coming home on some but not all weekends.

Mr. Caspel can return to his job at OSOMES if the court removes his condition of electronic monitoring, and in lieu thereof, impose a 10 PM to 6 AM curfew. The defendant's foreman, Devvon Jefferson (his telephone number can be provided to PTS), has agreed to respond to spot checks by PTS to verify that the defendant is on a specific job site. Mr. Caspel can be required to notify PTS when he leaves for a specific job site, notify PTS when he returns home from a specific job site, and report by telephone once a week.

The defendant is only 27 years old, however, he is financially responsible for his three young children. Although the children live with their mother, the defendant remains an active participant in their lives. He needs to work, not only for his own wellbeing, but for that of his children.

The government, by its representative, Kenya Davis, AUSA, opposes removal of the electronic monitoring device. The defense submits that electronic monitoring is not necessary given the facts of Mr. Caspel's case. He did not enter the Capitol and he essentially pushed a group of national guardsmen for about 5 seconds. This incident was captured on video.

² Crew members enjoy travel, working outdoors, and performing very physical work. Our crews assist Foreman with pole inspection, treatment, and restoration. As a Osmose crew member, you will utilize special equipment to excavate ground material around utility poles and apply wood preservatives to the ground line area of a pole. Crew members also drive steel into the ground to help restore poles, and they help to install steel trusses to deteriorated wood poles.

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ORDER

This matter having come before the Court pursuant to a Motion to Modify Conditions of Release, it is therefore

ORDERED on this _____ day of June 2021, that the defendant's former conditions of release are now modified to remove the condition of electronic monitoring, and to impose a 10 PM to 6 AM curfew.

It is further ORDERED

that the defendant be allowed to travel to and stay at specified job sites, requiring him to notify PTS when he leaves for a job site from home and notify PTS when he leaves a job site to return home, and other than when working, the defendant continue to reside with his mother, unless approved by PTS otherwise.

The Honorable Judge Merriweather