

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

RACHEL MARIE POWELL,

Defendant.

Case No. 21-cr-179 (RCL)

ORDER

On April 15, 2021, the U.S. Probation & Pre-Trial Services Office filed a non-compliance report regarding defendant's condition of pre-trial release that she "wear a mask whenever she leaves her residence." ECF No. 19 (non-compliance report); ECF No. 9 at 2 (order setting conditions of pre-trial release). In the report, Pre-Trial Services noted that on April 12, 2021, it received information that defendant appeared in a video posted on social media wearing a "see-through mesh mask" at her place of employment. ECF No. 19 at 1. Included in the report is an image captured from the video, which shows defendant wearing a mask with holes in it large enough to see defendant's nose and mouth. *See* ECF No. 19-1. The image shows that the video was posted by "Mr. Bookman" on March 31 at 10:51 AM. *See id.* When Pre-Trial Services called defendant to inquire about the video, defendant was evasive in answering the officer's questions regarding the material of the mask. ECF No. 19 at 1.

Defendant's decision to appear in a video wearing a mask with holes in it at work mocks compliance with the Court's Order setting as a condition of pre-trial release that she "wear a mask whenever she leaves her residence." ECF No. 9 at 2. No reasonable person could think that defendant's "mask" complied with that condition, which Chief Judge Beryl A. Howell imposed to


ensure that defendant “would not pose a risk to the health and safety of the community when she left her house.” ECF No. 11 at 38–39 (detention hearing transcript).

The Court does not take defendant’s willingness to flout the Court’s Order lightly. When a defendant refuses to comply with a condition of pre-trial release, the Bail Reform Act authorizes the Court to consider revoking pre-trial release, ordering the defendant detained pending trial, or holding the defendant in contempt of court. *See* 18 U.S.C. § 3148(a). Accordingly, the Court directs defendant to show cause in writing, no later than ten (10) days from this date, why the Court should not revoke her pre-trial release, order her detained pending trial, or hold her in contempt.

Additionally, the Court is concerned with defense counsel’s apparent reaction to defendant’s non-compliance. When Pre-Trial Services asked defendant where the mask was, defendant responded that she “threw it away per her attorney’s advisement.” ECF No. 19 at 1. In defendant’s show-cause filing, defense counsel shall include an explanation for his alleged instruction to his client to dispose of evidence of her non-compliance with a Court ordered condition of pre-trial release.

It is **SO ORDERED**.

Date: April 16, 2021



Hon. Royce C. Lamberth
United States District Judge