

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-292-02 (RCL)
 Daniel Scott,) *defendant.*)

UNOPPOSED MOTION TO LIFT CURFEW

Defendant, through undersigned counsel Nathan I. Silver, II, Esq. (“counsel”), appointed by this Court under the Criminal Justice Act, with no opposition from the United States, respectfully moves the Court to lift the curfew that is in place.

The defendant is on home detention with GPS location monitoring. (ECF Doc. 154, ¶7(p)(ii)) Home detention permits an exception for employment. He also has a curfew applied as an additional condition, though it is imposed at the discretion of Pretrial Services as a part of GPS monitoring and not otherwise specified in the release order itself. (Id., ¶7(q)(iv)) Defendant has been working several jobs at restaurants in his local area while on release. From time to time, the curfew has interfered with the defendant’s ability to complete his work (because of closing times and cleanup that’s required). Recently, the defendant reported to counsel that he was notified by Pretrial Services that he was eleven (11) minutes late in arriving at home after work and that his release could be revoked or otherwise face a change in the terms of his home detention. The defendant’s compliance with his release conditions has, in counsel’s view, been exemplary for more than two years.

The defendant’s sentencing is scheduled for July 5, 2023. However, the defendant will seek to remain on release and be permitted to self-surrender if and when the Court sentences the defendant to a period of incarceration.

The government does not oppose the lifting of the defendant's curfew so long as the GPS location monitoring remains in place.¹

Defendant seeks to work as much as possible to provide for his family before he begins any term of incarceration. Defendant's wife has been seriously ill for nearly the past year and it will help the family if the defendant can provide as much financially for his wife and their two young children before he begins serving a sentence.

For the reasons stated above, the defendant urges the Court to lift the curfew that Pretrial Services has imposed in administering GPS location monitoring in this case.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on Asst. U.S. Attorneys William K. Dreher, Esq., and Alexis Loeb, Esq., attorneys of record for the United States, this 12th day of June, 2023.

¹ Release order (Doc. 154) places defendant on home detention (¶7(ii) with GPS monitoring (¶7(q)(iv), while Amended Release (Doc. 155) imposes a curfew (without home detention) (¶7(i), but no GPS monitoring. Yet ¶7(r) requires defendant to pay part or all of the cost of location monitoring, so the absence of a check mark in the box for GPS monitoring may have been an oversight. Counsel's understanding from other cases is that PSA has said it needs GPS monitoring to verify compliance with a curfew.

/s/

Nathan I. Silver, II