

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

_____	)	
UNITED STATES,	)	
	)	
v.	)	Crim. No. 21cr40
	)	Hon. Trevor McFadden
ROBERT MORSS,	)	
Defendant.	)	
_____	)	

**DEFENDANT’S REPLY TO GOVERNMENT’S OPPOSITION TO  
DEFENDANT’S MOTION TO RECONSIDER PRETRIAL RELEASE**

Comes now Defendant Robert Morss, by counsel, and replies to the government’s Opposition (Doc 291) to his Motion for Reconsideration of Pretrial Release (Doc 283).

The government’s Opposition ignores utterly the fundamental premise of Defendant’s motion. By unilaterally prolonging the pretrial period (i.e., that period necessary for adequate disclosure of discovery) while simultaneously demanding pretrial confinement, the government forces Defendant to surrender one of two rights to which he is constitutionally entitled – his right to discovery and his right not to be punished before he is convicted.

Undersigned has found no decision – none rejecting and certainly none endorsing pretrial confinement – that entailed a scenario where the government had intentionally, unnecessarily and arbitrarily prolonged the pretrial period while simultaneously demanding pretrial confinement. The government’s decision in this case to reverse the normal order of prosecution – opting instead to indict before investigating – has unavoidably prolonged the pretrial period. The government’s simultaneous insistence on

pretrial confinement impels Defendant to accept a trial prior to the point at which he will be adequately prepared to defend.

Respectfully Submitted,

ROBERT MORSS  
By Counsel

/s/  
John C. Kiyonaga

600 Cameron Street  
Alexandria, Virginia 22314  
Telephone: (703) 739-0009  
Facsimile: (703) 340-1642  
E-mail: john@johnckiyonaga.com

Counsel for the Defendant

Certificate of Electronic Service

I hereby certify that on May 31, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, with consequent service on all parties.

/s/  
John C. Kiyonaga