

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

GLENN ALLEN BROOKS,

Defendant.

Case No.: 1:21-cr-00503-RCL-1

**MOTION TO MODIFY CONDITIONS
OF RELEASE**

COMES NOW, Glenn Allen Brooks, through counsel, Joseph R. Conte, to respectfully request this honorable court to amend his conditions of release to vacate the order that he not possess firearms. As grounds for this motion counsel would state:

1. The defendant is charged with violations of 18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, 18 U.S.C. §1752(a)(2) – Disorderly and Disruptive Conduct in a Restricted Building, 40 U.S.C. § 5104(e)(2)(D) - Violent Entry and Disorderly Conduct on Capitol Grounds, 40 U.S.C. §5104(e)(2)(G) – Parading, Demonstrating, or Picketing in a Capitol Building.

2. All of the charges are misdemeanors.

3. None of the charges allege acts of violence by the defendant.

4. Nothing in the discovery provided to date contains any indicia of violence by the defendant.

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AMEND COR 22/02/15 13:03:14

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5. Even if convicted of the pending charges the defendant would still retain the right to possess firearms.

6. The Bail Reform Act, 18 U.S.C. §3142(c)(1)(B) provides for release of a person on conditions subject to the:

least restrictive further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which **may** (emphasis provided) include the condition that the person—

....

(viii) refrain from possessing a firearm, destructive device, or other dangerous weapon.

7. The defendant's prohibition from possessing any firearms, where there has been no showing of danger to any other person and the community, is not the "least restrictive" condition of release.¹

8. Other than §3142's suggestion that prohibition of firearms possession may apply in the appropriate case there is no statutory preclusion to the defendant's Second Amendment right to possess a firearm while charged with the misdemeanor offenses he is currently charged with. The only such restrictions contained in the United States Code are 18 U.S.C. §922(g)(8) prohibiting possession

¹ The prohibition of possessing a firearm is one of the "standard" conditions of release requested by the United States in all the Capitol riot cases without consideration of the facts of each individual case.

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by a person subject to a restraining order prohibiting harassing, stalking, or threatening an intimate partner, 18 U.S.C. §922(g)(9) prohibiting a person convicted of a misdemeanor crime of domestic violence, and 18 U.S.C. §922(n) prohibiting any person under indictment for a crime punishable for imprisonment for a term exceeding one year to ship, transport, or receive any firearm that has been shipped or transported in interstate or foreign commerce.

9. The defendant is not charged with a crime of violence or a felony, the prohibition of possessing a firearm is not warranted given the facts of the case.

WHEREFORE counsel respectfully requests that his motion be granted.

Dated: February 15, 2022

Respectfully submitted,

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