

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No.: 1:21-cr-00026-CRC

UNITED STATES OF AMERICA,

v.

CHRISTOPHER MICHAEL ALBERTS

Defendant.

_____ /

MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE

COMES NOW, Christopher Alberts, by and through undersigned counsel, respectfully requests this Honorable Court to modify the conditions of release by vacating the requirement of “Stand Alone Monitoring” (GPS ankle bracelet) as required in the Order Setting Conditions of Release issued January 7, 2021, by Mag. J. Harvey. As grounds for this motion, counsel states as follows:

1. Mr. Alberts is charged with a variety of federal violations as a result of his conduct occurring on January 6, 2021, on or about the United States Capitol grounds.

2. 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—

3. Mr. Alberts' placement on "Stand Alone Monitoring" is not the "least restrictive" condition of release and the focus of this motion. Notably, Mr. Alberts is in full compliance with all terms and conditions set forth in the Order Setting Conditions of Release; has appeared before the Court when required; formally served in the United States Armed Forces; he has not prior offenses; and there is no reason to believe that Mr. Albert's will not appear in Court when required.

4. Mr. Albert's does not pose any danger to the community, and notably, his supervising Pre-Trial Services Officer in Maryland (USPO Stagg) has recommended that the requirement of Stand Alone Monitoring" be vacated.

5. Since the Court released Mr. Alberts on January 7, 2021, he continues to live in his home community of Pylesville, Maryland whereby he possesses an excellent reputation in his community, for

being a good family man, devoted to his faith, hardworking, and for being a contributing member of his community. Prior to January 6, 2021, Mr. Alberts was a firefighter/EMT in Virginia and in New Jersey; and has since January 6, 2021, he has been employed full-time as a tow-truck driver which includes emergency roadside assistance as an emergency responder to "stranded" motorists and/or crash sites. Mr. Richard Calder, the manager of Chris' Towing & Transport submits a letter to the Court confirming that Mr. Alberts has been employed full-time since March 2021(sic) and the he "polite, courteous, and respectful to everyone . . . He is a great employee and a joy to work with."

6. Mr. Alberts also relates that the GPS ankle monitor is not only uncomfortable, but it can "gets-in-the-way" of the performance of his job duties as a tow-truck operator thereby impacting his work. Furthermore, the GPS unit has emitted electrical shocks on a few occasions, and has once shorted-out.

7. Counsel respectfully submits that after almost 13 months of full compliance, the Court should be confident that Mr. Alberts will continue to abide by all terms and conditions of the Court's Release Order subsequent to the vacating of the GPS Requirement. Therefore,

“Stand Alone Monitoring” is not necessary to “reasonably assure the appearance of the person as required and the safety of any other person and the community,” and reverently asks the Court for its removal.

8. The government opposes this motion, per Assistant United States Attorney Brandon K. Regan.

WHEREFORE, for the reasons provided and those others which the Court may appear just and proper, undersigned respectfully requests that this motion to modify conditions of release be granted, and to vacate the requirement of “Stand Alone Monitoring” (GPS ankle bracelet); and any further relief the Court deems just and proper under the circumstances.

Respectfully Submitted,

FERGUSON LAW, P.A.

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~Psalm 23

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2022, a copy of the foregoing was efiled, served, and/or delivered to counsel of record or case registered parties by the CM/ECF court system.

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~Psalm 23