

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

JACOB ANTHONY CHANSLEY,

Defendant.

Case No. 21-cr-3 (RCL)

ORDER

On May 26, 2021, defendant Jacob Anthony Chansley moved to reopen his detention hearing and for pre-trial release. ECF No. 40. After the Court set a briefing schedule on his motion, ECF No. 42, the Government timely responded, ECF No. 44, and defendant timely replied, ECF No. 46. Though the parties' briefs discuss at great length the issue of defendant's dangerousness, they say nothing about his risk of flight. *See* ECF Nos. 40, 44 & 46. Under the Bail Reform Act, however, even if defendant's release would *not* pose a danger to the public, the Court still must detain him pending trial if the Court finds by a preponderance of the evidence that no conditions of release would mitigate his risk of flight. *See* 18 U.S.C. § 3142(e)(1); *United States v. Xulam*, 84 F.3d 441, 442 (D.C. Cir. 1996). And in its March 8, 2021 Memorandum Opinion, the Court made that finding. *See* ECF No. 25 at 28 ("Based on the gravity of the conduct leading to the crimes charged, the weight of the evidence against defendant, defendant's ties to the group "QAnon," and the lack of an appropriate custodian, the Court finds by a preponderance of the evidence that no conditions of release would mitigate the risk of flight.").

Because the parties' briefs do not address this dispositive issue, the Court hereby **ORDERS** the parties to submit supplemental briefing. In their supplemental filings, the parties should address

(1) whether any “information that has a material bearing” on the issue of defendant’s flight risk has come to light since the Court’s March 8, 2021 Memorandum Opinion and accompanying Order, 18 U.S.C. § 3142(f); and, if so, (2) in light of that new information, whether there are any conditions of release that would reasonably assure defendant’s appearance as required. *See* 18 U.S.C. § 3142(e)(1).

The schedule for supplemental briefing is as follows:

- Defendant shall file an opening brief addressing these issues no later than **Wednesday, June 16, 2021**.
- The Government shall file a response no later than **Monday, June 21, 2021**.
- Defendant shall reply no later than **Thursday, June 24, 2021**.

It is **SO ORDERED**.

Date: June 11, 2021



Hon. Royce C. Lamberth
United States District Judge