

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

UNITED STATES OF AMERICA

v.

RACHEL MARIE POWELL,

Defendant.

Case No. 1:21-cr-00179-RCL

**UNITED STATES' RESPONSE TO DEFENDANT POWELL'S
MOTION FOR MODIFICATION OF CONDITIONS OF RELEASE**

NOW COMES the United States of America, through undersigned counsel, and respectfully responds to defendant Rachel Marie Powell's Motion For Modification Of Conditions Of Release, ECF No. 54, as follows:

1. On February 3, 2021, a criminal complaint arising from the defendant's breach of the U.S. Capitol and its grounds on January 6, 2021 charged the defendant with obstruction of justice, in violation of 18 U.S.C. § 1512(c); depredation of government property, in violation of 18 U.S.C. § 1361; with the following offenses subject to the penalty provisions of 18 U.S.C. § 1752 (b)(1)(A) for using and carrying a deadly or dangerous weapon: entering or remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1), engaging in disorderly or disruptive conduct, in or within such proximity to, any restricted building or grounds, when or so that such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions, in violation of 18 U.S.C. § 1752(a)(2), and engaging in any act of physical violence, in violation of 18 U.S.C. § 1752(a)(4); and with the additional offenses of disorderly conduct in a Capitol building, in violation of 40 U.S.C § 5104(e)(2)(D); physical violence in the Capitol grounds or buildings, in violation of 40 U.S.C. § 5104(e)(2)(F), and parading or

demonstrating or picketing in a Capitol building in violation of 40 U.S.C. § 5104(e)(2)(G). ECF No. 1. The defendant has been indicted for these charges. ECF No. 12.

2. Pursuant to a warrant issued with the complaint, the defendant was arrested in the Western District of Pennsylvania on February 4, 2021. On February 9, 2021, a magistrate judge in that district ordered the defendant's release. The United States obtained an order, ECF 8, staying the defendant's release until February 10, 2021, and pursued an appeal of the release order. *See* ECF No. 7 at 2.

3. Following the government's appeal, the defendant's release was ordered subject to location monitoring and other conditions that included a requirement for the defendant to wear a face mask whenever leaving her residence. ECF No. 9 at 2.

4. In the above-captioned motion, the defendant seeks removal of the release condition requiring her to wear a mask whenever she leaves her residence.

5. The United States takes no position on this request.

Respectfully submitted,

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