

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 1:21-cr-00115 (CRC)
	)	
EDUARDO NICOLAS	)	
ALVEAR GONZALEZ	)	
	)	
Defendant.	)	

**EDUARDO ALVEAR NICOLAS GONZALEZ'S MOTION FOR RELEASE**

Eduardo Nicolas Alvear Gonzalez was sentenced to 24 months of probation on a misdemeanor offense March 3, 2022. His conditions included a fine, restitution, and 200 hours of community service, all of which have been satisfied. *See Violation Petition*, ECF No. 57. On May 5, 2022, he was arrested in Nashville, Tennessee on a probation violation petition alleging essentially two infractions: that he used marijuana over a year ago on April 4, 2022; and that he over-stayed on his travel and changed his residence to Tennessee without the approval of the probation officer. *See id.* 4-5. It does not appear that there is any allegation that the probation officer was unaware of Mr. Alvear's address or location throughout his supervision.

At his initial appearance on the violation petition in Nashville, the Magistrate Judge expressed doubt as to whether that court had the authority to hold a detention hearing on the out-of-district petition and provided the option to have counsel further brief the issue. However, because briefing the matter would

have prolonged it with no guarantee that Mr. Alvear would have even been able to have a detention hearing there, Mr. Alvear elected to have the detention hearing in DC. At this point, though, it has been 14 days and Mr. Alvear has not been transferred and has not had a detention hearing.

Mr. Alvear has no criminal history except traffic violations and the underlying crime in this matter is a misdemeanor. Mr. Alvear has had no other violation reports, no history of failing to appear, he is employed, has completed over half of his period of supervision, and satisfied his substantial community service obligation early. In fact, he fulfilled his community service requirement with purpose and enthusiasm. *See* Def.'s Ex. 1 (describing Mr. Alvear as "pouring himself into" his service with "enthusiasm and love"). He intends to continue his service to this organization, finding the work meaningful and important.

The alleged violations do not warrant continued detention. One is an allegation that he used marijuana over a year ago. The second, involves a dispute over where he had permission to reside.<sup>1</sup> He has now served 14 days in jail and it is unclear when the United States Marshals will be able to transfer Mr. Alvear.

In addition to the deprivation of liberty, each day Mr. Alvear spends in custody further jeopardizes the success of his business which depends on online subscribers who pay for access to his internet-based films. These subscribers expect (and pay for) Mr. Alvear to produce content. The more prolonged his

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<sup>1</sup> It is also worth noting that when Mr. Alvear was denied permission to travel abroad, he complied.

absence, the more likely these individuals are to cancel their subscriptions. Mr. Alvear depends on his business to support himself as well as his daughter for whom he pays child support.

Therefore, Mr. Alvear respectfully requests that the Court release him to allow him to reside in the Middle District of Tennessee at the address he provided the probation officer on the same terms and conditions detailed in his judgment, and to appear before this Honorable Court at a violation hearing date to be determined by the Court. Mr. Alvear is also amenable to electronic monitoring, should the Court seek additional restrictions.

Counsel conferred with the government who opposes this request.

A proposed order is attached.

For all of these reasons, Mr. Alvear respectfully requests that he be released from custody.

Respectfully submitted,  
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GONZALEZ  
By Counsel  
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