

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

**UNITED STATES OF AMERICA** :  
 :  
 **v.** : **Criminal No. 21-cr-52-1 (TJK)**  
 :  
 **DOMINIC PEZZOLA,** :  
 :  
 **Defendant.** :

**UNITED STATES' NOTICE OF ADDITIONAL DECISION**

The United States of America, by and through its attorney the Acting United States Attorney for the District of Columbia, respectfully files this notice informing the Court of a decision made by the Honorable Carl J. Nichols after the close of briefing in this matter, in a different case arising from the events of January 6, 2021, where the defendant made an argument similar to the argument pressed by defendant Pezzola here, specifically that his current conditions of confinement in the D.C. Department of Corrections (DOC) necessitate his release, in part due to difficulties in preparing for trial and conversing with counsel.

Judge Nichols held a hearing on defendant Edward Jacob Lang's motion for release from pretrial detention, which included similar arguments about DOC made by defendant Pezzola, on September 20, 2021, in Case No. 21-cr-53 (CJN). Following that hearing, J. Nichols concluded that the issues raised by defendant Lang regarding DOC do not affect the Bail Reform Act factors. Judge Nichols also construed defendant Lang's arguments regarding DOC as a motion to modify his conditions of detention to allow more access to discovery and/or counsel, which he denied without prejudice to the defendant's ability to re-raise if the procedures currently in place prove to be inadequate after the defendant attempts to use them.

The government has ordered an expedited transcript of this hearing, which it will produce to the Court and counsel as soon as it is available.

Respectfully submitted,

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