

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

UNITED STATES OF AMERICA	:
	:
v.	: No. 21-CR-35-4 (EGS)
	:
CLAYTON MULLINS,	:
Defendant.	:

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO
MODIFY RELEASE CONDITIONS OF RELEASE**

The United States, by and through its attorney, the Acting United States Attorney for the District of Columbia, respectfully submits this opposition to Defendant’s Motion to Modify Conditions of Pretrial Release. The government respectfully opposes the Defendant’s motion and asks that the conditions of release remain the same. In support of its opposition, the Government incorporates the arguments in its previous Emergency Motion to Stay and for Review and Appeal of Release Order filed on March 1, 2021 (ECF No. 6, 21-mj-233-RMM) and March 2, 2021 (ECF No. 10, 21-mj-233-RMM).

1. On February 13, 2021, Mullins was charged by complaint with: (1) Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); (2) Obstruction of Law Enforcement During Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); (3) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1); (4) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (5) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(4); and (6) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. § 5104(e)(2)(F).

2. On February 23, 2021, defendant Clayton Ray Mullins was arrested in his home state of Kentucky on an arrest warrant issued from the United States District Court for the District of Columbia by Magistrate Judge Robin M. Meriweather. On February 25, 2021, during the defendant's initial appearance in the Western District of Kentucky, the government made a motion to detain the defendant without bond pending trial pursuant to 18 U.S.C. §§ 3142(e) and (f)(2). A detention hearing was held on February 26, 2021, during which the presiding magistrate judge denied the government's detention motion and issued an order releasing the defendant with certain conditions. Following this, the government filed an Emergency Motion to Stay and Review the magistrate judge's order.

3. On March 2, 2021, Chief Judge Beryl A. Howell ordered the defendant released on his personal recognizance, with conditions of home detention and Global Positioning System Monitoring. The Defendant's current conditions of release permit the defendant to leave his residence for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising attorney. *See* ECF No. 11, 21-mj-233-RMM.

4. On March 12, 2021, the defendant was indicted on charges of (1) Assaulting, Resisting, or Impeding Certain Officers and Inflicting Bodily Injury and Aiding and Abetting, in violation of 18 U.S.C. §§ 2, 111(a)(1) and (b); (2) Obstruction of Law Enforcement During Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); (3) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1); (4) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (5) Engaging in Physical Violence in a Restricted Building or Grounds, in

violation of 18 U.S.C. 1752(a)(4); and (6) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. § 5104(e)(2)(F).

5. The defendant's current conditions of release allow him to care for himself and support his family through his employment. Indeed, the government did not oppose the defendant's request to permit travel beyond the Western District of Kentucky for employment purposes, as approved by the United States Pretrial Services Office in the Western District of Kentucky. *See* ECF No. 66.

6. The Government appreciates that the Defendant has thus-far been compliant with his conditions of release. However, his compliance is expected. Although any failure to comply could result in revocation and being placed in no-bond status, it does not necessarily follow that compliance should result in further reduction of the defendant's conditions of release. Rather, apparent compliance is some evidence that the defendant's existing conditions are currently working to ensure community safety.

7. There has been no change in the defendant's physical or life circumstances that decreases the danger he presents to the community. The defendant has demonstrated a tendency toward violence and a willingness to impede and obstruct the right and lawful function of government. The current conditions of release continue to balance allowing the defendant to maintain his employment and care for himself, protecting the safety of the community, and ensuring his continued appearance before the Court.

8. For the foregoing reasons, the government respectfully requests that the Court deny the defendant's motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Opposition to Defendant's Motion to Modify Conditions of Release was served on all counsel of record via the Court's electronic filing service.

/s/ Colleen D. Kukowski
COLLEEN D. KUKOWSKI
Assistant United States Attorney

Date: June 28, 2021