

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

UNITED STATES OF AMERICA :

v. : **CASE NO. 21 Cr. 447 (CJN)**

JOSEPH DANIEL HUTCHINSON III :

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

The United States of America respectfully submits this memorandum in opposition to defendant Joseph Daniel Hutchinson’s motions to modify the conditions of his release, filed on March 18, 2022 (ECF No. 86) and March 22, 2022 (ECF No. 72). The government opposes Hutchinson’s request to travel to Florida for a birthday celebration. This position is consistent with the government’s opposition to previously filed motions to modify conditions of release where Hutchinson has asked permission from the Court’s to travel to Florida to attend Thanksgiving with his family and co-defendants (ECF No. 65) and to attend a co-defendant’s bachelor party and wedding (ECF No. 69).

Background

On June 25, 2021, Hutchinson was charged by complaint with: (1) Assaulting, Resisting, or Impeding Certain Officers or Employees, in violation of 18 U.S.C. §§ 111(a)(1), and 2; (2) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. § 1752(a)(1); (3) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (4) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); and (5) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. §

5104(e)(2)(F).

The charges stemmed from Hutchinson's involvement in the riot that occurred at the U.S. Capitol on January 6, 2021. (ECF 1-1.) Upon arriving on the U.S. Capitol grounds, Hutchinson physically moved a metal fence barrier, which allowed fellow rioters unobstructed access to the line of police officers. (ECF 1-1.) Once the metal fencing was pulled back, Hutchinson, his co-defendants, and others physically attacked police officers. (ECF 1-1.) On multiple occasions, Hutchinson charged the line of police officers and punched several officers. (ECF 1-1.) Hutchinson also aided a co-defendant who forcibly took equipment from police officers and used it as a weapon against the officers. (ECF 1-1.)

Hutchinson was arrested in the Middle District of Georgia on June 30, 2021 and presented in that district on that same date.¹ Hutchinson was released subject to bail conditions.

On July 1, 2021, a grand jury in the District of Columbia returned indictment charging Hutchinson with (1) Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. §§ 111(a)(1) (Counts Three, Eight, and Eleven); (2) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. § 1752(a)(1) (Count Sixteen); (3) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2) (Count Seventeen); (4) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4) (Count Eighteen); and (5) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. §

¹ Three of co-defendants – Perkins, Doolin, and Olivia Pollock – were also arrested on June 30, 2021, and released subject to bail conditions. A fifth defendant, Jonathan Pollock, who was the most violent member of the core group, has yet to be apprehended.

5104(e)(2)(F) (Count Nineteen).

At a status hearing on July 8, 2021, Magistrate Judge G. Michael Harvey set high intensity supervision conditions for Hutchinson, which included home detention and GPS monitoring. (ECF No. 21.) The home detention requirement mandates that he remain at his residence except for certain, enumerated exceptions that include employment, education, religious services, health care appointments, attorney visits, court-ordered obligations, or other activities approved in advance by the pretrial services office. (ECF No. 21, ¶ 7(p)(ii).) Hutchinson is also required to notify the pretrial services office of travel outside of his home jurisdiction and comply with supervision requirements. (ECF No. 21, ¶ 7(t).) The government believes the travel notification requirement and the home detention requirement are mutually inconclusive.

On November 23, 2021, Hutchinson filed a motion to modify conditions of release to travel to Florida for the purpose of celebrating Thanksgiving with his family and co-defendants. (ECF No. 65.) While not opposed to Hutchinson's travel to Florida, the Government opposed that motion because the defendant intended to socialize with his co-defendants. Following a hearing on the matter, the Court granted the motion. (ECF No. 66.)

On December 17, 2021, Hutchinson filed a motion to modify conditions of release that requested, in part, that he be allowed to travel to Florida to attend a co-defendant's bachelor party and wedding. (ECF No. 69.) The government opposed Hutchinson's request. Following a hearing on the matter, the Court granted the motion. (Min. Order, Dec. 22, 2021.)

The defendant now seeks to modify his conditions of release to travel to Florida to celebrate his birthday. (ECF No. 86, 87.) Hutchinson's counsel informed undersigned counsel that while in Florida, Hutchinson intends to socialize with his co-defendants.

The Court Should Not Modify the Conditions of the Defendant's Pre-trial Release

Throughout the pendency of this case, the government has maintained that Hutchinson is a danger to the community based on the nature and circumstances of the charged offenses. Hutchinson assaulted several police officers on different occasions. He aided and emboldened his co-defendants and other rioters to assault police officers and commit other criminal offenses. Hutchinson's actions make clear that he is a danger and the conditions of release, including home detention, provide a measure to safety to the community.

Consistent with the government's positions regarding Hutchinson's previous motions to modify conditions, the government is opposed to his latest motion. The government does not believe there is a sufficient basis to warrant modification of the conditions of release, nor is it appropriate for him to be able to attend a celebration and socialize with his co-defendants.

CONCLUSION

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

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CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2022 I caused a copy of the foregoing opposition to be served on defense counsel of record via email.

/s/ Matthew Moeder _____

Matthew Moeder

Assistant United States Attorney