

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

UNITED STATES OF AMERICA

v.

MICHAEL JOHN LOPATIC, SR.,

Defendant.

:
:
: **Case No. 21-CR-35 (EGS)**
:
:
:
:
:
:
:
:

**DEFENDANT MICHAEL JOHN LOPATIC, SR.’S MOTION TO MODIFY
CONDITIONS OF RELEASE**

Defendant Michael J. Lopatic, Sr. (“Mr. Lopatic”), by and through undersigned counsel, respectfully moves this Court to modify the conditions of his release to allow for the temporary removal of his ankle monitor. In support thereof, Mr. Lopatic states the following:

In a Superseding Indictment, Mr. Lopatic has been charged with one count of Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; one count of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); two counts of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); one count of Theft in a Federal Enclave, in violation of 18 U.S.C. § 661; one count of Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); one count of Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); and one count of Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F).

On February 5, 2021, Mr. Lopatic had his initial appearance in the Eastern District of Pennsylvania. Following a detention hearing on February 9, 2021, Mr. Lopatic was detained

pending removal to the District of Columbia. Mr. Lopatic was subsequently transferred to the District of Columbia. On March 29, 2021, Mr. Lopatic had his initial appearance in the District of Columbia. On April 12, 2021, Mr. Lopatic filed an appeal of his detention order. The Court granted Mr. Lopatic's appeal and entered an Order Setting Conditions of Release, on April 26, 2021 [ECF 65]. Mr. Lopatic has been in full compliance with the Court's Order.

On September 29, 2021, Mr. Lopatic is scheduled to undergo a Magnetic Resonance Imaging (MRI) scan for the treatment of his brain tumor. During the procedure, Mr. Lopatic is unable to wear any electronic devices, including an ankle monitor, as said devices would compromise the efficacy of the MRI scan. The completion of an MRI scan is critical to Mr. Lopatic's health. The MRI scan will be completed at the Lebanon VA Medical Center in Lebanon, Pennsylvania. Currently, Mr. Lopatic's conditions of release do not permit him to leave his residence in Lancaster, Pennsylvania. Following the completion of the MRI, Mr. Lopatic will notify the Pre-Trial Services Officer of the MRI's completion. The Pre-Trial Service Officer asked for 48 hours to re-attach the ankle monitor.

Undersigned counsel has conferred with counsel for the Government regarding this motion. Counsel for the Government stated that they do not object to the temporary removal of Mr. Lopatic's ankle monitor.

I. CONCLUSION

For the foregoing reasons, Defendant Michael J. Lopatic, Sr., respectfully requests that this Honorable Court modify the conditions of his release to allow for the temporary removal of his ankle monitor.

Respectfully Submitted,

/s/ Dennis E. Boyle

Dennis E. Boyle, Esquire

Blerina Jasari, Esquire
Attorneys-at-Law
1050 Connecticut Ave, Suite 500
Washington, D.C., 20036
Email: dboyle@dennisboylelegal.com
bjasari@dennisboylelegal.com
Phone: (202) 430-1900

Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2021, I electronically filed the foregoing Motion and proposed Order with the Clerk of Court using the CM/ECF system, which will send an electronic notification of such filing to all counsel of record.

/s/ Dennis E. Boyle

Dennis E. Boyle, Esquire