

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

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                          |
|                                 | ) |                          |
| v.                              | ) | <b>1:21-CR-108 (TSC)</b> |
|                                 | ) |                          |
| <b>MICHAEL FOY</b>              | ) |                          |

**MICHAEL FOY’S CONSENT MOTION TO MODIFY CONDITIONS OF PRE-TRIAL  
RELEASE**

Michael Foy (“Mr. Foy”), through counsel, respectfully moves this Court for an Order modifying conditions of his release. Specifically, he requests that his condition of home detention be modified to a curfew with continued electronic monitoring. Mr. Foy has been under intensive pretrial supervision (either home incarceration or home detention) for almost two years, since July 2, 2021. He had not incurred a single violation. Mr. Foy’s probation officer reports that Mr. Foy has been complying with “all terms of his supervision.” Government counsel has spoken with Mr. Foy’s probation officer and consents to this request.

1. Mr. Foy was arrested on January 24, 2021. He was detained until this Court ordered him released under conditions, including home incarceration, on July 2, 2021. ECF 47.
2. Mr. Foy had no violations while under home incarceration. On October 21, 2021, this Court placed Mr. Foy under home detention so that he may work and attend religious services. On January 17, 2023, this Court entered an Order allowing Mr. Foy to go to the gym in the morning.
3. Mr. Foy works full-time in heavy machinery repair and maintenance. Undersigned counsel have spoken with his supervisor and other of Mr. Foy’s colleagues. He is a respected and appreciated employee who shows up early daily, works hard, even

through his lunch hour. He is universally regarded as a reliable and valuable asset to his company.

4. In addition, Mr. Foy has made important changes to his life since his arrest and incarceration. Most notably, he has been attending weekly therapy sessions, has strictly adhered to his prescribed mental health medication, has maintained employment, has refrained from substance abuse, and exercises daily to relieve stress and anxiety. He does not engage in politics in any form and has avoided the social media outlets that influenced his thinking prior to January 6, 2021.
5. In short, Mr. Foy's daily schedule is as follows: he wakes up at 4:30 a.m. and goes to the gym for one hour before work, which starts at 7 a.m. Many mornings, he is early for work. After a full day, he gets off work at 3:30 p.m. and drives home for dinner. He goes to bed early so that he is well-rested for the next day. Mr. Foy's mental health has benefited not only from the therapy and medication, but from having a job that fulfills him and a stable routine that includes daily exercise and church on Sundays.
6. In light of his compliance with all of his conditions and the government's consent, Mr. Foy respectfully moves the Court to reduce his conditions to electronic monitoring with a curfew. If the Court were to change Mr. Foy's conditions, his daily schedule would not change. However, he would have a little more flexibility in running errands such as going to the grocery store and going for jogs or walks in his neighborhood now that the weather is warmer. Mr. Foy's track record of compliance demonstrates that he has earned these small privileges and that he will continue to comply with the Court's conditions. The Bail Reform Act, which mandates that a defendant be subject to the "*least restrictive* further conditions, or combination of conditions that . . . will

reasonably assure the appearance of the person as required and the safety of any persons and the community,” supports this request. 18 U.S.C. § 3142(b).

7. Mr. Foy is a 31-year-old with no history of violence or prior convictions. He is a veteran, an active reservist for the Marines, and a mechanic by trade. Where he has achieved an near two-year record of complete compliance with the most restrictive form of supervision available, the mandates of the Bail Reform Act support reducing his level of supervision to at the most, electronic monitoring with a curfew.

### **Conclusion**

For the reasons stated herein and any others that appear to the Court, Mr. Foy respectfully moves the Court to modify his conditions to electronic monitoring with a curfew. A proposed Order is attached for the Court’s review.

Respectfully submitted,  
A.J. KRAMER  
FEDERAL PUBLIC DEFENDER

\_\_\_\_\_/s/\_\_\_\_\_  
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**MICHAEL FOY**                            )  
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**1:21-CR-108 (TSC)**

**ORDER**

Upon consideration of Michael Foy’s Motion to Modify Conditions, it is hereby ORDERED that the Motion is GRANTED;

It is further ORDERED that Mr. Foy’s conditions of release be modified to remove home detention has a condition. It is further ORDERED that Mr. Foy shall continue on electronic monitoring and abide by a curfew set by his Probation Officer.

So ordered.

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Tanya Chutkan  
U.S. District Court for the  
District of Columbia