

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-292-02 (RCL)
 Daniel Scott , *defendant.*)

UNOPPOSED MOTION TO MODIFY CONDITION OF RELEASE

Defendant, through undersigned counsel Nathan I. Silver, II, Esq. (“counsel”), appointed by this Court under the Criminal Justice Act, respectfully moves the Court to modify, with no opposition from the United States, his curfew condition.

Defendant is supervised by a pretrial services officer in the Middle District of Florida. His Amended Order of Release (ECF Doc. 155) imposes a daily curfew of 10 o’clock p.m. until 6 o’clock a.m. (page 2, ¶7(p). Defendant seeks a modification so that the curfew will remain from 10 o’clock to 6 o’clock a.m. daily or as directed by the pretrial services office or supervising officer....” (alternative language of the release order)

Defendant is employed in a restaurant in his community. Ordinarily he finishes his shift in the evening and gets off work in time to meet his curfew and be home by 10 p.m. His employer needs for him to work, on occasion, past his ordinary time. This coming weekend, on Saturday, October 23, the defendant is needed at work until approximately 1 a.m. Defendant is on location monitoring with GPS.

The defendant sought permission from his supervising officer for an exception to the 10 p.m. curfew. The officer advised that she does not have the authority to alter the curfew and that the defendant would need a court order for him to work past 10 p.m. before returning to his residence.

Defendant submits that in the circumstances it would make sense for the supervising officer to have discretion in modifying, when needed, the defendant's curfew. The defendant, who has no criminal record, has complied with his release conditions for the past year and half since he was first arrested, then released, in this case. Allowing the supervising officer discretion to adjust the curfew when the defendant shows a legitimate need would relieve the Court of revisiting the issue each time it arises and preserve its resources.

Counsel has advised the government of this situation, and it does not oppose his request.

For the reasons stated above, the defendant urges the Court to modify the curfew condition in this case.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on asst. U.S. Attorney William K. Dreher , attorney of record for the United States, this 20th day of October, 2022.

/s/

Nathan I. Silver, II