

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
v.)	No. 21-cr-540 (PLF)
Timothy Allen Hart)	
)	
Defendant.)	
_____)	

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

COMES NOW, the defendant, Timothy Allen Hart, by and through his counsel, and herein responds to the government’s opposition to Mr. Hart’s request to travel on a cruise from April 9-16, 2022. *See* ECF No. 24. For the reasons stated below, Mr. Hart is not a flight risk and this request is distinguishable from *U.S. v. Williams*, 21-CR-377 (BAH), where Chief Judge Howell denied the defendant’s request to travel to Jamaica.

ARGUMENT

I. Mr. Hart Does not Present a Risk of Flight

The government, in its opposition, mainly argues that it has concerns about the potential for Mr. Hart to flee if permitted to attend a cruise. *See* ECF No. 24. In support of its position, the government states that he faces felony charges, has previously experienced anxiety about the charges, and has raised funds online for potential transportation costs related to the case. *Id.*

However, Mr. Hart has been compliant with his conditions of pre-trial release and has not missed a single court proceeding. Furthermore, Mr. Hart was not arrested in this matter until 6 months after the events on January 6, 2021. If he wanted to flee, he could have done so during that time period. Instead, Mr. Hart remained in his hometown, continued to work and was

compliant with the execution of his arrest. Several months ago, Mr. Hart had an isolated anxiety attack, however recovered quickly and has not had any issues since that time. He has not been in constant anxiety. Also, to his credit, he sought help at the time rather than reacting in a negative way. It is completely understandable for a criminal defendant to experience anxiety regarding everything that comes with having a pending criminal case, especially one that has been publicly discussed for the world to see. That is not an indication, however, that he will compromise his entire life by fleeing from his obligations and leaving his home, family, work, and friends.

Lastly, Mr. Hart did raise money for potential future transportation costs related to traveling to Washington, D.C. for hearings and/or trial in this matter. That money would go towards flights, room and board, and other miscellaneous costs associated with travel. However, Mr. Hart stated on his site that the money will *only* go towards that purpose and any money not used for that purpose will be donated to charity. *See* ECF No. 24 (Screenshot at pg. 3). So although Mr. Hart has access to these funds, he will not access them until/unless he needs assistance for future travel related to this case. It is worth reiterating that Mr. Hart previously paid for this cruise long before the events on January 6, 2022, and so he is not raising money in vain while he vacations on a cruise. He previously paid for this cruise in 2019 and he will lose the credit if not permitted to travel. That is the sole reason for Mr. Hart's request. Otherwise, he would not book a cruise with money he currently does not have to vacation with pending criminal charges.

II. Mr. Hart's Request to Travel on a Cruise is Different than the Request to Travel in the *Williams* Matter.

The Court, in a minute order issued on March 30, 2022, instructed undersigned counsel to distinguish Mr. Hart's request to travel from *U.S. v. Williams*, 21-CR-377 (BAH). In *Williams*, Chief Judge Howell denied the defendant's request to travel to Jamaica for the purpose of

visiting his girlfriend who resides in Jamaica so that he could meet her family. *See Williams*, Dkt No. 28. Although there was no memorandum opinion issued, Chief Judge Howell stated some reasoning for denying the request in a minute order dated January 6, 2022. According to this minute order, the Court described his travel as “non-essential” and that it was for the purpose of meeting the family of a woman with whom the defendant has been in a committed relationship with for more than a year. Undersigned counsel inquired with counsel for defendant *Williams*, who advised that there was no hearing on the matter and the minute order was the only reasoning expressed by the Court. While the Court’s decision was understandable, it made no mention of the Bail Reform Act factors or explain why the defendant posed a risk of flight or danger to the community.

Although the stated reasoning did not expressly discuss risk of flight, Mr. Hart’s request can still be distinguished from the *Williams* case because, unlike in *Williams*, Mr. Hart does not have ties to the territories/countries that he will be temporarily visiting. It would be much more difficult for Mr. Hart to flee and relocate to a place where he has no ties, no place of residence, and no incentive to remain. Furthermore, a cruise setting is unique from simply traveling to a different country. The cruise stops at different countries for the day, but passengers must leave their belongings on the ship and return to the ship at a certain designated time. If there is a missing passenger, the cruise ship will initiate a “search and rescue” protocol to find the missing person.¹ Lastly, the cruise will return to the same port that it departed from.

¹ Undersigned counsel called Celebrity Cruises to verify this. According to their procedure, the ship will not wait for that missing passenger, however will initiate a “search and rescue” protocol to find that person.

CONCLUSION

WHEREFORE, Mr. Hart respectfully requests that the Court modify his conditions of release to permit him to travel outside of the continental United States only for the purpose of traveling on this cruise leaving on April 9, 2022 and returning on April 16, 2022.

Respectfully submitted,

A.J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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