

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

)	
UNITED STATES)	
)	
v.)	Criminal No. 1:21-mj-00488-RMM-1
)	
MITCHELL TODD GARDNER III)	
Defendant.)	
)	
)	

DEFENDANT’S UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE

Mitchell Gardner III, by and through undersigned counsel, respectfully moves this Honorable Court to modify his release conditions to change his residence from the Real Recovery Sober Living Brandon facility to another address in Brandon, FL.¹ In support of this motion, counsel states:

Mr. Gardner is before this Court charged by criminal complaint with 1) Destruction of Government Property, in violation of 18 U.S.C. § 1361; 2) Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. § 1512(c)(2); 3) Knowingly Entering and Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1); 4) Engaging in Disruptive Conduct with Intent to Disrupt Ordinary Government behavior, in violation of 18 U.S.C. § 1752(a)(2); 5) Utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, in violation of 40 U.S.C. § 5104(e)(2)(D); and 6) Parade, Demonstrate, or Picket Inside the Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

¹ Counsel can provide the address upon request to the Court and Pretrial Services.

On July 8, 2021, Mr. Gardner was ordered released with certain conditions. *See* ECF No. 11. As part of those conditions, Mr. Gardner was required to reside at the Real Recovery Sober Living Brandon facility in Brandon, Florida. *Id.*

Counsel spoke with John Cunningham, the program manager of Real Recovery Sober Living Brandon, on September 2, 2021. Mr. Cunningham indicated that Mr. Gardner is doing well, participating in all treatment, and is testing negative for any illicit substances.

Counsel has also spoken with Mr. Gardner's Pretrial Services case manager in Florida, who indicates that Mr. Gardner is compliant with all of his current release conditions. Mr. Gardner's case manager requests that if the Court grants this Motion, that the release conditions be modified to allow for drug testing and treatment at the direction of Pretrial Services.

Counsel has spoken with AUSA Frances Blake, who does not oppose this Motion as long as Pretrial Services approves Mr. Gardner's new residence.

WHEREFORE, for the foregoing reasons, and any other reasons that the Court may deem just and proper, Mitchell Gardner III respectfully requests that this Honorable Court modify his release conditions to change his residence.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2021, I caused a true and correct copy of the foregoing Motion to be delivered via CM/ECF to Assistant United States Attorney Frances Blake, United States Attorney's Office, 555 Fourth Street, NW, Washington, DC 20001.

_____/s/_____
David Benowitz