

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 21-cr-40-TNM**
 :
DAVID MEHAFFIE :
 :
 Defendant. :

**UNITED STATES’ RESPONSE TO DEFENDANT DAVID MEHAFFIE’S
MOTION TO MODIFY TERMS AND CONDITIONS OF PRETRIAL RELEASE**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby responds to defendant David Mehaffie’s “Motion to Modify Terms and Conditions of Pretrial Release” [ECF 242], filed on March 7, 2022. While the United States disputes numerous inaccuracies contained within the defendant’s motion,¹ the United States ultimately defers to the Pretrial Services Agency (PSA) for the District of Columbia as to whether removal of Mr. Mehaffie’s GPS would safeguard the community from the danger posed by Mr. Mehaffie. Notably, in the report filed on March 4, 2022, PSA recommended “no change in release conditions,” which is inconsistent with Mr. Mehaffie’s present request. While the United States

¹ First, counsel for the defendant claims that Mr. Mehaffie “has complied with all of the conditions of release, including electronic monitoring, for approximately twelve months.” [ECF 242]. This is inaccurate. Mr. Mehaffie was arrested on August 12, 2021, and has been on pre-trial release since that time, for a period of approximately seven months. Furthermore, on September 27, 2021, Pre-Trial Services filed a report indicating that Mr. Mehaffie was out of compliance due to misuse of his GPS device. [ECF 137]. He has, nevertheless, been compliant since that time. Second, counsel for the defendant also claims that “the government has yet to provide any written, photo, or video evidence that support such crime they allege.” [ECF 242]. This ignores the terabytes of video and photographic discovery that has been provided to date, including numerous videos capturing Mr. Mehaffie – with his face fully visible – aiding and abetting other individuals who were assaulting law enforcement officers on January 6, 2021. Finally, counsel for the defendant claims that Mr. Mehaffie “has made every court appearance in connection to this case. [ECF 242]. Again, this is inaccurate, as Mr. Mehaffie has waived his appearance at a number of the hearings scheduled in this case.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA:: v.: Criminal No. 21-cr-40-TNM: DAVID MEHAFFIE:: Defendant.: UNITED STATES' RESPONSE TO DEFENDANT DAVID MEHAFFIE'S MOTION TO MODIFY TERMS AND CONDITIONS OF PRETRIAL RELEASE The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby responds to defendant David Mehaffie's "Motion to Modify Terms and Conditions of Pretrial Release" [ECF 242], filed on March 7, 2022. While the United States disputes numerous inaccuracies contained within the defendant's motion, the United States ultimately defers to the Pretrial Services Agency (PSA) for the District of Columbia as to whether removal of Mr. Mehaffie's GPS would safeguard the community from the danger posed by Mr. Mehaffie. Notably, in the report filed on March 4, 2022, PSA recommended "no change in release conditions," which is inconsistent with Mr. Mehaffie's present request. While the United States 1 First, counsel for the defendant claims that Mr. Mehaffie "has complied with all of the conditions of release, including electronic monitoring, for approximately twelve months." [ECF 242] This is inaccurate. Mr. Mehaffie was arrested on August 12, 2021, and has been on pre-trial release since that time, for a period of approximately seven months. Furthermore, on September 27, 2021, Pre-Trial Services filed a report indicating that Mr. Mehaffie was out of compliance due to misuse of his GPS device. [ECF 137]. He has, nevertheless, been compliant since that time. Second, counsel for the defendant also claims that "the government has yet to provide any written, photo, or video evidence that support such crime they allege." [ECF 242]. This ignores the terabytes of video and photographic discovery that has been provided to date, including numerous videos capturing Mr. Mehaffie – with his face fully visible – aiding and abetting other individuals who were assaulting law enforcement officers on January 6, 2021. Finally, counsel for the defendant claims that Mr. Mehaffie "has made every court appearance in connection to this case. [ECF 242]. Again, this is inaccurate, as Mr. Mehaffie has waived his appearance at a number of the hearings scheduled in this case. submits that maintaining GPS monitoring of Mr. Mehaffie has long been the least restrictive means of protecting the community, the government defers to PSA as to the question of whether that condition remains necessary moving forward. Respectfully submitted, MATTHEW M. GRAVES United States Attorney D.C. Bar No. 481052 By: MELISSA JACKSON MELISSA JACKSON KIMBERLEY NIELSEN JOCELYN BOND JOCELYN BOND Assistant United States Attorneys D.C. Bar No. 1008904 555 Fourth Street, N.W. Washington, D.C. 20530 (202) 809-0793 Jocelyn.Bond@usdoj.gov

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