

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

UNITED STATES OF AMERICA,)	
)	
v.)	
)	CRIM NO. 21-MJ-622
CODY MATTICE,)	
)	
Defendant.)	

**DEFENDANT CODY MATTICE’S
SUPPLEMENTAL REQUEST FOR PRETRIAL RELEASE**

COMES NOW Defendant Cody Mattice, by and through his attorney, John L. Machado, and respectfully supplements his Request for Pretrial Release, filed earlier today.

Background

In a minute order issued yesterday, the court ordered that any opposition be filed by noon today, October 20, 2021. Such a pleading was filed in response prior to the deadline, Defendant Cody Mattice’s Supplemental Request for Pretrial Release. (Dkt. No. 11). After the noon deadline, undersigned counsel received some additional documentation from the Federal Public Defender’s Office in Rochester, New York. Accordingly, counsel supplements the record by providing letters of support as attachments to this pleading and as supplements to its Request for Pretrial

Release.¹

In addition to the arguments made in the Request for Pretrial Release, Mr. Mattice respectfully requests that the following letters be considered when making the determination of whether to allow for the release order to be ordered after the stay on the order be lifted. Included in this pleading are seventeen (17) attachments, all of which are letters of support on behalf of Mr. Mattice:

- a) Kyle Burgio, Cody Mattice's cousin, attached hereto as Exhibit A.
- b) Ashley Choate, Cody Mattice's fiancée, attached hereto as Exhibit B.
- c) Michael Choate, the brother of Mr. Mattice's fiancée, Ashley Choate, attached hereto as Exhibit C.
- d) Leslie Cologgi, Mr. Mattice's cousin-in-law, attached hereto as Exhibit D.
- e) Amy Dalcin, a family friend, attached hereto as Exhibit E.
- f) April Evert, Mr. Mattice's aunt, attached hereto as Exhibit F.
- g) Autumn Evert, Cody Mattice's cousin, attached hereto as Exhibit G.
- h) Michaela Evert, Mr. Mattice's sister, attached hereto as Exhibit H.
- i) Rebecca Evert-Keller, Cody Mattice's aunt, attached hereto as Exhibit I.

¹ An Unopposed Motion for Leave to Late File was filed in conjunction with this pleading. These letters of support are provided with the hopes that the court will grant defendant's relief that this pleading be permitted to be late filed.

- j) Kylie Evert-Swarts, Cody Mattice's daughter, attached hereto as Exhibit J.
- k) Jacqueline Gillette, a friend of Mr. Mattice and his family, attached hereto as Exhibit K.
- l) Ayla Huff, a former coworker of Mr. Mattice, attached hereto as Exhibit L.
- m) Casey Mattice, Cody Mattice's brother, attached hereto as Exhibit M.
- n) Cindy Shackelford-David, a family friend, attached hereto as Exhibit N.
- o) Allyson Swarts, an aunt of Kylie Evert-Swarts (Mr. Mattice's daughter), attached hereto as Exhibit O.
- p) Andrea Verstrete Evert, Cody Mattice's mother, attached hereto as Exhibit P.
- q) Shaelyn Whitten, Cody Mattice's sister, attached hereto as Exhibit Q.

WHEREFORE, Mr. Mattice respectfully requests his release.

Respectfully submitted,

CODY MATTICE
By Counsel

/s/ John L. Machado
John L. Machado, Esq.
Bar No. 449961
Attorney for Cody Mattice
503 D Street, N.W., Suite 310
Washington, DC 20001
Telephone: (703) 989-0840
E-mail: johnlmachado@gmail.com

Certificate of Service

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system this 20th day of October, 2021, which will send a notification of such filing (NEF) to the following to all counsel of record.

/s/John L. Machado
John L. Machado, Esq.
Bar Number 449961
Attorney for Cody Mattice
Law Office of John Machado
503 D Street NW, Suite 310
Washington, D.C. 20001
Telephone (703)989-0840
Email: johnlmachado@gmail.com

Kyle Burgio
54 Webster Manor Drive 7
Webster, NY
14580
585-738-5896
Kyle_burgio@yahoo.com

10/10/2021

Your Honor,

My name is Kyle Burgio, owner of KC Seamless Gutters LLC. I am writing you this letter in regards to my cousin, Cody Mattice. Not only did I grow up with Cody, I also employed him for some period of time.

The reason for this letter is to give you some insight on who Cody is and the substantial impact he has on the people around him. Cody and I have always had a very close relationship and that gave me the opportunity to see him grow as a man. At a young age, Cody started working with his dad. At age 17 he became a dad to his first born, Seven years later he fathered his youngest. Watching him be the amazing and caring father he is, has always been one of his many admirable traits. In 2018, I brought Cody on to work for me. He was always reliable and put his best foot forward to provide for his fiancée and children. Cody took pride in his work and was always able to acclimate himself during unforeseeable working conditions (extreme heat or freezing temperatures). He truly helped my new business take off and I can't thank him enough for the long days he put in, rain, sleet, or shine. Codys' family dynamic changed and they decided it would be best for him to be a stay at home dad in order for his fiancée to further herself in her managerial role. This came naturally for Cody but he always told me how he still wanted to work to provide for his family. Above all else, the love Cody has for his children is the most beautiful thing. He has an unbreakable bond and created a foundation of trust that will hold throughout their life.

At this time, I want to thank you for taking this character reference into consideration and for the time it took you to do so. I genuinely believe Cody will do everything in his power to amend this situation if given the ability. I am available to confirm the facts in this letter as necessary.

Sincerely, Kyle Burgio

Ashley Choate

144 Trimmer Rd Hilton, NY 14468

5855141264

To whom it may concern/Your Honor:

My name is Ashley Choate and I am Cody Mattice's fiancée. I have been in a romantic partnership with Cody for almost 10 years with 9 of these years living together, but have known him on a friend level for 13 years since high school.

I am writing this letter to inform the court of the character of my fiancée and who he is as a person. I am a supervisor in Surgical Pathology at Strong Hospital, who was not furloughed once the pandemic started back in March 2020. With this responsibility and our two kids being young (Titus age 4 and Kylie age 11) we made the decision for Cody to become a stay at home dad for their wellbeing and growth. Cody being a stay at home dad is the best thing we could have ever done for us as a family. His patience, care, love, and day to day teaching of our children is shown every day with the compassion and respect our children show to everyone. Cody is the kindest most family oriented person I have ever met and it is a privilege to have him in my life in the way that I do. Each day is the same routine, Cody drives me to work, comes home with the kids as well as watching his nephew to help his brother, picks me up and we go home to have family dinner and family time. We are homebodies who love to be home and raise our kids together, Cody is not an intemperate person and cares daily to make each day the best it can be for his family. Without having Cody in our home not only makes it difficult for me to go to work each day to provide for the family, it also hinders the development of Titus and Kylie as well as mine with life in general.

I want to thank you for taking the time to read this. My only request is that Cody is released back to his family so our life can continue to be as normal as we can and my children can have their father back.

Sincerely,

Ashley Choate

A handwritten signature in black ink that reads "Ashley Choate". The signature is written in a cursive, flowing style.

Michael Choate

Pensacola, FL

330-307-7741

To Whom It May Concern,

Cody, aka a brother to me. He's been with my sister for as long as I can remember along with being the father to my amazing little nephew. I've lived with Cody in multiple different occasions and not once would I see Cody as a bad person. My sister and I are very close and tell each other everything and she's never had a bad thing to say about him either. He's been a great father to my nephew and his daughter, a great fiancée to my sister and a great brother. Ever since my father had passed Cody has been there every step of the way. There's so many people that need him in their lives and for him to be gone right now is putting a halt to many. I don't see Cody as a menace to society, I see Cody as a loving person. But Cody doesn't deserve this. He needs to be home with his family. He's a stay at home dad and his son and daughter both rely on him and so does his fiancée. If he's not home that risks my sister losing her job, not being able to provide for her children and it causes more issues than I can even describe. While finishing up this text I want to end it by saying that Cody Mattice is a great person, loving, caring and is ALWAYS there for anyone and everyone no matter who it is. We want Cody home but more importantly we NEED him home.

Thank you for taking the time for reading this.

Sincerely,

Michael Choate

A handwritten signature in black ink, appearing to be 'Michael Choate', with a stylized, flowing script.

Leslie Cologgi
54 Webster Manor Drive 7
Webster, NY
14580
585-645-8671
Cologgil101714@gmail.com

10/08/2021

Your Honor,

My name is Leslie Cologgi. I am writing this letter in regards to my cousin-in-law, Cody Mattice. I have known Cody for four years in a close family setting.

I am writing this letter to you today to give you a better understanding of who Cody is as a person. Cody plays many roles in the life of the people around him. He is a loving son, supportive brother, kind uncle, dotting fiance, and most importantly a devoted father of two. As of recently, Cody left his job as an experienced and well respected mechanic to be a stay at home dad to his two children, Kylie and Titus. He also took on the role of taking care of his nephew, so his brother can work. Cody plays a major role in the emotional support of his family and aids in his fiancees ability to fulfill her job as a supervisor at a hospital. Cody has a kind and gentle heart. He is the kind of person to take the shirt off of his back in order to help someone else. I have watched him grow as a man and a father over the years and can genuinely say I am amazed at the person he has become. As a family unit, they truly do contribute to our society in a positive way.

At this time, I would like to thank you for the time and effort you have taken out of your schedule to consider this character reference. Cody will strive to make amends if afforded the opportunity. I am available to confirm the facts in this letter as necessary.

Sincerely, Leslie DM Cologgi

Your honor ,

10-11-21

Sent from my Verizon, Samsung Galaxy smartphone

I am writing this letter on behalf of Cody J. Mattice. I would like to state that i have been a close family friend for over 35 years. My children have grown up along side Cody and his siblings and their children have followed suit. I have known Cody to take great pride in his family and in raising his children . I cannot stress enough how removing him from his critical role as a father and partner would have a tremendous negative impact on not only on Cody but his 2 young children and their mother. I have always known Cody to be a loving, trustworthy, compassionate, protective man whom i trust and i know for a fact is not a danger to the community. At this difficult time we please ask that you take into consideration these words that his close family and friends have extended to you.

Sincerely,
Amy Dalcin

Your Honor:

Good afternoon, I am Cody James Mattice's Aunt April. I have known him his whole life. From the day he was born I have watched my nephew grow from a happy, intelligent, curious nature nut that always had a love for animals and the outdoors (which he has passed down to his daughter Kylie) to a responsible, respectful, jovial young family man. My son Kyle grew up with his cousin's and they are extremely close to this day. All three of my children have always looked up to their cousin Cody and we all love and adore him. We have a close knit family and their children are growing up together just as close. Cody is a proud devoted father of Kylie (12) and Titus (4) and has been staying home with the children while his fiancé Ashley works as a Supervisor in a busy hospital laboratory. His children adore and look up to him and have a happy stable home life in the country with family all around. He also takes care of his nephew during the week. Cody has a great sense of humor and with his easy going nature can always see the funny side of most situations. I've always known any one of his friends or family can rely on him if ever they need any help or support in any way. He is a selfless understanding person and also there just to listen if my sons or his brother or sisters need an ear or a shoulder to cry on. Cody is needed in so many ways in his home life and in our family. Please allow us bring him home. Thank you for reading my letter.

Sincerely, April Evert.

April Evert 10/18/21

Your Honor:

Hello, I am Cody Mattice's cousin Autumn. I have known Cody my whole life and always looked up to him. Cody plays a very important role in our family and we need him here with us. He watches his children Kylie and Titus, while his fiancé works to help support them. He also watched his nephew Ryker to help out his brother. He is a very caring and sweet person. Everyone in our family looks up to him and can feel comfort in knowing he will be there to help us when we need it. Please allow Cody to stay in our lives and keep playing his role in our family. I appreciate you reading my letter.

Sincerely, Autumn Evert.

Autumn Evert 12/12/21

Your Honor,

10/12/21

my name is Michaela and I am Cody's youngest sister. I would truly appreciate it if you would take just a moment of your time to read this letter and understand who Cody really is as a person. The number one word that comes to mind when I think of Cody is "protector". Cody is my oldest brother, almost ten years older than me.

Growing up with a single mom, he has always been the closest thing I have to a father figure; he helps me when I have car troubles, gives me life advice when I need it, and I know I can always go to him if I just need someone to listen to me. Anyone who knows Cody would agree that he has the biggest heart of anyone they have ever known. He is always willing to drop everything to help someone, even a stranger. When Cody is around, I just feel safe. One example of this is when my family was camping in the Adirondack Mountains. Every single night there were bears that would come right up to our campsite. I was able to sleep peacefully knowing Cody was staying up late to watch out for our family and say a simple "go on, bear" every so often. Cody really is a gentle man at heart. He is a stay-at-home dad and the majority of his days consist of him being home playing with his son and his nephew, Ryker, whom he babysits. I could go on all day about all the great things Cody has taught me or has done to help others, but I will not take up too much of your time. Thank you for reading this and taking into consideration the fact that Cody is a kind, nurturing, devoted family man who is nobody to be afraid of.

Sincerely,
Michaela Bethel-Curt

From: [Wedade Abdallah](#)
To: [Elizabeth Bonilla](#)
Subject: FW: Mattice aunt letter
Date: Tuesday, October 12, 2021 1:11:45 PM

From: Ashley Choate <achoate068@gmail.com>
Sent: Tuesday, October 12, 2021 11:08 AM
To: Wedade Abdallah <Wedade_Abdallah@fd.org>
Subject: Mattice aunt letter

Rebecca A. Every-Keller
Aunt of Cody J. Mattice
144 Trimmer Rd.
Hilton, NY 14468
585-789-7852
becka roo81 [yahoo.com](#)

To Whom It May Concern,

My name is Rebecca A. Evert-Keller. I am Cody J. Mattice's Aunt. When Cody was born, I became an aunt for the first time. He and I have always been extremely close, and I have a special bond with him.

I am writing this letter to offer a better understanding, and a more complete picture of who Cody is as a person. Cody has always been a devoted and loving member of our close-knit family. He is humorous and always puts a smile on my face, and makes me laugh. He has a fun loving personality where anyone who meets him wants to get to know him more. Cody is a light that shines so bright! He is a one of a kind father, and is very affectionate and loving to his children. Cody also stays at home to watch his children while his fianc Ashley works in the health field. Cody is extremely active with his children, as he is a family man. He also helps his grandfather with anything that needs to be done on our property.

I personally would like to ask you if you could please allow Cody to come home on house incarceration until his trial. It would be greatly appreciated, and very beneficial to our family. Thank you for your time.

Sincerely,
Rebecca A. Evert-Keller

To Whom it may concern:

I am Kylie my Dad is Cody Mattice
my Dad is important to me because
He goes fishing with me, shares his
games with me, and he built me and Titus
an igloo. He has ~~taught~~ taught me
How to swim, How to do good in school,
and How to be a good person. I remember when
I was little me and him went camping.
If my Dad is not with me to be with me
every day I will be sad and to lose out on
him missing me grow and I ~~need~~ need my Dad here
to help me and watch me grow. ~~He~~ Please let my
Dad come home.

Since reix

Kylie evert-swartz

Jacqueline Gillette
1284 Drake Road
Brockport, NY 14420

10/11/2021

United States District Court for the Western District of New York
100 State Street
Rochester, NY 14614

RE: On behalf of Cody Mattice

Dear Judge,

My name is Jacqueline Gillette. I reside at 1284 Drake Road Brockport, NY 14420. I am currently employed as a manager at a retail store in Brockport, NY.

I have known Cody Mattice for approximately 15 years. Cody has always been one of the most caring, big-hearted individuals I have ever had the pleasure of knowing. He would do anything in the world for his family as well as his friends. I have never known Cody to be anything remotely close to a "threat to his community". He is the opposite of that.

I've watched Cody become a father not once but twice now and he's never been anything but a perfect father figure and role model to his children. Cody deserves to remain a part of their lives and I truly believe they need him to be present and involved in their upbringing. I do not believe what Cody is going through is just in any way. He should be at home with his family as he has been in the past.

Thank you for taking the time to understand who Cody really is and for understanding the role model he has always been to myself and many others.

Respectfully,


Jacqueline Gillette (Oct 11, 2021 12:55 PM)

Jacqueline Gillette

To whom it may concern,

I met Cody Mattice during my employment with Kwik Fill, a gas station in Brockport, in 2019. I worked with him for around 6 to 12 months. During that time, I felt cody was well manored and kind. Customers enjoyed Cody's presence as well and always had a good review for him. I do not feel he is any type of threat to society or those around him. I have grown up around part of his family, but really got to know him during my employment with him.

- Ayla Huff

10/11/21

Dear honorable judge,

It would be a real honor if I gained your attention for just a few sentences. As I write this letter, my family and I await the hardest day of our lives. While it may be hard on us, the weight that falls on my brother Cody's shoulders is unfathomable, I am sure of this.

This man, my brother and my best friend, has to be the most kind-hearted human being I've come across in all my years. Cody Mattice has quite literally handed his shirt off his back to me on numerous occasions. He has been there for myself and others when we had no where else to turn. Cody has previously invited me to stay with him and his family when I was down and out. When asked why he would even offer, "from cradle to grave", he would answer me. It shows nothing less than his devoted loyalty to his family and friends.

My brother has truly taught me everything I know when it comes to standing up for the ones I love. I have never faced a problem where he was not right there by my side. I couldn't imagine my life without him.

Early on, in our most tenderfoot understandings, I learned Cody was going to be the man I would look up to most. Just this year he has continued to show

his dedicated loyalty and love to me and my family. Ryker Mattice, my son, absolutely adores his uncle Cody. Cody has spent the whole last year watching his nephew and seeing Ryker and his own son Titus grow a brotherly love much like our own. I explained if he needed or wanted to go back to work it would be okay but this man refused any time I brought it up.

I know that your time is very valuable your honor, so I will keep this as short as I possibly can. The amount of examples of Cody's selfless character would take me a whole notebook to write. Or how his role in my life, our children's lives and many others is crucial. If Cody were to ever be out of our lives it would absolutely shatter this family to pieces. Cody is loved by so many but as for me, I am devastated by the ~~the~~ thought of him being gone. It truly leaves me empty.

Thank you, your honor for taking a few moments of your most valuable time. You have my utmost respect for that.

Sincerely,
Casy Mattice

From: [Wedade Abdallah](#)
To: [Elizabeth Bonilla](#)
Subject: FW: Mattice letter
Date: Tuesday, October 12, 2021 1:11:16 PM

From: Ashley Choate <achoate068@gmail.com>
Sent: Tuesday, October 12, 2021 8:18 AM
To: Wedade Abdallah <Wedade_Abdallah@fd.org>
Subject: Re: Mattice letter

Another letter

October 11, 2021

To Whom It May Concern:

I have known Cody Mattice for over 26 years. Since I have known him, he has always been very kind and very well mannered. I have never known Cody to be violent or ill tempered. He is very family oriented and is an amazing father to his son and daughter. He is hard working and is always there to lend a hand. Cody always has a smile on his face. He is like a nephew to me and I have known him since he was about 2 years old.

Sincerely,

Cindy J Shackelford-David

On Tue, Oct 12, 2021, 12:41 AM Ashley Choate <achoate068@gmail.com> wrote:

I am so sorry for the multiple emails. I received another one from Allyson Swarts Cody's brother girlfriend the mother to his nephew Ryker and Kylie's mom's sister

To whom it may concern,

I am writing this letter to you in regards to someone I've known for the last 13 years, Cody Mattice. He has been a friend turned family when he became the father of my niece and the uncle to my children. I hope I can give you some small insight into the character of the person I have known for so long to help you see farther than someone you have known for a short time. Over the years I have seen Cody's devotion to his daughter, his loyalty and love for his family and his fierceness as a protector to anyone who is around.

When he was just 17 years old Cody became a father, along with my sister, they had my niece, Kylie. He really had no idea what he was doing but always worked to make sure she had what she needed and was responsibly taken care of. When Kylie was only 5 years old it became clear that the situation and environment surrounding her mother was no longer safe. As a young dad Cody worked long hours, even overnight shifts to become that safe space for her. He fought a difficult custody battle but was awarded primary physical custody of Kylie and has continued to be that safe haven for her ever since. He has done everything to be an example of a good parent to her and I would and do trust him with my own children over my own sister (Kylie's mother).

Cody has also proven time and time again his loyalty and love for his family. When the pandemic first started we made the difficult decision to quit his job to stay home with his children and take on virtual schooling with Kylie. As daycares began closing we had no where to take our son and Cody offered to watch his nephew every day, sometimes for no charge if we were struggling. He gave our son the opportunity to bond with not only himself, his uncle, but spend many days building a strong relationship with his cousins. I completely trust Cody with my own family and can attest to his loyalty to those that are close to him.

One more thing that I would like to stress about Cody is his natural instinct to be protective in any and all situations. When our family tent camps, his voice is the reassuring one you hear all night chasing off animals and making sure we are okay. When one of us has car trouble, Cody is the one that you call to come take a look, he's the one that would drop anything to be there for his family.

I hope you take my few words about Cody into consideration when making any decisions. I can only express and explain to you the person that I have come to know these years and hope you understand the impact that losing him would have on our family.

Sincerely,

Allyson Smith

Andrea (Verstrete) Evert
8 Berry St
Brookport, NY 14420
585-301-0251

10/11/21

Your Honor,

My name is Andrea and I am Cody James Matrice's mother. I would like to shed some light on the true character of my son; my first-born child.

Cody is the eldest of my four children. As the eldest child being raised solely by a single mother, my son easily adapted to the role of protector of our family. Cody played an important role within our household while I went back to school to obtain my nursing degree. Cody was my biggest supporter & cheered loudest for me at my graduation.

I thought Cody's biggest challenge was becoming a father at the age of 17. However, my son transformed from being an unsure teenager to a fiercely devoted and loving father to his now 11 year old daughter. In 2015, Cody began the long & difficult process of legally fighting for physical custody of his daughter Kylie. Kylie was living in an unsafe, unfit environment. Despite many obstacles, Cody continued to advocate for his then 5yr. old daughter. Cody's determination prevailed in 2016, when he was awarded physical custody of Kylie. Kylie is now at risk for being returned to a chaotic and unsafe,

unstable situation.

Cody has a 4 year old son, Titus James. This past week is the first week of Titus' life that he has not slept in bed, safely tucked between his parents. This situation has torn this little family apart - has thrown Cody's fiancé, Ashley, into single parenthood literally overnight.

My son is the type of man, that if he were to see a stranger in trouble, he would rush to their aid without a second thought for his own safety. Cody is the most loyal person I have ever met, and my son gives the biggest hugs of anyone I know. He is a calming presence in our lives.

I would like to add that prior to the pandemic, Cody took the civil service exam for the Monroe County Jail deputy position, and he scored a 90%. Unfortunately, COVID 19 threw a wrench into that plan of pursuing a career in law enforcement.

Cody is a true lover of nature & animals. He has a German Shepard who has been waiting devotedly by the front door for Cody's return, often whimpering.

Cody plays a crucial role within our family unit - helps my 71 year old father maintain the property they reside on. My son's favorite place to be is home, surrounded by his favorite people, his family. Please consider the tremendous hole that will be left in our hearts and our family unit without Cody being home. Thank you for your time.

Sincerely,
A loving mother
Andrea (Versteele) Over

