

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

LONDON MITCHELL,

Defendant.

Crim. Action No. 21-717(BAH)

**MR. MITCHELL'S MOTION TO MODIFY CONDITIONS OF RELEASE**

Undersigned counsel respectfully moves this Court to enter an Order modifying conditions of pre-trial release so that Mr. Mitchell can return home to Texas to live with his mother, Rosanna Montgomery. Ms. Montgomery has been interviewed by pre-trial services and deemed a suitable third-party custodian. Mr. Mitchell has been supervised under the High Intensity Supervision Program (HISP) since October 20, 2021. ECF. No. 7, 1:21MJ630<sup>1</sup> (Order setting conditions of release) and has incurred no GPS violations. Though he has been compliant with the conditions of his release, Mr. Mitchell's housing situation in the D.C. area is unstable. He is willing and able to live with his mother in Montgomery County,<sup>2</sup> Texas, where he would continue to abide by the conditions of his release. Therefore, undersigned counsel requests that the Court remove him from HISP, impose alternative conditions of release such as a

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<sup>1</sup> Mr. Mitchell's case was subsequently joined with Mr. Bender's case, and the cases were consolidated under 1:21CR508.

<sup>2</sup> Ms. Montgomery is from Montgomery County as is her family lineage, in fact, her great-grandfather settled the county and is the county's namesake.

curfew or GPS monitoring, and permit supervision to be transferred to the Southern District of Texas. In support of this Motion, counsel states:

1. Mr. Mitchell was arrested on October 19, 2021, and charged with various offenses arising out of his alleged participation in the events at the Capitol on January 6, 2021. He is not alleged to have assaulted officers or vandalized property.
2. The government did not seek Mr. Mitchell's detention. After a hearing on October 20, 2021, he was placed on HISP and GPS monitoring. ECF. No. 7.
3. Mr. Mitchell has been compliant with GPS monitoring since his release. Undersigned counsel has consulted with pre-trial services and government counsel regarding this motion and understands that pre-trial services would defer to the Court. Government counsel does not oppose this request.
4. Mr. Mitchell was born and raised in northern Virginia and raised primarily by his mother, Ms. Montgomery. Ms. Montgomery is from Montgomery County in Texas, which was named after her great-grandfather. She is a retired Army officer. She was living in the northern Virginia area for work when she raised Mr. Mitchell. Following her retirement from the Army, she moved back to Texas in approximately 2009 and is currently practicing as a Certified Public Accountant. All of Mr. Mitchell's extended family members, on his mother's side, live in Montgomery County. Suffice it to say, living with his mother and the support network available to him in Texas will have a stabilizing influence on Mr. Mitchell.

5. While Mr. Mitchell is presently employed at a local pesticide company, his housing situation in this area is unstable. Indeed, prior to his arrest in this case, he was living in a homeless shelter. His mother is willing and able to take him in and serve as third-party-custodian. She has been interviewed by pre-trial services and deemed a suitable third-party custodian.
6. Mr. Mitchell has demonstrated that he can comply with the conditions of his release, even under challenging circumstances. He will also be able to comply with GPS monitoring, should the Court order it. However, it is unclear whether the Probation Office in the Southern District of Texas uses GPS monitoring. If it does not, the Court could impose an equivalent method of supervision.

Wherefore, for the foregoing reasons, Mr. Mitchell moves this Court to enter the attached Order permitting him to move to Montgomery County, Texas, to reside with his mother.

Respectfully Submitted,

A.J. KRAMER  
FEDERAL PUBLIC DEFENDER

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