

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,

*Plaintiff,*

*vs.*

Case No. 21-cr-28

JAMES D. BEEKS,

*Defendant.*

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**UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE**

James Beeks, by counsel, moves the Court to modify one condition of his release. Beeks was arrested on November 23, 2021, on a criminal complaint and arrest warrant. At the time of his arrest, Beeks was in Milwaukee, Wisconsin. He appeared before Magistrate Judge Steven Dries, and was released on various conditions. One of those conditions was that he not use the Signal application on his electronic devices. The government filed an emergency motion to modify some of the release conditions. *United States v. Beeks*, 21-mj-660-RRM, ECF No. 5. On November 29, Chief Judge Howell held a hearing on that motion. At the hearing, the focus was on conditions pertaining to Beeks's travel. Beeks is an actor and at the time of his arrest, he was employed in a travelling production of a Broadway musical that was due to travel to Toronto that afternoon. Beeks agreed to the

conditions discussed at the hearing before Chief Judge Howell—namely a travel restriction and GPS monitoring. The court did not address Beeks’s access to electronics at this hearing.

It has recently come to the attention of Beeks’s pretrial services officer and the defense that, though not addressed at the hearing, Chief Judge Howell’s order setting release conditions included a condition that Beeks have “no access to electronic communication devices that would allow communication through encrypted or non-encrypted applications.” *United States v. Beeks*, 21-mj-660-RRM, ECF No. 7. This condition poses problems for Beeks ability to work and communicate with his attorney and pretrial services officer. The defense has conferred with the government about this particular condition and the government, by Assistant United States Attorney Jeffrey Nestler, does not oppose it being removed from Beeks’s release conditions. The government continues to request that Beeks’s release conditions prohibit him from using encrypted communication services, specifically Signal, Telegram, and ProtonMail. The defense does not oppose a condition that he be prohibited from using or accessing these or other encrypted communication services.

For these reasons, the defense respectfully requests that the Court issue an order modifying the release conditions by removing the condition that Beeks not have access to electronic communication devices that use encrypted or non-

encrypted applications and modify it to prohibit that he not use encrypted communication services, including Signal, Telegram, and ProtonMail.

Dated at Milwaukee, Wisconsin, this 17th day of December, 2021.

Respectfully submitted,

/s/ Joshua D. Uller

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**ORDER MODIFYING RELEASE CONDITIONS**

Beeks's unopposed motion to modify release conditions is granted. His conditions of release are modified as follows. The condition that prohibited access to electronic devices that would allow communication through encrypted or non-encrypted applications is hereby vacated. Beeks is not to use or access encrypted communication services, including Signal, Telegram, and Protonmail. All other conditions of release remain in place.

December \_\_, 2021

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Judge Amit P. Mehta, District Judge