

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

UNITED STATES OF AMERICA	:	CASE NO. 1:22-cr-00183-TSC
	:	
	:	(JUDGE CHUTKAN)
v.	:	
	:	
	:	
LYNWOOD NESTER,	:	
	:	
Defendant.	:	

MOTION TO MODIFY CONDITIONS OF RELEASE:
REQUEST TO TRAVEL OUTSIDE THE
MIDDLE DISTRICT OF PENNSYLVANIA

AND NOW, comes the Defendant, Lynwood Nester, by and through his attorney, Jonathan W. Crisp, Esquire, hereby requests this Honorable Court grant his Motion to Modify Conditions of Release to Authorize Travel Outside of the Middle District of Pennsylvania. In support of said motion the following is averred:

1. The Defendant was indicted on 20 May 2022, and charged with the following:
 - a. Count 1: Disorderly Conduct in a Capitol Building;¹
 - b. Count 2: Parading, Demonstrating, or Picketing in a Capitol Building;²
2. On 20 May 2022, Attorney Jonathan Crisp, Esq. entered his appearance for this matter.
3. On or about 20 May 2022, the Defendant initially appeared before the Middle District of Pennsylvania, Magistrate Judge Carlson. On that date, conditions of pretrial release were set. These conditions restricted travel to the Middle District of Pennsylvania,

¹ 40 USC § 5104(e)(2)(D)

² 40 USC § 5104(e)(2)(G)

except as authorized by pretrial services. Travel to the District of Columbia for court matters and meetings with counsel were also permitted.

4. On 9 June 2022, the Defendant appeared before Magistrate Judge Faruqi and was granted a personal recognizance bond.
5. On 24 June 2022, Defendant filed a Motion to Amend Conditions of Pretrial Release. Upon this Honorable Court's Order, Defendant filed a Supplemental Motion to Amend Conditions of Release on 27 June 2022, providing additional information pertaining to Defendant's employment and need to handle firearms at said employment.
6. On 11 July 2022, this Honorable Court granted Defendant's Motion to Amend Conditions of Pretrial Release.
7. Defendant has been in compliance with his pretrial supervision requirements to date. See most recent pre-trial services report attached as **Exhibit 1**.
8. Trial in the instant case is currently scheduled to begin on 16 October 2023 at 9:30 AM.
9. Trial in *United States v. Sandra Weyer* at docket 1:22-cr-00040-JEB is scheduled for a bench trial beginning on 5 June 2023 at 9:30 AM. This trial pertains and applies to Defendant's case, as Ms. Weyer and Mr. Nester both entered the U.S. Capitol at or near the same time. Ms. Weyer is also the sibling of Michael Pomeroy, a co-defendant in Mr. Nester's case.
10. Defendant therefore respectfully requests this Honorable Court authorize his travel outside of the Middle District of Pennsylvania on 4 June 2023, to attend trial in *U.S.*

v. *Weyer* to observe the conduct and evidence in the case therein as much of it will be similar in nature. Defendant intends to stay at the Red Roof PLUS located at 5975 Richmond Highway, Alexandria, Virginia on the evening of 4 June 2023, and travel into the District of Columbia the morning of 5 June 2023 and repeat said travel and travel arrangements for the duration of the trial.

11. Accordingly, defendant respectfully requests to be permitted to attend each trial day in *U.S. v. Weyer*, which is anticipated to run for a duration of three (3) days. Defendant therefore respectfully requests to be permitted to travel between Virginia and the District of Columbia for each subsequent trial day, returning to Pennsylvania upon the trial's completion.

12. If permitted, prior to leaving his home district, Defendant will provide the dates and locations of his travel to pretrial services and obtain their approval in advance of any dates of travel to effect vehicle searches and inspections.

13. Undersigned counsel sought the concurrence of AUSA Brian Morgan on 24 May 2023, but did not receive a response as of the date of this motion.

WHEREFORE, it is respectfully requested that this Honorable Court grant the Defendant's Motion to Modify Conditions of Release to Authorize Travel Outside the Middle District of Pennsylvania.

Respectfully submitted,

Date: 29 May 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was served on the individual listed below:

ELECTRONIC SERVICE

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Date: 29 May 2023

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