

**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. On 29 May 2023, Defendant filed a Motion to Modify Conditions of Release to permit travel outside of the Middle District of Pennsylvania for purposes of attending trial in *US v. Weyer* at docket 1:22-cr-00040-JEB.
8. This Honorable Court granted Defendant's motion by way of a Minute Order on 1 June 2023, thereby permitting the Defendant to attend trial in *US v. Weyer*.
9. Defendant has been in compliance with his pretrial supervision requirements to date. See most recent pre-trial services report attached as **Exhibit 1**.
10. Trial in the instant case is currently scheduled to begin on 16 October 2023 at 9:30 AM.

11. Sentencing in *US v. Weyer* at docket 1:22-cr-00040-JEB is scheduled to occur on 14 September 2023 at 10:00 AM. As discussed in the Defendant's 29 May motion at ECF No. 76, *US v. Weyer* is pertinent to the Defendant's case.
12. Defendant therefore respectfully requests this Honorable Court authorize his travel outside of the Middle District of Pennsylvania on 13 September 2023, to attend Sentencing in *U.S. v. Weyer*. Defendant has not yet obtained lodging, as that is contingent upon the Court's ruling on the instant motion, but he intends to stay in Virginia on the evening of 13 September 2023, and travel into the District of Columbia the morning of 14 September 2023 for the hearing.
13. In the event of a delay or continuance of the Sentencing Hearing, Defendant respectfully requests these travel plans be approved for the rescheduled date and/or time without further motion or filing of the Defendant.
14. 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 affect vehicle searches and inspections.
15. Undersigned counsel contacted AUSA Brian Morgan on 24 August 2023 regarding the instant motion. AUSU Morgan has no objections.

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: 11 September 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: 11 September 2023

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