

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

22 CR 25 APM

STEPHANIE CHIGUER

DEFENSE MOTION TO MODIFY CONDITIONS OF RELEASE 7(g)
AND FOR SPECIFICITY AS TO THE LEGAL AND FACTUAL
BASIS OF THIS CREATIVE AND NOVEL REQUEST

Defendant Stephanie Chiguer, through attorney Heather Shaner, requests this Court modify condition of release 7(g) which requires no contact with co-defendant Niemela. This is a novel request by the Government. The Burden is on the Government to show with specificity that this Condition of Release is reasonably necessary to assure the safety of the public.

In this case, and in every case in which a special condition of release is made, the Government bears the Burden of Proof that a specific factor[s] requires the condition of release and that the condition of release is reasonably necessary to assure the safety of the public.

Counsel asserts the First Amendment of the United States Constitution which protects Freedom of Speech and Freedom of Association.

The United States Attorney, speaking for the Government at the Presentment, asserted after counsel's objection, the request was made to generally preclude collusion or generally prevent witness intimidation. No evidence was proffered that either factor exists here. The Government presented no legal authority to satisfy its Burden that the condition of release is reasonably necessary to assure the safety of the public.

WHEREFORE, the defendant, requests her Release Order be modified and the special condition of "no contact" with the co-defendant or any witnesses be removed.

Respectfully submitted,

_____/s/_____

H. Heather Shaner, Esq. #273376

Appointed by the Court

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