

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BRETT

Defendant.

Case No. 22CR11

MOTION TO MODIFY CONDITIONS OF RELEASE

James Brett, through counsel, respectfully moves this Court for an Order modifying his conditions of release. Specifically, Mr. Brett moves the Court to remove GPS monitoring as a condition and instead order that Mr. Brett abide by a curfew. The government consents to this request. Mr. Brett's probation officer reports that Mr. Brett has been in compliance with GPS monitoring and he would have "have no issue" with removing GPS monitoring. In support of this Motion, counsel states:

1. Mr. Brett is before the Court charged with various offenses related to his alleged participation in the events of January 6, 2021, at the U.S. Capitol. He was arrested on June 3, 2022, in Clearwater, Florida, where he resides.
2. The government did not seek detention in this case. As for conditions of release, the government agreed that GPS monitoring or a curfew would be appropriate. Mr. Brett elected to be monitored via GPS. Accordingly, at the initial appearance in this matter, the Honorable Magistrate Judge Faruqui

issued an Order placing Mr. Brett on GPS monitoring along with other standard conditions of release. *See* ECF. No. 67.

3. At this time, Mr. Brett moves the Court to remove GPS monitoring as a condition and instead order that he abide by a curfew. While he has no issue complying with GPS monitoring, the ankle bracelet prevents him from swimming, an activity he enjoys. The ankle bracelet has also been a source of embarrassment for him at work. Mr. Brett is very active in his teenage children's lives—he attends all of their games and activities—and his children have admitted that the ankle bracelet is a source of embarrassment for them as well. Mr. Brett will have no problem abiding by a curfew of 10 p.m.
4. Mr. Brett is 48 years old. He runs his own cleaning business. Detention was never an issue in this case. According to his probation officer, Jacob Ely, Mr. Brett has been compliant with his conditions of release.
5. Undersigned counsel has consulted with the government and it represents that it consents to this request.

For the reasons stated herein and any others that appear to the Court, Mr. Bree moves the Court to enter the attached Order removing GPS monitoring as a condition of release.

Respectfully submitted,

A. J. Kramer

Federal Public Defender

_____/s/_____
Elizabeth Mullin
Assistant Federal Public Defender
625 Indiana Ave NW, Suite 550
Washington, D.C. 20004
(202) 208-7500