

- (5) Given his compliance with these conditions, Mr. Chilcoat filed an unopposed motion on November 18, 2022, requesting that the Court remove home detention and location monitoring from his conditions of release as well as modifying his curfew. *See* ECF No. 27.
- (6) On November 21, 2022, the Court granted his request in part and denied it in part, ordering that home detention be removed but that he remain on location monitoring and abide by a curfew of 9:00 pm – 5:00 am. *See* ECF No. 31.
- (7) After several more months of compliance, counsel for Mr. Chilcoat filed a second motion requesting that the Court remove his location monitoring and to modify his curfew because of his work schedule. *See* ECF No. 50. The Court denied Mr. Chilcoat’s request to remove location monitoring, however modified his curfew from 9:00 pm to 4:00 am. *See* ECF No. 53.
- (8) It has now been almost an entire year that Mr. Chilcoat has been compliant with his conditions of release. He respectfully requests that these restrictions be lifted due to his perfect record of compliance.
- (9) Mr. Chilcoat’s full compliance with his conditions of release show he is not a risk of non-appearance and his compliance shows he will continue to appear for all court proceedings. Furthermore, his co-defendant, Shawndale Chilcoat, is currently not subject to any location monitoring or curfew. *See* ECF No. 12.
- (10) Pre-trial services opposes this request and notes in the last pre-trial compliance report that its reason for opposition is “due to the nature and circumstances of the offense.” *See* ECF No. 59. However, this reason alone is insufficient, especially in light of the several other January 6 cases with identical (and even more serious)

charges where these restrictions were not ordered as a part of their pre-trial release conditions. *See United States v. Tommy Allan*, 1:21-cr-064 (CKK) (defendant also had criminal history); *United States v. Anthony Puma*, 1:21-cr-454 (PLF) (defendant also had criminal history); *United States v. Uliyahu Hayah*, 1:21-cr-565 (CJN) (defendant also charged with assault and has prior criminal history); *United States v. Daniel Gray*, 1:21-cr-495 (ABJ) (defendant also charged with assault).

- (11) Lastly, whatever concerns were initially raised when Mr. Chilcoat was first placed on location monitoring are no longer concerns given the past year of perfect compliance. There is no longer a reason to continue restricting Mr. Chilcoat's liberty with a condition that he be monitored 24 hours a day or that he be in his home during certain times. As stated in prior filings, it is a burden to him to wear an ankle bracelet given his work attire and the fact that he works as a manual laborer. Further, as the Court already knows, Mr. Chilcoat and Mrs. Chilcoat have had family obligations that have required travel. There is no longer a reason for a curfew to be set in place that would restrict Mr. Chilcoat's ability to visit his family in the hospital in addition to any other obligations he might have. *See* 18 U.S.C. § 3142 (c) (B) (if defendant released on conditions, defendant should be subject to "*least restrictive* further condition....that will reasonably assure the appearance of the person.."). (emphasis added).

Conclusion

For these reasons, Mr. Chilcoat respectfully requests that the Court grant this motion to modify conditions of release by removing the condition that he be subject to location monitoring.

Respectfully submitted,

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/s/

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