UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
v.)	No. 22-299 (CKK)
DONALD CHILCOAT,)	
Defendant.)	
)	

THIRD MOTION TO MODIFY CONDITIONS OF RELEASE

Defendant, Donald Chilcoat, through counsel, respectfully requests that the Court modify the conditions of release currently in place, by removing the condition that requires location monitoring and to remove his curfew requirement. Below are the reasons in support:

- (1) On August 11, 2022, Mr. Chilcoat was arrested in Ohio on a complaint arising from allegations for conduct on January 6, 2021.
- (2) On August 19, 2022, Mr. Chilcoat was released in Ohio on conditions of release, including home detention and location monitoring. *See* ECF No. 14.
- (3) On August 23, 2022, Mr. Chilcoat appeared for an initial appearance in the District of Columbia before the Honorable Robin M. Meriweather, who also placed him on conditions of release, including home detention and location monitoring as well as a curfew restriction.
- (4) Mr. Chilcoat was indicted on September 9, 2022, for one count of Obstruction of an Official Proceeding and Aiding and Abetting in violation of 18 U.S.C. §1512(c)(2) and, two counts of 18 U.S.C. §1752(a)(1) and (2), and three counts of 40 U.S.C. §5104(e)(2)(A), (D), and (G). See ECF Dkt. No. 20.

- (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).

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,

A. J. KRAMER FEDERAL PUBLIC DEFENDER

/s/

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