

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CRIMINAL NO. 1:22-CR-27-TSC</b>
v.	:	
	:	
<b>TYLER TEW,</b>	:	
	:	
<b>Defendant.</b>	:	

**UNITED STATES’ RESPONSE TO DEFENDANT’S MOTION TO  
MODIFY CONDITIONS OF RELEASE**

Comes now the United States of America, by and through its United States Attorney for the District of Columbia, and April Ayers-Perez, Assistant United States Attorney, and files this response to Defendant’s Motion to Modify Conditions of Release. For the reasons stated herein, the United States respectfully asks this Honorable Court to deny Defendant’s motion.

**PROCEDURAL HISTORY**

On November 30, 2021, the Defendant was arrested in the District of Idaho for misdemeanor offenses under Title 18 United States Code Section 1752(a) and Title 40 United States Code Section 5104(e)(2) [*Dkt. No. 1*]. On December 7, 2021, conditions of release were set for the Defendant, which included the condition that the Defendant not “travel outside the continental U.S. unless approved by the Court.” [*Dkt. No. 9, p. 2*]. On January 20, 2022, an Information was filed by the Government charging the Defendant with violations of 18 U.S.C. Sections 1752(a)(1) and (2), as well as 40 U.S.C. Sections 5104(e)(2)(D) and (G). On May 19, 2022, the Defendant filed a Motion for Modification of Bond, specifically asking for the Court’s permission to travel to San Jose De Cabo, Mexico from August 10, 2022, to August 15, 2022. [*Dkt. No. 19*]. For the reasons set forth below, the Government objects to this modification.

## ARGUMENT

Under Title 18 United States Code Section 3142(c)(1)(B) a Defendant is “subject to the least restrictive further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community.” This “may include the condition that the person satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.” 18 U.S.C. §3142(c)(1)(B)(xiv).

The Defendant is charged with taking part in a mob that descended on the Capitol on January 6, 2021. After entering the Capitol building on January 6, 2021, the Defendant texted friends saying things such as, “How bout pepper sprayed in the face for my country???? Lol.” and “I stormed the capital [sic] building FOR YOU!!!!” That same day, the Defendant posted on Facebook, “They are actively storming the capital [sic]. Taking it back from the corrupt politicians! 1776!”

The Government is requesting that the Court deny the Defendant’s Motion. Defendant’s conduct on January 6 makes him a flight risk should he partake in foreign travel. The Defendant’s travel is non-essential. As such, the Government is opposed to that travel.

Dated: June 2, 2022

Respectfully submitted,

MATTHEW M. GRAVES

United States Attorney

By: /s/ April Ayers-Perez

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