

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States of America)
)
 v.) USDC No. 21-cr-692 (CKK)
)
 Marilyn Fassell,, *defendant.*)

MOTION FOR RECONSIDERATION OF MOTION
TO MODIFY CONDITIONS OF RELEASE

The defendant, through undersigned counsel Nathan I. Silver, II, Esq., (“counsel”) appointed by this Court to represent the defendant under the Criminal Justice Act, respectfully moves the Court to reconsider its Order (ECF Doc. 42, May 16, 2022) denying defendant’s previously filed Motion to Modify Conditions of Release (ECF Doc. 30, filed April 4, 2022) The reasons follow.

1. Defendant previously moved the Court to modify her conditions of release to permit her to possess a firearm while the case is pending. She is not a prohibited person under state or federal law and neither the offense to which she recently entered a guilty plea, nor the anticipated later conviction once entered as a Judgment, will make her one.

2. Defendant recently discovered in unread mail a letter postmarked June 23, 2022, postmarked Miami, Florida, sent to her home address with no return address. The letter, unsigned, is headed “Disciples of Democracy,” and is itself unsigned. It consists of two (2) typewritten pages. It is not known how the sender obtained the defendant’s home address. It is attached as an exhibit to this Motion, with the defendant’s home address redacted. A copy of this letter and envelope have been provided to the government.

3. The defendant, through counsel, has asked asst. U.S. Attorney Jason Crawford to refer the matter to the Federal Bureau of Investigation¹ and have agents obtain the original letter from the defendant in an effort to identify and arrest the sender.

4. The letter threatens to kill the defendant and her husband; it doesn't lost time in doing so, as first paragraph ends, "We have already eliminated some of the most ignorant people in the world," and the second paragraph begins, "You my dear, will soon succumb to the end of your very existence in this world, right along with your husband."

5. In the circumstances, the defendant needs the means to protect herself in her home, as the letter writer already has that address. The defendant, along with her husband, surrendered firearms when first charged in this case. She seeks the return of her firearm, which is now essential to her ability to protect herself.² The circumstances that obtained on April 20 when defendant first moved the Court no longer obtain. An anonymous person has now threatened to kill her and her husband. The defendant submits that, as circumstances change, so should her conditions of release.

6. The defendant through counsel has contacted the government by email, phone and text message in an effort to ascertain the government's position. The defendant has not received as answer as of this filing.

A proposed Order is attached.

WHEREFORE, the defendant respectfully moves the Court to grant said relief.

This pleading is,

¹ It may be that inspectors from the U.S. Postal Service will have jurisdiction over such an investigation. The defendant defers to the government on this issue.

² She does not object to the restriction that prohibits her from possessing explosive devices or other weapons.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing pleading has been served via ECF on Jason M. Crawford, Esq., United States Department of Justice (CIV),, attorney of record for the government in the instant case, this 16th day of August, 2022.

/s/

Nathan I. Silver, II