

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES)	
)	
V.)	Case No. 22-cr-166 (MAU)
)	
JOHN GEORGE TODD,)	
)	
Defendant.)	

**DEFENDANT JOHN GEORGE TODD’S
PROPOSED PLAN FOR MODIFICATION OF TERMS OF RELEASE**

Defendant John George Todd, by counsel, hereby respectfully moves the Court to modify the terms of his release as follows:

PROPOSED PLAN FOR MODIFICATION OF TERMS OF RELEASE

After consultation with family both in his current location and in South Carolina and pre-trial services and therapeutic medical care providers, Defendant Todd has come to the following conclusions, plans, and proposals:

Primarily, Todd and his support network are convinced that it is important for Todd’s healing and adjustment for him to be removed from past influences that are associated with the trauma and aggravating factors he needs to recover from and improve in. Therefore, he and counsel believe that a key objective here is for

Todd to relocate from where he has been staying with his mother in Independence, Missouri to his sister in South Carolina.

John George Todd is an Afghanistan combat veteran who suffers from combat-related PTSD. Mr. Todd has suffered several traumatic bouts of mental health episodes and has been continuously under the care of Veterans Administration (VA) mental health counselors and treatment physicians. On April 12, 2023, Mr. Todd suffered a minor incident stemming from issues relating to his wife and another man. For a short time on April 12, Mr. Todd was engaged in a commotion in which police were called.

Mr. Todd's recent episode.

The Court may be aware that there was a specific aggravating incident of a type normally considered in the law as extreme (in centuries past considered a heat of passion category) which counsel suspects is best not addressed on the record but can be explained the court hearing. The Court should understand that counsel is not advocating for a position about what may be true or not, what actually happened, but only that if Todd's concerns were believed by Todd would produce a reaction from an average man.

Todd experienced a reaction and engaged in conduct which was not ideal and has brought this matter now before the Court. It is counsel's task to present the Court with all other factors to consider.

No one was harmed in the incident other than Mr. Todd himself, who suffered some superficial cuts, which has been described as suicidal ideation.¹ Nor was he charged with any criminal conduct. Rather, law enforcement viewed it as a mental health issue and took him to mental health facility. In addition, following the incident, Mr. Todd's wife was comfortable having him spend time with her and the children. (Indeed, even since the last hearing, Mr. Todd's wife has continually attempted to communicate with him; although he has refrained from any contact out of an abundance of caution).

Our firm has reached out to Mr. Todd and Mr. Todd's support community. Mr. Todd has had a *post-incident* mental health evaluation by his psychologist, Dr. Mark Sundahl of the Kansas City Department of Veterans Affairs.

Dr. Sundahl reports that in addition to all other factors, or possibly in association with them, John George Todd did have issues with alcohol on the night in question, which is obviously a likely contributing factor. But Todd has recently had a change in his psychiatric medication.

¹ <https://pubmed.ncbi.nlm.nih.gov/33351435/>

As a result, Defendant Todd has made the decision to simply stop drinking.

Dr. Sundahl reports that he has increased the dosage of certain medications for Mr. Todd. Dr. Sundahl reports that John George Todd is doing well under the circumstances, and that the VA is increasing its outpatient treatment regiment regarding Mr. Todd.

In other words, it appears that Todd's medication was apparently of the wrong dosage and/or type, contributing to his difficulties. This is no criticism because adjusting medication for a particular patient to the optimum type and level is an important task.

Mr. Todd spent a week in-patient over the past few weeks, whereupon medical and mental health professionals evaluated Mr. Todd intensely. His medication levels are now fully adjusted; and Mr. Todd and the VA has a comprehensive plan for outpatient recovery.

Mr. Todd's doctors inform us that Mr. Todd is not a threat to himself or others at the present time. Incarceration would only exacerbate Mr. Todd's health and mental health problems.

Despite the incident, Todd's wife has written a letter which we believe the Court has supportive of Todd and being agreeable with the plan we now propose.

Similarly, Todd's sister – where he would be living – has also written a letter of support which we believe the Court has supportive of and agreeable to the plan we now propose. She will be on the zoom hearing call today.

Todd's sister and husband have a roughly 2 acre farm in a South Carolina community about 1 hour from Charlotte, North Carolina. While the local Veterans Administration service providers and the South Carolina pre-trial services staff will be able to help Defendant Todd, if necessary the city of Charlotte has significant medical and therapeutic resources as well as judicial staff to help.

Todd proposes to live with his sister and brother-in-law on the farm, so there would be continuous supervision and support from them. The plan is for Todd to work in the shop operating on the farm. His brother-in-law is a military veteran as well.

Todd's family has 2 acres of land with chickens, goats, pigs, and auto body shop. Animals are often used for support, therapeutic animals. Todd would primarily be an employee of his brother-in-law's auto body shop.

Therefore, he would be accompanied with supportive family at all times. Most of all, this would provide a strong separation from all of the influences, people, memories, or the like that could hinder his healing. It would provide a fresh venue for a fresh start.

Mr. Todd will be enrolling for treatment and medical care and the Veterans Administration annex in South Carolina. He will undergo the VA's recommended treatment regime. Mr. Todd will submit to any interlock device for driving to and from appointments. To the extent that it is necessary, counsel will make sure that Defendant Todd has a way of getting to and from medical appointments.

Significantly, Mr. Todd is a misdemeanor defendant who would not likely be sentenced to extensive jail time if convicted of the charges in this case. Mr. Todd should not be incarcerated awaiting trial, as such incarceration would pose the serious risk of over punishing Mr. Todd, even in the event of possible conviction in this matter.

Consequently, defense counsel asks for an order continuing Mr. Todd's pretrial release and allowing Mr. Todd to complete his treatment plan with the foregoing modifications.

Date: May 9, 2023

Respectfully Submitted,
/s/ John M. Pierce
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CERTIFICATE OF SERVICE

I hereby certify that, on May 9, 2023, this motion was filed via the Court's electronic filing system, which constitutes service upon all counsel of record.

/s/ John M. Pierce
John M. Pierce