

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

KATELYN BARTOW,

Defendant.

Case No. 1:22-CR-358-RC

**DEFENDANT'S MOTION TO TRAVEL AND FOR TEMPORARY
MODIFICATION OF RELEASE CONDITIONS**

The defendant, Katelyn Bartow, respectfully moves for permission to travel to Jamaica, and for temporary modification of her release conditions to permit her to do so. The reason for the request is to attend a wedding.

More than 18 months after the events of January 6, 2021, Ms. Bartow was charged with four misdemeanor counts relating to her unauthorized entry into the Capitol on that day. She had spoken freely with FBI Agents the year before, and upon being charged, was taken into custody cooperatively and compliantly, and without incident. Ms. Bartow was released later that day by Magistrate Judge Hummel in the Northern District of New York, after the Government did not move for her detention pending trial. Unlike other January 6 cases, the charges do not involve any violent or inherently obstructive or assaultive conduct on her part. Indeed, Ms. Bartow's conduct once inside the Capitol building appears to have been limited by reference to others far more

culpable¹, and consistent with those who have received sentences short of incarceration. We are in plea discussions with the Government, and it may well be that this case is resolved short of trial.

Since her release in October 2022, Mr. Bartow has remained compliant and has no history of violations. She has appeared by video in Court on two occasions, for arraignment on the Government's Information, as well as a subsequent status conference. Ms. Bartow has no criminal history and no prior arrests, apart from a citation for driving on a suspended license, which was later dismissed. For its part, the Government does not oppose the request. We have also contacted the supervising Probation Officer, but have not yet heard back as to Probation's position. Still, because Ms. Bartow, if granted permission, would need to make travel arrangements imminently, we deemed it prudent to file the motion forthwith.

The best friend of Ms. Bartow's husband is to be married in Negril, Jamaica on June 3. He – Ms. Bartow's husband – is in the wedding party and is expected to attend. Further, Ms. Bartow's young son is scheduled to participate in the proceedings as well, as a ring bearer of sorts down the aisle. She is still nursing, and if her husband and son were to go the wedding by themselves and without her, it would cause significant hardship for everyone. For multiple reasons, the family strongly prefers to remain together, so that both can provide care for their son. In a time of great stress and difficulty for Ms. Bartow and her family, it is important to preserve a sense of normalcy where possible, and to snatch moments of joy and celebration where they can be found. This is one such occasion, and we do not believe that granting her permission to travel for the wedding would increase any risk of nonappearance or put anyone at risk. There is no likelihood Ms. Bartow would

¹ In fact, Ms. Bartow picked up garbage that others had knocked over, and exhorted others to do the same. She also intervened when the more aggressive members of the mob were threatening or openly hostile to a Capitol Police Officer, and helped defuse a dangerous situation, and then left the Capitol building willingly and peacefully when ordered to do so. These actions may not negate liability, but they are potentially relevant to sentencing considerations by way of mitigation, as well as to the issue of whether to approve the instant travel request.

live as a fugitive in Jamaica or elsewhere so as to avoid a misdemeanor conviction in the United States.

The Court should also be aware that Ms. Bartow – who has family roots in Haiti and has done volunteer and social work there for years – did not take her yearly trip to Haiti because of this case and the release conditions. In other words, she has already curtailed her travel as a result of being charged, and is not seeking an excuse to travel even for vacation purposes, but merely wishes to be present with her family at the wedding of a close friend. It is also worth noting that this Court approved a similar request for her co-defendant and brother, who travelled with his family to Aruba earlier this year on a vacation, and apparently without incident. ECF Document Nos. 26 & 27.

As mentioned, the wedding celebration is at the Cliff Hotel, in Negril, Jamaica, on June 3. Ms. Bartow would anticipate going to Jamaica on May 31, and returning on June 5, and staying on site at the Cliff Hotel. Ms. Bartow's release conditions require the Court's approval for travel outside the continental United States. ECF Document No. 13, at 3. Further, Ms. Bartow's release conditions in the Northern District of New York, where she was arrested and first appeared, required surrender of her passport. She did so promptly, and it was then transferred to the Clerk's Office in the District of Columbia. ECF Document No. 22. As Ms. Bartow would need her passport to travel to Jamaica, we are also requesting temporary release of the passport to her, and sufficiently in advance of travel so as to permit her to address any unanticipated issues that might arise. In reviewing the release conditions in the District of Columbia, the Court did not require surrender of Ms. Bartow's passport. ECF Document No. 13, at 2. Thus, we believe release of the passport would be appropriate in the ordinary course. However, if the Court prefers, Ms. Bartow would agree to surrender it anew upon return to the United States after the wedding.

For these reasons, and without opposition from the Government, Ms. Bartow respectfully requests permission to travel to Jamaica, and for release of her passport to enable such travel.

Respectfully submitted,

April 5, 2023

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CERTIFICATE OF SERVICE

I hereby certify that in filing the above document electronically, I have caused notification to be made upon opposing counsel for the United States, and all parties.

/s/ Jeremy B. Sporn