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

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| **UNITED STATES OF AMERICA** | **:** | |
| **v.** | **:** | **22-MJ-206** |
| **HENOS WOLDEMICHAEL** | **:** | **UNDER SEAL** |

**MOTION TO CONVERT PRELIMINARY HEARING TO STATUS HEARING AND TO MODIFY RELEASE CONDITIONS**

Mr. Henos Woldemichael, through undersigned Counsel, respectfully requests that this Court convert the preliminary hearing scheduled for November 28, 2022 to a status hearing to review and modify Mr. Woldemichael's release conditions, specifically eliminating his curfew. Counsel and the Government are in discussions regarding a potential resolution in this case and Mr. Woldemichael, through Counsel, filed a waiver of his preliminary hearing on November 23, 2022.

Given the posture of discussions with the government, Counsel further agrees to exclude the time going forward within which a trial must be held under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq*., on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendants in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

In support of this motion, Counsel states the following:

1. On October 26, 2022, Mr. Woldemichael was arrested and charged by complaint with five counts relating to events that occurred at the U.S. Capitol on January 6, 2021: civil disorder pursuant to 18 U.S.C. § 3251 and four misdemeanors pertaining to trespass and disorderly conduct in a restricted building.

2. [redacted] the parties are currently engaged in discussions regarding a potential resolution of this case. In light of the posture of these discussions, Counsel agrees to toll any time pursuant to the Speedy Trial Act.

3. At his initial appearance on October 26, 2022, Mr. Woldemichael was ordered released with several conditions in place, to include, most notably: 1) GPS monitoring; 2) a curfew from 9 pm to 5 am (intended to accommodate his employment); 3) [redacted] and 4) requirements to relinquish any firearms in the home.

[redacted]Since that time, Mr. Woldemichael has dutifully complied with these conditions. [redacted]

5. His parents[redacted] have remained very engaged and supportive of Mr. Woldemichael. They promptly removed all firearms from the home as directed by the Court.

6. Since his release, Mr. Woldemichael has resumed full-time employment [redacted] His work schedule [redacted] has led him to return to the home after 9 pm on one occasion. Mr. Woldemichael advised Pretrial of this situation and provided proof of the same.

7. Mr. Woldemichael returned home slightly after 9 pm on one additional occasion, on Friday, November 4, 2022. After working a full day, Mr. Woldemichael went directly to the AT&T store to restore telephone service. Due to the store being very busy and due to some technical issues requiring him to spend significant amounts of time on hold with customer service, he was finally able to complete that restoration of service but returned home slightly after 9 pm. Mr. Woldemichael was forthcoming about these circumstances with his PSA officer the following Monday.

[redacted]Mr. Woldemichael has recently obtained an additional offer of employment [redacted]

9. Mr. Woldemichael is 21 years old, and would like to take on this supplemental employment to further save money to resume his college-level studies and work to obtain financial independence. However, his current curfew would prohibit him from accepting this position.

10. Given Mr. Woldemichael's compliance with conditions to date, Counsel respectfully requests that the curfew be removed in this case.

11. The Bail Reform Act specifies that individuals released pretrial should be "subject to the least restrictive further condition, or combination of conditions, that…will reasonably assure the appearance of the person as required and the safety of any other person and the community." See 18 USC §3142 (C)(1)(B).

12. In Mr. Woldemichael's case, the government conceded they had no concerns regarding his future appearances in court. [redacted]

[redacted] Mr. Woldemichael's record of compliance with what are very strict conditions and openness with his Pretrial officer demonstrate that these conditions are not the least restrictive conditions that will ensure Mr. Woldemichael's appearance and the safety of the community.

13. Counsel contacted assigned government counsel for this matter, AUSA Victoria Sheets, regarding the government's position on this request, and was informed that the government likely opposes any modification to release conditions.

14. Counsel similarly contacted Mr. Woldemichael's Pretrial Services Officer Byron Daniels, who indicated that he defers to the Court regarding this request.

WHEREFORE Counsel respectfully requests that the Court remove Mr. Woldemichael's curfew requirement in this case. If the Court wishes to hear from the parties directly regarding this request, Counsel respectfully requests that the preliminary hearing previously scheduled for November 28, 2022 be converted to a virtual status hearing, or rescheduled for another day next week, to discuss the same.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER
/s/
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