

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	§	
	§	
V.	§	CAUSE NO. 21-CR-40-08
	§	
STEVEN PHILLIP CAPPUCCIO	§	

STEVEN PHILLIP CAPPUCCIO'S MOTION TO MODIFY CONDITONS
OF PRE-TRIAL RELEASE

Steven Phillip Cappuccio (Mr. Cappuccio), through counsel, respectfully moves this Court for an Order modifying conditions of his release. Specifically, he requests that the conditions of location and monitoring and home detention be lifted. Mr. Cappuccio has been under home detention since . He has not incurred a single violation. Mr. Cappuccio's probation officer in San Antonio, Texas, Michael Perez, consents to this motion and agrees that location monitoring and home detention are not required to supervise Mr. Cappuccio.¹

In support of this Motion, counsel states:

1. Mr. Cappuccio was arrested in his home in Universal City, Texas on August 10, 2021. *See* Arrest Warrant, Doc. No. 106, 107. A detention hearing was held on August 17, 2021, and Mr. Cappuccio was released on a personal recognizance bond which included location and monitoring and home detention. *See* Order Setting Conditions of Release, Doc. No. 117. On August 4, 2021, Mr. Cappuccio was charged in a Fourth Superseding Indictment with one count of 8 U.S.C. § 111 (Assaulting, Resisting, or Impeding Certain Officers or Employees); one count of 18 U.S.C. § 111(b) (Assaulting, Resisting, or Impeding Certain

¹ Counsel left a message with pretrial service officer John Copes to ask for his position on the motion and hasn't heard back yet. Counsel spoke to the government, AUSA Jocelyn Bond, who will be touching base with pretrial before taking a position. Counsel is filing the motion today because her travel arraignments have her traveling all day tomorrow. Undersigned counsel has provided Michael Perez's email and phone number to the government.

Officers or Employees While Using a Deadly or Dangerous Weapon); one count of 18 U.S.C. § 2111 and 2 (Robbery); one count of 18 U.S.C. § 1512(c)(2) (Obstruction of an Official Proceeding); one count of 18 U.S.C. § 231(a)(3) (Certain Acts During Civil Disorder); one count of 18 U.S.C. §§ 1752(a)(2) and (b)(1)(A) (Disorderly and Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon); one count of 18 U.S.C. §§ 1752(a)(4) and (b)(1)(A) (Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon); one count of 40 U.S.C. § 5104(e)(2)(D) (Disorderly Conduct in a Capitol Building); and one count of 40 U.S.C. § 5104(e)(2)(F) (Act of Physical Violence in the Capitol Grounds or Buildings). Each of these alleged offenses stem from the events at the Capitol on January 6th, 2021.

2. Since his release, Mr. Cappuccio has been supervised by Probation Officer Michael Perez of the Western District of Texas, San Antonio Division. He has incurred no violations of release.
3. Mr. Perez agrees that it would be appropriate to remove conditions of location monitoring and home detention. Mr. Perez is available should the Court wish to consult with him.²
4. Mr. Cappuccio is a 52-year-old with no history of violence or prior convictions. Before the pandemic he was a senior at Texas State University. He receives VA benefits and is Mr. Mom to his four school aged children, taking them to and from school as well as soccer practice, basketball practice, and band. Mr. Cappuccio also attends counseling every Saturday through the VA. Mr. Cappuccio's past record and his record on pre-trial release demonstrate that he is neither a flight risk or a danger to the community.

² Undersigned counsel will provide chambers with Mr. Perez's contact information should the Court wish to speak to him directly.

Conclusion

For the reasons stated herein and any others that appear to the Court, Mr. Cappuccio respectfully moves the Court to remove conditions of home detention and electronic monitoring. A proposed Order is attached for the Court's review.

Respectfully submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ MARINA-THAIS DOUENAT
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CERTIFICATE OF SERVICE

I, Marina-Thais Douenat, Assistant Federal Public Defender for the Western District of Texas, hereby certify that on the 15th day of December 2021 filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ MARINA-THAIS DOUENAT
Assistant Federal Public Defender