

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 his curfew be lifted. Mr. Cappuccio has been under location and monitoring since his arrest in August of 2021 and has had a curfew since December 17, 2021. 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 are not required to supervise Mr. Cappuccio. Mr. John Copes with pretrial in the District of Columbia defers to this Court on whether conditions should be modified but due state that Mr. Cappuccio has been compliant.

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. Mr. Cappuccio was released on a personal recognizance bond which included location and monitoring and home detention. *See* Order 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 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. On December 15, 2021, Counsel filed a Motion to Modify Mr. Cappuccio's Conditions of Release requesting home confinement and the electronic monitor be removed. Doc. No. 185.
3. On December 17, 2021 at the pretrial conference this Court modified Mr. Cappuccio's conditions and removed the condition of home confinement and placed a curfew from 10pm to 7am.
4. Mr. Cappuccio has been attending biweekly sessions with his counselor Nikkala Kordzik since November 6, 2021. He has not missed or cancelled any of his sessions.
5. Mr. Cappuccio's teenage daughter who lives at home just gave birth to a baby girl on Tuesday, April 19, 2022. Mr. Cappuccio and his wife, Jennifer, are helping their daughter raise the baby.

6. Mr. Perez agrees that it would be appropriate to remove conditions of location monitoring and remove the curfew. Mr. John Copes, from DC pretrial services, states Mr. Cappuccio has been compliant on supervision and will defer to this Court on whether Mr. Cappuccio's conditions should be modified.
7. 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. As of Tuesday, Mr. Cappuccio is now assisting his teenage daughter with her baby.
8. Mr. Cappuccio's past record and his record on pre-trial release, as well as his efforts to improve himself by attending counseling, demonstrate that he is neither a flight risk or a danger to the community.

#### Conclusion

For the reasons stated herein and any others that appear to the Court, Mr. Cappuccio respectfully moves the Court to remove the conditions of electronic monitoring and the curfew. 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 21st day of April 2022 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

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