



3. Mr. Bishop filed a motion to modify his pretrial release conditions on October 11, 2023, after defense counsel learned more about Mr. Bishop's dire living conditions. Mr. Bishop filed the pending motion, which corrected the initial motion to modify his pretrial release conditions, on October 20, 2023.

4. The removal of the Electronic Monitoring with GPS device from his ankle is a matter of survival for Mr. Bishop, who is an impoverished combat Veteran. Mr. Bishop maintains that his location can be monitored from daily calls to his assigned Pretrial Services Officer from his personal cell phone, which has video and location-sharing capabilities, at no additional cost to the Government.

5. Mr. Bishop is a highly decorated Veteran who spent 21 years of service as a flight-medical in the military and has been credited with saving the lives of hundreds of wounded soldiers on the battlefields of Somalia, Iraq, and Afghanistan. He does not have a criminal history and is not a flight risk. Mr. Bishop has no money and has already surrendered his passport to Pre-Trial Services. Other than perhaps the fictitious *Gilligan's Island*, there is no place for Mr. Bishop to flee on a small boat with no money or a passport. Moreover, there are less restrictive means that could ensure the safety of the community, including requiring Mr. Bishop to make daily (or random, if the assigned Pretrial Services Officer prefers) video calls from his cell phone which has real-time location sharing capabilities. In modern America, Parents utilize this simple technology with their teenage children every day.

6. Mr. Bishop is one of the fortunate Veterans in America who is not homeless upon returning home from serving in war zones. Nonetheless, he is impoverished. Instead of living out of his car, like many poor Americans, he lives in a small houseboat with his wife in Southern Florida. Mr. Bishop supplements his meager VA retirement income by eating the seafood he catches from spearfishing. He has also supplemented his income by making repairs to his

neighbors' boats for money. At times, the repairs required Mr. Bishop to be submerged under water in scuba equipment.

7. Mr. Bishop seeks to continue maintaining his home by scraping devastating barnacles from the sides and under the boat. As stated in Mr. Bishop's motion, the regular barnacle scrapping maintenance of the houseboat requires the use of scuba equipment but his wife is unable to conduct this maintenance due to being a novice scuba diver and weak swimmer. (ECF 14, paragraph 8). Mr. Bishop and his wife supplement their income by eating the seafood he can't afford to purchase at the store. Eating is one of the basic necessities of life. Contrary to Government's assumptions and seething sarcasm in its Opposition, not every American can afford DoorDash and GrubHub delivery, or have the ability to shop at Wholefoods and Wegmans for their meals. It might come as a shock to the Government, but some Americans have to scrounge for food which, unfortunately includes the consumption of roadkill, small mammals in the woods, or, like Mr. Bishop, seafood in the waters where they live. While fishing with a rod and reel, as the Government suggests, may occasionally catch a few fish, global warming has caused Southern Florida's water surface temperatures to exceed 100 degrees.<sup>1</sup> Those who are familiar with fishing know that one can catch more substantial fish and other seafood in the deeper waters by spearfishing, instead of rod and reel. Besides, the Government's focus on Mr. Bishop's swimming and spearfishing is a red herring; Mr. Bishop's primary attention is on his ability to continue maintaining his home. If his houseboat sinks from lack of maintenance, Mr. Bishop and his wife will then have to live in their car.

8. Mr. Bishop has been compliant with every pre-trial condition imposed on him. The Pre-Trial Reports confirm this fact. There surely are other conditions or combination of conditions which will reasonably assure Mr. Bishop's appearance as required and ensure the

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<sup>1</sup> <https://www.nytimes.com/2023/07/26/climate/florida-100-degree-water.html>

safety of any other person in the community at large. Therefore, the Court should approve Mr. Bishop's motion to modify the pretrial release conditions.

9. The Government's attempt to weaponize Mr. Bishop's [REDACTED] in its Opposition is disappointing. Without citing any support, the Government inaccurately claims that [REDACTED] necessitates GPS monitoring to remain in place. As the Government knows, Mr. Bishop was a flight-medical who worked on both helicopters that rescued wounded soldiers and civilians on the battlefields of Somalia, Iraq, and Afghanistan, as well as long range fixed wing transports which moved wounded and deceased people to rear echelon medical facilities. During his 21 years of service in the U.S. military as a flight-medical, Mr. Bishop witnessed so much death and mayhem that it [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] A GPS monitoring device remaining in place on Mr. Bishop's ankles does not change those facts. Mr. Bishop did not go into the military [REDACTED]

[REDACTED] Now his government wants to use [REDACTED] as a weapon against him and prevent him from performing regular maintenance on his home or permitting him to subsidize his income by spearfishing for food to eat but can't afford to buy. The Government also ignores the fact that diving and fishing is [REDACTED]

10. Under 18 U.S.C. § 3142(c)(3), the Court "may at any time amend the order to

impose additional or different conditions of release.” The party requesting modification must “establish that new information exists that was not known to him or her at the time of the initial detention hearing, and that this new information is material to his or her release conditions regarding flight or dangerousness.” *United States v. Wei Seng Phua*, 2015 WL 127715, at \*1 (D. Nev. Jan. 8, 2015); see 18 U.S.C. § 3142(f).

11. The Government’s opposition hinges on three erroneous positions. First, the Government suggests that [REDACTED]

[REDACTED] (ECF 24, at p. 4)

The defense provided the Government with documents and verbally informed the Government several weeks ago concerning [REDACTED]. The Government exaggerates the facts by claiming Mr. Bishop [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Second, the Government’s argument rests on the faulty assertion that spearfishing and swimming are frivolous and unpersuasive reasons to satisfy any of the Section 3142(g) Factors. (*Id.* at p. 5) From this flawed reasoning, the Government argues that Mr. Bishop’s motion should be denied. Again, if Mr. Bishop lived on a yacht, had substantial income, and could easily purchase food, or pay for someone to scrape barnacles off the boat, the Government’s arguments might merit some consideration. Here, the Government’s knee-jerk opposition to Mr. Bishop’s reasonable and modest request was made with no real thought about the human condition and the need to secure the basic necessities of life, like maintaining one’s home and finding food to eat when one can’t afford it.

Third, and relatedly, the Government shamefully argues that [REDACTED]

weighs in favor of continued GPS monitoring in this case. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] If Mr. Bishop is able to return to the water to maintain his houseboat, it would [REDACTED] [REDACTED] watch inexperienced scuba diving wife attempt to conduct maintenance activities which Mr. Bishop is better equipped to do.

12. The Government asserts that Probation Officer Wilson objects to the removal of the GPS Monitoring. Undoubtedly, Officer Wilson is a conscientious probation officer who is probably overworked and underpaid. Mr. Bishop's alternative proposal would add additional burdens to his caseload responsibilities. Nonetheless, Mr. Wilson can confirm that Mr. Bishop has been compliant with every pre-trial condition imposed on him.

### CONCLUSION

WHEREFORE, Mr. Bishop respectfully moves this Court to remove GPS Monitoring as a condition of pretrial release.

Respectfully submitted,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2023, I caused a copy of the foregoing Reply to Government's Amended Opposition to Defendant's Corrected Motion to Modify Pretrial Release Condition. to be served on Holly F. Grosshans via the Court's electronic filing system.

/s/ Lionel André  
Lionel André