

4. Because of the change in circumstances detailed below, Mr. Bishop respectfully requests this Court remove the GPS monitor and impose lesser restrictive means that would ensure the safety of the community.

5. Mr. Bishop and Tonya Bishop reside on a boat the size of a small recreational vehicle in Southern Florida. The boat (which is the couple's only residence) does not have air conditioning. The boat has a 15-gallon diesel fuel engine with limited range in the open waters. In addition, the Bishops lack the navigation skills, equipment, experience, and money to use the boat to flee beyond the United States' coastal waters.

6. The weather in Southern Florida is hotter than usual. It has become less than ideal to live on a boat in Southern Florida. The Bishops cannot afford to move. The warm temperatures are expected to linger in the foreseeable future. Without air conditioning on the boat, Mr. Bishop needs the ability to periodically swim in order to remain cool because extreme heat triggers health issues for him.

7. Since 2021 Mr. Bishop has been unemployed. He lives off of his Veterans benefits. He relies on his spearfishing abilities in Southern Florida waters for thirty percent of his family's meals.

8. Mr. Bishop's boat requires constant maintenance to remain afloat. Among other things, one has to constantly scrape the barnacles off the side and bottom of the boat to prevent the boat from eventually sinking. Barnacles have hard shells and strong adhesion, which damages a boat's hull without regular maintenance. The removal of barnacles requires the use of scuba equipment. Tonya Bishop is a novice scuba diver and a weak swimmer who is unable to effectively scrape the barnacles from under the boat.

9. Mr. Bishop is a more experienced scuba diver and stronger swimmer. He needs to be able to enter the water to maintain his boat to prevent damage to his home. He also needs to be able to spearfish for his meals to supplement his low income.

10. The GPS monitor is not waterproof. If Mr. Bishop goes into the water with the GPS monitor on his ankle, it will damage the equipment.

11. Mr. Bishop does not have a criminal record, he has strong ties to his community, his entire family resides in the United States, and he is a highly decorated Veteran who served as a Medic in Southern Watch, Enduring Freedom, and Iraqi Freedom. He maneuvered on foot under enemy fire to save the lives of servicemen and civilians alike. He helped evacuate over 3,500 wounded servicemen and civilians in war zones and was awarded numerous medals for personally saving the lives of numerous servicemen and civilians while under enemy fire. In addition to treating five IED blast victims and saving their lives, Mr. Bishop, was a first responder to five battle-injured Afghan children and stabilized their broken and lacerated limbs. In short, Mr. Bishop is a man who cares deeply about people. He has a history of good deeds which are inconsistent with being a danger to the community.

12. Counsel contacted AUSA Holly Grosshans for the Government's position. She stated the Government does oppose this motion.

LEGAL DISCUSSION

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). Mr. Bishop submits there have been several changes in circumstances, and new information, that was not known at the time of the hearing that, cumulatively, call for a reconsideration and modification of his pretrial conditions. First, Mr. Bishop has no criminal history, and he is not a flight risk. Moreover, there are less restrictive means that could ensure the safety of the community. He only seeks to be able to scuba dive to maintain his boat, and to spearfish for his meals. The above-detailed change of circumstances demonstrates his need to have the GPS monitor removed.

REQUESTED RELIEF

WHEREFORE, Mr. Bishop respectfully moves this District Court to remove the GPS monitor.

Respectfully submitted,

/s/ Lionel André
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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2023, I caused a true and correct copy of the foregoing motion to be served via the Court's ECF system to all counsel of record in this matter.

/s/ Lionel André