

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

UNITED STATES OF AMERICA :
 :
 v. : **12-CR-231 (RC)**
 :
JAMES HITSSELBERGER :

UNOPPOSED MOTION TO MODIFY CONDITIONS OF RELEASE

Mr. James Hitselberger, the defendant, through undersigned counsel, respectfully moves this Honorable Court to modify the conditions of his release to permit him to live in his home in Ontonagon, Michigan, and remove the drug-testing requirement. In support of this motion, counsel submits the following.

1. On December 19, 2012, the Court issued an Order, releasing Mr. Hitselberger on the condition that he participate in the High Intensity Supervision Program (“HISP”) with global positioning system (“GPS”) monitoring under the supervision of the District of Columbia Pretrial Services Agency (“PSA”). At Mr. Hitselberger’s request, the Court ordered that Mr. Hitselberger must live with his aunt in Arlington, Virginia. The Court also ordered that Mr. Hitselberger could not leave his aunt’s house except for pre-approved visits with his attorney, medical appointments, visits with Pretrial Services, and religious services.

2. With the exception of one four-minute stop at a Wendy’s drive through window on the way home from a religious service, Mr. Hitselberger has had no violations of his conditions of release.

3. Due to the complexity of this case and the time necessary to litigate pre-trial motions and prepare for trial, Mr. Hitselberger has now been living with his aunt for seven months. However, he owns a home in Ontonagon, Michigan, where he could live without inconveniencing his aunt, and he could be productive renovating two other properties that he owns in Ontonagon County.

4. Undersigned counsel has contacted Pretrial Services in Michigan, and Mr. Hitselberger's current Pretrial Services officer. They confirm that Pretrial Services in Michigan has a GPS monitoring system and could monitor Mr. Hitselberger at his home in Ontonagon County.

5. Because Mr. Hitselberger has demonstrated his ability and willingness to comply with the Court's orders, he respectfully requests that the Court permit him to move back to his home in Ontonagon. Because, if permitted to move to his home, he will be living there by himself and can be productive renovating his other properties, Mr. Hitselberger requests that the Court restrict his movements to Ontonagon County, except for pre-approved travel outside of the county for medical appointments or reporting to the Pretrial Services officer in Michigan.

6. While on pretrial release, Mr. Hitselberger has consistently tested negative for illegal substances. Because he has no history of using illegal substances, Mr. Hitselberger respectfully requests that the Court eliminate drug testing as a condition of release.

7. Undersigned counsel has contacted government counsel, Assistant United States Attorney Mona Sahaf, who indicated that the government has no objection to this motion. The government does not object to the elimination of the drug testing condition, and provided that

Mr. Hitselberger remains on GPS monitoring, the government does not object to limiting his unrestricted movement to within Ontonagon County, Michigan.

WHEREFORE, for the foregoing reasons, Mr. Hitselberger respectfully moves this Honorable Court to modify the conditions of his release to permit him to move back to his home in Ontonagon, Michigan, and eliminate drug testing as a condition of release.

Respectfully submitted,

A. J. KRAMER
FEDERAL PUBLIC DEFENDER

/s/

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ORDER

Upon consideration of James Hitselberger's Unopposed Motion to Modify Conditions of Release and finding good cause shown, it is this ___ day of _____, 2013, hereby

ORDERED that the motion is GRANTED; and it is further

ORDERED that the conditions of Mr. Hitselberger's release are MODIFIED to permit him to live at his home in Ontonagon, Michigan, with global positioning system ("GPS") monitoring under the supervision of the pretrial services in Michigan, limiting his movement to the County of Ontanagon; and it is further

ORDERED that Mr. Hitselberger shall no longer be required to submit to drug testing as a condition of release.

THE HONORABLE RUDOLPH CONTRERAS