

United States District Court for the District of Columbia

United States of America

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v.

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No. 1:21-CR-00032-DLF-1

Guy Wesley Reffitt

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Defendant's Motion to Reconsider Detention Order

Defendant Guy Reffitt moves the Court to reconsider the Order of Detention Pending Trial. Doc. 14. Previously, the Court denied Mr. Reffitt's Motion for Revocation of Detention Order (Doc. 18). Min. Ord. May 13, 2021. The government is opposed. Doc's 10, 22.

The Court should consider events that have occurred during the eight months since the hearing. First, the Court has suspended jury trials and closed the Courthouse to the public again. *See*

https://www.dcd.uscourts.gov/sites/dcd/files/Final_SO%2021-83_Postponement%20of%20Jury%20Trials%20Until%20January%2024%2C%202022_20211230.pdf (Last accessed Jan. 3, 2021).

Likewise, there has been another serious outbreak of COVID-19 at D.C. Jail. According to Eric Glover, the General Counsel to the D.C. Department of Corrections, as of December 6, 2021 there were 952 residents at the Central Detention Facility and 388 residents at the Correctional Treatment Facility. None tested positive for COVID-19, and there was one COVID-19 positive resident at DOC. However, on December 29, 2021 three residents at DOC tested positive for COVID-19, and there

were 131 COVID-19 positive residents in isolation at DOC.

During approximately the same time period, the Marshals had moved approximately half of the inmates out of D.C. Jail, because of “standing human sewage” in the toilets of inmates’ cells, water that had been shut off, mold, and flooding when it rains. See <https://wtop.com/dc/2021/12/marshals-moving-inmates-out-of-dc-jail-due-to-inhumane-conditions/> (Last accessed Jan. 3, 2021). There have also been reports that [food and water have been withheld](#) to punish prisoners. *Ibid.*

On October 26, 2021, the Court released Thomas Sibick, who is accused of assaulting police and robbery at the Capitol on January 6, 2021. 1:21-CR-00291-ABJ-1, Doc. 89. Mr. Reffitt did not assault or rob anyone.

Mr. Reffitt maintains that the following conditions of release would reasonably assure his appearance and everyone’s safety:

1. Remain in the custody of a designated person, who agrees to assume supervision and to report any violation of a release condition to the Court, if the designated person is able reasonably to assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

2. Maintain or actively seek employment;

3. Abide by specified restrictions on personal associations, place of abode, or travel;
4. Report on a regular basis to pretrial services;
5. Comply with a specified curfew;
6. Refrain from possessing a firearm, destructive device, or other dangerous weapon;
7. Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802), without a prescription by a licensed medical practitioner;
8. Undergo available medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, and remain in a specified institution if required for that purpose; and
9. Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

Considering these additional developments, continued detention would violate the Constitution. U.S. Const. amend. VIII; *see United States v. Salerno*, 481 U.S. 739, 754 (1988); *see also United States v. Munchel*, 991 F. 3d 1273 (D.C. Cir., 2021).

/s/ William L. Welch, III

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Certificate of Service

I certify that on this 3rd day of January 2021 a copy of the foregoing Defendant's Motion to Reconsider Detention Order was delivered electronically to Mr. Jeffrey S. Nestler (jeffrey.nestler@usdoj.gov) and Ms. Risa Berkower (risa.berkower@usdoj.gov), Office of the United States Attorney, 555 Fourth Street, NW, Washington, DC 20530.

/s/ William L. Welch, III

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