

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

UNITED STATES OF AMERICA

v.

RICHARD W. GATES III,

Defendant.

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Crim. No. 17-201-2 (ABJ)

**DEFENDANT RICHARD W. GATES III'S MOTION TO MODIFY RELEASE
CONDITIONS FOR LIMITED PURPOSES TO ATTEND SCHOOL SPONSORED
STUDENT-PARENT WORK EVENT, YOUTH COACHING EVENT, AND UPDATE ON
STATUS OF BAIL PACKAGE DISCUSSIONS WITH THE UNITED STATES**

Richard W. Gates III, by and through counsel, hereby moves this Court for modification of his release conditions for limited purposes so that he may participate in two family-related events this weekend. The first is a school sponsored parent event for which he committed to work as a volunteer several months ago. This event will take place on Saturday, December 9, 2017, at a location in Richmond, Virginia, one mile from Mr. Gates's residence, from 8:00 a.m. until 9:30 a.m. The second event is the first youth sporting event in which Mr. Gates is the coach of the team. The team will be participating at an event held at a church in Richmond, Virginia, four and a half miles from Mr. Gates's residence. This event will take place on Sunday, December 10, 2017, from 2:00 p.m. -3:30 p.m. Mr. Gates requests a limited release to attend these two events both occurring less than five miles from his house and for periods of less than two hours respectively. If this Court permits this limited release, Mr. Gates will promptly provide Pre-Trial Services with specific information about the events, including the times and locations and continue to comply fully with his release conditions, including his GPS monitoring.

Mr. Gates, through counsel, also seeks to update this Court as to the progress of discussions with the United States about reaching a jointly agreed upon bail package to present to this Court. This past week, the defense has presented the Office of Special Counsel (“SCO”) with two individuals who are willing to pledge real property towards securing Mr. Gates’s bail in addition to potential pledges of real property that Mr. Gates has previously provided with details described further below. Both individuals have been interviewed telephonically by the SCO respectively on Monday, December 4, 2017, and Wednesday, December 6, 2017. Counsel for Mr. Gates will present the specifics of these pledges and the identities of the pledgors under seal for this Court’s consideration when counsel files the full bail package for the court’s consideration following its discussions with the SCO. In the meantime, counsel has requested that the SCO not divulge publicly the names of these individuals out of respect for their privacy while the SCO considers their pledges. With the addition of these two potential pledgors to Mr. Gates’s bail package proposal to the SCO, the total value of Mr. Gates’s bail proposal will total in excess of his \$5 million unsecured bond. Counsel gave the SCO by hand a written proposal of the bail package on Wednesday, December 6, 2017, during a face-to-face meeting and also transmitted same by electronic mail.

It continues to be the goal of counsel to seek agreement on a bail package before presenting it to the Court and counsel believes good progress has been made especially this week with the SCO having interviewed two potential pledgors of real property. Counsel understands that this Court cannot make any major modifications to Mr. Gates’s bail conditions beyond temporary limited ones without a bail package having been presented for the court’s consideration. However, counsel submits this update to correct any misimpression that counsel for Mr. Gates has not diligently worked towards a jointly agreeable bail package.

Particularly in need of clarification and correction is the SCO's assertion made in its pleading filed on December 1, 2017 (ECF #68). In that pleading, the SCO represents to this Court that: that "the defendant has even failed to make available for inspection by the government . . . the paperwork with respect to his residence." In fact, the SCO has been in receipt of the real estate appraisal for Defendant's home since November 14, 2017, at 7:50 p.m. (the appraisal was emailed to SCO attorney Greg Andres at that time and date). Similarly, as set forth in Mr. Gates's pleading filed on November 16, 2017 (ECF #49), the SCO has been in possession of the contact information for the mortgage company holding the note on Mr. Gates's residence as previously requested by the SCO as well as a letter authorizing that mortgage company to speak with the SCO since November 8, 2017, and November 7, 2017, respectively. Also on November 14, 2017, at 7:50 p.m., the SCO was given account information for Mr. Gates's retirement accounts that he sought to make part of his bail package. Counsel for Mr. Gates believes it has worked in good faith with the SCO to provide the requested information in order to jointly finalize an acceptable bail package for Mr. Gates that it can then present to the court for consideration.

Counsel for Mr. Gates conferred with the United States prior to the filing of this motion and the United States opposes Mr. Gates's request.

WHEREFORE, Mr. Gates hereby respectfully moves this Court to modify his release conditions for limited purposes so that he can participate in a school sponsored parent-student event and fulfill his coaching duties at a youth sports event.

Respectfully submitted,

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