

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA            )     No. [REDACTED]  
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  )     )  
  )     )  
[REDACTED]                            )     )

DEFENDANT'S MOTION FOR RECONSIDERATION OF RELEASE ORDER

Now comes [REDACTED], by and through counsel, and moves the Court to reconsider its Order of [REDACTED], in which the Court denied without prejudice the defendant's motion to amend conditions of release filed on [REDACTED]. In support of this motion, the defendant states that during his guilty plea on November 2, 1998, before the Honorable [REDACTED], the government withdrew its proffered affidavit setting forth the factual basis for the defendant's guilty plea. The Court accepted defendant's guilty plea and expressly reserved making findings as to a factual basis for the plea until the defendant's sentencing hearing on [REDACTED].

In further support of this motion, the defendant asserts that a material change of circumstances affecting the defendant's release has occurred since the filing of his motion to amend conditions of release on [REDACTED]. While each component of the proposed release plan outlined in the defendant's [REDACTED] motion could continue to be viable release alternatives, the defendant also proffers as an alternative release arrangement his

placement into the third-party custody of his mother, [REDACTED], who will reside during the pendency of this case at her residence at [REDACTED].

On or about Friday, October 30, 1998, the defendant's mother, [REDACTED], took an extended leave of absence from her employment with the [REDACTED] for a period of between six and twelve months. She did so for the purpose of making herself available to the Court and to her son as an alternative third-party custodian who would be in the unique position of being able to monitor the defendant's activities 24 hours a day for the entire duration of any period of release. As noted in the defendant's motion to amend conditions of release, [REDACTED] is the fee simple owner of real property located in [REDACTED]. This property has a value of \$20,000 and is the subject of a deed of trust which has been executed by [REDACTED] on behalf of the United States of America with the Clerk of this Court designated as Trustee, and is proffered in satisfaction of that portion of this Court's original release order which required the payment of a secured bond in the amount of \$30,000. A copy of the deed of trust, preliminary title opinion, final title opinion, and certification from the Director of Revenue for [REDACTED] are attached hereto.

Counsel for the government could not be reached by telephone to ascertain her position with respect to this motion. However,

the government has previously stated that it does not object to the initial release plan set forth in the defendant's motion of October 8, 1998.

Wherefore, the defendant respectfully requests that the Court schedule a hearing for the purpose of receiving evidence and making factual findings relevant to the defendant's conditions of release, and enter an order releasing defendant into the custody of either of the proposed third-party custodians on conditions deemed acceptable to the Court.

Respectfully submitted, this the 3rd day of [REDACTED].

[REDACTED]  
Federal Public Defender

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[REDACTED]  
Assistant Federal Public Defender  
North Carolina State Bar No. [REDACTED]  
P. O. Box 400  
Greensboro, NC 27402  
(336) 333-5455

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing motion upon [REDACTED], Assistant United States Attorney for the Middle District of North Carolina, P. O. Box 1858, Greensboro, North Carolina, 27402, by hand-delivering or by mailing a copy of the same.

This the 3rd day of November, 1998.

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[REDACTED]  
Assistant Federal Public Defender

