

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 21-0090 (PLF)
	)	
NATHANIEL J. DEGRAVE,	)	
	)	
Defendant.	)	
	)	

MEMORANDUM OPINION AND ORDER

Before this Court is Defendant Nathaniel J. DeGrave's Motion for Immediate Bond Determination [Dkt. No. 36]. For the reasons set forth below, the Court will grant this motion to the extent it seeks an immediate bond determination and will deny this motion in all other respects.

Counsel for Mr. DeGrave moved orally for modification of pretrial detention and immediate release at the March 16, 2021 arraignment and initial appearance before this Court. The Court held a detention hearing on that motion on March 25, 2021. In order to give due consideration to the legal arguments raised and evidence proffered at the March 25 detention hearing, the Court did not immediately rule on Mr. DeGrave's motion and scheduled a subsequent detention hearing for April 2, 2021. See March 25, 2021 Minute Entry. At the conclusion of the March 25 detention hearing, the Court directed counsel to file any further materials they wished the Court to consider by March 31, 2021. See id.

Both sides submitted additional briefing on March 31 that addressed, among other issues, the separate criminal actions in which Ronald Sandlin and Josiah Colt, two individuals who the government describes as having engaged in concerted activity with Mr. DeGrave, are

defendants. See Government's Supplement to Opposition to Defendant's Motion for Bond [Dkt No. 19] at 1-4; Defendant Nathaniel DeGrave's Second Supplement – Application for Pretrial Release [Dkt. No. 20] at 5-6.

The Court vacated the April 2, 2021 detention hearing to await Judge Friedrich's ruling on pretrial detention with respect to Mr. Sandlin in Criminal No. 21-0088. Memorandum Opinion and Order [Dkt. No. 23] at 1-2. As the Court explained, in light of the relative culpability of Messrs. DeGrave and Sandlin as described by the government, the Court determined it was appropriate that a decision on pretrial detention be rendered with respect to Mr. Sandlin before any decision with respect to Mr. DeGrave. Id.

On April 13, 2021, Judge Friedrich ordered Mr. Sandlin detained. Order, United States v. Sandlin, No. 21-cr-88 (D.D.C. Apr. 13, 2021) [Dkt. No. 31] at 1. On April 14, 2021, the Court rescheduled the detention hearing concerning Mr. DeGrave for April 26, 2021. April 14, 2021 Minute Order. That same day, in an effort to be fair to Mr. DeGrave, the Court issued a memorandum opinion and order providing counsel the opportunity to explain the distinctions between Messrs. DeGrave and Sandlin through supplemental briefing. United States v. DeGrave, Criminal No. 21-0090, 2021 WL 1405942, at \*1-2 (D.D.C. Apr. 14, 2021). The Court held the detention hearing as scheduled on April 26, 2021, but again, in an effort to be fair to Mr. DeGrave and to afford due consideration to the additional arguments raised by his counsel at that hearing, the Court did not immediately issue a ruling.

The Court has, in fact, reached a conclusion with respect to Mr. DeGrave's request for bond and has a draft of an opinion, approximately thirty pages in length, analyzing the facts, circumstances, and applicable law in relation to Mr. DeGrave. In view of the analysis, discussion, and explanation that will be set forth in that opinion, the Court has decided to deny

Mr. DeGrave's motion for bond because the Court has found by clear and convincing evidence that "no condition or combination of conditions will reasonably assure . . . the safety of any other person and the community" if Mr. DeGrave is released pending trial. 18 U.S.C. § 3142(e)(1). It therefore is hereby

ORDERED that the defendant's Motion for Immediate Bond Determination [Dkt No. 36] is GRANTED to the extent it seeks an immediate bond determination and DENIED in all other respects; it is

FURTHER ORDERED that the defendant's oral Application for Modification of Pretrial Detention and Immediate Release is DENIED; and it is

FURTHER ORDERED that the defendant Nathaniel J. DeGrave shall be detained pending trial.

An opinion consistent with this order will follow in due course.

SO ORDERED.

/s/  
PAUL L. FRIEDMAN  
United States District Judge

DATE: May 6, 2021