

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**UNITED STATES OF AMERICA**

**v.**

**Crim. No. LKG-22-0007**

**MARILYN J. MOSBY**

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**MOTION FOR MODIFICATION OF HOME DETENTION CONDITION**

Defendant Marilyn J. Mosby, through her attorneys, hereby asks that this Court to modify her supervised release conditions—specifically, to remove her home detention condition and replace it with a curfew restriction that allows daily leave anytime between 6:00 a.m. to 9:00 p.m. This modification is necessary in light of a new job that Ms. Mosby recently secured, which will require routine travel to varying locations throughout Maryland. Without the ability to freely travel within Maryland, Ms. Mosby will be severely hindered from doing her job effectively.

Both United States Probation and the United States Attorney’s Office oppose this request. However, they fail to provide any meritorious basis for their opposition. Indeed, before Ms. Mosby even had a tentative job offer or any employment prospect, Probation Officer Rachel Snyder communicated to undersigned counsel that she had no objection to replacing home detention with a curfew restriction. And she even communicated the same to undersigned counsel after Ms. Mosby received a tentative job offer at the end August 2024. Nonetheless, just over one month later, Probation has had an inexplicable change of heart, even though the need for reduction of home detention has only greatly heightened with Ms. Mosby’s new job (as it will require her to engage in routine in-state travel to perform her duties).

The position of the United States Attorney's Office is equally inexplicable. Just one month ago, the United States Attorney's Office communicated to undersigned counsel that it was "premature" to consider a reduction in Ms. Mosby's home detention "until" her tentative job offer became final. In so stating, the United States Attorney's Office indicated that it was open to considering a reduction in Ms. Mosby's home detention once her job offer became final. But now that Ms. Mosby has received the final offer, and the need for the reduction has become particularly crucial, the United States Attorney's Office (like Probation) opposes such modification. The goal post keeps moving but without justification.

This Court should grant Ms. Mosby's motion so that she can effectively do her job. In support, undersigned counsel states as follows:

1. Ms. Mosby was convicted of two counts of perjury in violation of 18 U.S.C. § 1621 (Counts One and Three), and one count of false statement on a loan application in violation of 18 U.S.C. § 1014 (Count Four).

2. On May 23, 2024, this Court sentenced Ms. Mosby to time served on these counts, with three years of supervised release. As a condition of her supervised release, Ms. Mosby was also placed on home detention for a 12-month period, which, restricts her to her residence at all times except for **employment**, education, religious services, medical services, substance abuse treatment, mental health treatment, attorney visits, court appearances, court-ordered obligations, childcare, or other activities approved by the probation officer. Further, not only must Ms. Mosby be allowed to work under the conditions of supervised release, but she is also required to work "**at least 30 hours a week**" unless Probation excuses her from doing so.

3. As of June 20, 2024, Ms. Mosby was put on 24-hour electronic monitoring. She has been fully compliant with the home detention condition as well as all other conditions of supervised

release. She has not had a single violation, despite being on restrictive conditions for approximately three and one-half months (113 days).

4. Ms. Mosby now seeks to modify her home detention condition with a curfew restriction to permit leave from 6:00 am to 9:00 pm on a daily basis while on electronic monitoring. As of October 1, 2024, Ms. Mosby started a new job as the Director of Global Strategic Planning with a company that acquires and oversees facilities that provide mental health, substance abuse, and transitional housing services to individuals in various locations across the country. Although the company is headquartered in California, Ms. Mosby is stationed in Maryland. As part and parcel of this job, she will be required to travel to various locations within the District of Maryland on a routine basis.<sup>1</sup> More specifically, as noted in the detailed job description attached to her final offer letter, Ms. Mosby will be expected to routinely travel for three specific purposes:

- To evaluate and monitor the effectiveness of existing strategies, make recommendations for improvements as needed, which requires routine on-site visitation to current and prospective facilities.
- To establish and maintain strong collaborative relationships with external partners and stakeholders to facilitate collaboration and drive strategic partnerships with state, local, and communal stakeholders, which requires routine travel.
- To build and enhance target market collaborations and relations with community, government, and service providers, which requires routine travel.

Although the Court's judgment, as noted, already permits Ms. Mosby to leave for employment, it would become a logistical nightmare for both Probation and Ms. Mosby if she is required to seek and obtain approval every time she needs to engage in travel for work or incidental travel related to work (for example, travel to a gas station to fuel her car, a restaurant for lunch during a work break, or work

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<sup>1</sup> Ms. Mosby's new job will also periodically require her to travel outside of the District of Maryland. Ms. Mosby will seek permission from this Court when such need arises.

meetings at an off-site location).<sup>2</sup> Currently, Probation requires Ms. Mosby to provide an exhaustive schedule of every movement she plans to make outside of her home **one week in advance with little to no flexibility for change**. And even more, in this weekly schedule, Probation requires Ms. Mosby to provide every detail of every movement—including start time, end time, the activity, the purpose, and full address where the activity will take place—all of which must be verified. With Ms. Mosby's new job, this advance notice and all the details that must come with it will become unworkable, particularly because, as noted above, she will be routinely meeting with various partners and stakeholders, whose schedules she will have to accommodate. This juggling of schedules with multiple players with conflicting schedules will require flexibility—sometimes on very short notice with emergency meetings that cannot wait one-week for approval. Additionally, Probation's contact with every prospective client of the company to verify meetings could lead to devastating consequences—the loss of clients who are turned off by such meddling. Therefore, requiring Ms. Mosby to provide one-week notice for every meeting and its details (which must be verified) will greatly hinder her job—if not make it impossible.

This all becomes even more cumbersome with her children's busy schedule. If Ms. Mosby had to seek permission for all child-care needs, specifically to transport her children to and from school and after-school extracurricular activities, in between work activities, the logistical problems with home detention become even more daunting. This is true because Ms. Mosby is currently taking care of child-care needs on a weekly pre-approved schedule, but with the demands of her new job combined with any changes in her children's schedules, she will need much more flexibility because she would not be able to consistently follow the pre-approved schedule. Placing Ms. Mosby on a curfew and permitting her to freely travel during the day will avoid these logistical problems and allow her to start earning money again to offset the enormous financial costs that she has incurred since the start of her prosecution in this

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<sup>2</sup> To be clear, Ms. Mosby's new job will also require some field work during the weekends; therefore, it is important that she be permitted to travel outside of her residence on weekends too.

case. However, at the same time, it is important to note that Ms. Mosby's punishment will continue with electronic monitoring 24 hours a day, home detention outside the time periods covered by this request, and all other conditions of supervised release.

5. Probation's reasons for opposing Ms. Mosby's motion for reduction of home detention are without merit. The reasons provided to undersigned counsel are a hodgepodge of disjointed arguments that don't even logically relate to Ms. Mosby's request for modification, but rather serve as mere distractions from the real issue at hand. Most importantly, these arguments are not only incoherent, but they completely ignore the detrimental impact that will incur on Ms. Mosby's employment if her home detention hours are not reduced.

*First*, Probation asserts that Ms. Mosby initially presented her position as "remote" in ECF No. 572<sup>3</sup>, but now suggests the role involves unspecified ongoing travel. However, nothing has changed in Ms. Mosby's representation of the position. It remains a remote position, as the company is headquartered in California, but it will require routine travel within Maryland. In fact, as acknowledged by Probation, Ms. Mosby explicitly stated in ECF No. 572 that she would be "stationed in Maryland and will be required to travel to various locations within the District of Maryland on a routine basis." Therefore, Ms. Mosby clearly communicated this travel requirement from the start, and her finalized position confirms the same, as detailed in her job description attached to her final offer.

*Second*, Probation claims that "since the conversation in August regarding this position and travel, Ms. Mosby has been vague with probation." This is simply not true. Ms. Mosby has been fully transparent throughout this process. Upon receiving a tentative offer letter in August, she promptly shared it with Probation. While the details of the role were not specified in that letter, it explicitly stated

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<sup>3</sup> In this document, Ms. Mosby (with the consent of the government and Probation) requested travel to California to attend training and orientation with her employer. This Court granted the order, and this travel already occurred last week.

that a final offer with those details would follow orientation and training.<sup>4</sup> After attending orientation and training in California last week, Ms. Mosby received the final offer letter, which included her job title, salary, employer, department, reporting structure, effective start date, the company's mission, 32 detailed duties and responsibilities, and expected travel requirements. Ms. Mosby provided this letter to Probation through her attorney on the morning of October 7th (Monday morning), the first business day upon her return to Maryland on October 5th (Saturday morning). Given that Probation has stated that it will not address weekend communications until the next business day, this disclosure was prompt. To further ensure clarity, undersigned counsel highlighted 3 out of 32 job descriptors that were related to travel. Therefore, it is simply wrong to claim that Ms. Mosby has been vague. To the contrary, she has fully complied with all required disclosures.

*Third*, Probation complains that Ms. Mosby “prefers to communicate through her attorney on supervision matters rather than contact this officer directly.” But this is irrelevant. Whether Ms. Mosby communicates directly with Probation or through her attorney has no bearing on whether she should be permitted to freely travel to effectively fulfill her job duties. For the past three and-a-half months on home detention, all communications regarding potential adjustments to Ms. Mosby’s supervised release terms have been managed through her attorney, to ensure clarity. Consistent with this practice, her attorney promptly (on the first business day of Ms. Mosby’s return from California) asked Probation for its position on the curfew modification and provided her final offer letter for verification. This process is neither unusual nor improper, and it does not justify denying Ms. Mosby’s request for a reduction in her home detention hours.

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<sup>4</sup> As clearly outlined in the tentative job offer—reviewed and approved by probation—the third bullet of the contingency of employment section provides that “[t]he official offer of employment will outline and finalize the business objectives, performance metrics, title, and salary requirements.”

*Fourth*, Probation says that Ms. Mosby declined to provide information about the final offer letter. But this statement is not true. Ms. Mosby has never declined to provide information regarding her employment (or anything else) to Probation. Although it was Ms. Mosby's attorney (rather than Ms. Mosby herself) who sent Probation the final job offer letter on Ms. Mosby's behalf, Ms. Mosby never refused to provide Probation with the offer letter or any information about the job.<sup>5</sup> To the contrary, Ms. Mosby affirmatively provided Probation with the letter through her attorney on the first business day following her return from California.

*Fifth*, Probation asserts that Ms. Mosby declined to provide a home detention schedule for this week. But Ms. Mosby did not submit a weekly schedule because she has no plans to leave her residence this week (as her children, who typically require transportation, are not with her this week). To characterize this as a refusal is misleading, as there was no need for travel this week. Furthermore, this rationale should have no bearing on Ms. Mosby's motion to modify the conditions of her confinement because it is irrelevant to her ability to fulfill her employment duties.

*Sixth*, Probation claims that Ms. Mosby has violated the standard condition of supervised release requiring her to notify her probation officer of any change in employment—including location, position, and job responsibilities—at least 10 days prior to the change. Specifically, Probation reflects that Ms. Mosby's tentative offer letter indicated a projected start date of October 16, 2024, while the final offer letter lists a start date of October 1, 2024. However, by no means, do these facts give rise to a violation. The tentative job offer letter only provided an "anticipated" (i.e., estimated) start date, and Ms. Mosby's actual start date was only finalized last week upon receiving her final job offer. Therefore, it was impossible for Ms. Mosby to inform Probation of the October 1st start date 10 days in advance, when that date had not yet been confirmed. Ultimately, the key issue at hand is whether the condition of home

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<sup>5</sup> In fact, Probation never even asked Ms. Mosby for the offer letter before her attorney provided it

detention should be replaced with a curfew restriction to allow Ms. Mosby to perform her job effectively—not whether she provided a 10-day notice of her employment start date.

*Seventh*, Probation asserts that Ms. Mosby has yet to begin her 100 hours of community service, and has now directed her to provide a community service site and initiate hours before Probation will consider any future travel requests or modifications. However, Ms. Mosby has seven more months remaining on her supervision to complete these hours. As long as she fulfills this requirement by the end of that period, she remains in compliance. Ms. Mosby's primary focus to date has been to find employment (which has proved to be difficult under her restrictive conditions). But she has every intention of fulfilling her community service commitment during her down time away from work and her children.

More importantly, Probation should not use community service as a tool to hinder Ms. Mosby's ability to fulfill her employment responsibilities (which will include travel and modification requests when necessary to effectively carry out her job). Indeed, Probation never raised this concern previously when it agreed to reduce Ms. Mosby's home detention (even before Ms. Mosby had any employment prospects), and it should not be a concern now, particularly when Ms. Mosby is just starting a new job.

*Eighth*, Probation contends that Ms. Mosby would still need permission from this Court for out-of-district travel for employment purposes. While that is correct, it is again irrelevant to the current request. Ms. Mosby fully intends to seek Court approval for any out-of-district travel, but that should not hinder her ability to travel freely within Maryland to effectively carry out her job. Probation's focus on out-of-district travel is yet another distraction that has nothing to do with the request for modification of her home detention condition.

*Ninth*, Probation persists that the current conditions of supervision should remain in place until it fully understands Ms. Mosby's role and she maintains employment for a sustained period of time.

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to Probation; therefore, it logically follows that she could not have declined Probation's non-request.



However, this reasoning overlooks three key points: (1) Ms. Mosby has already accepted employment, (2) her duties are thoroughly outlined in a detailed 32-bullet-point job description (leaving nothing unclear) and (3) in order for her to successfully maintain employment and effectively perform her job, she must have the ability to travel freely within the district.

In conclusion, it is imperative that this Court replace Ms. Mosby's home detention condition with a curfew restriction so that she can effectively work the "at least 30 hours" required under the conditions of her supervised release, pay her bills, and support her family after the financial devastation that she has faced since her prosecution. Failing to reduce her hours of home detention will jeopardize her employment, her livelihood, and her family's well-being.

**WHEREFORE**, undersigned counsel respectfully requests that this Court modify Ms. Mosby's conditions so that her home detention is reduced to a curfew restriction that allows her to leave her residence from 6:00 am to 9:00 pm on a daily basis and freely travel within the District of Maryland during those hours while being electronically monitored at all times. A proposed order is attached.

Respectfully submitted,

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Defendant

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**ORDER**

Upon consideration of Marilyn J. Mosby's Motion for Modification of Home Detention Condition, it is this \_\_\_\_\_ day of \_\_\_\_ 2024, hereby:

**ORDERED**, that the motion is **GRANTED**; and it is further

**ORDERED**, that as part of her supervised release conditions, Ms. Mosby's home detention condition is removed and replaced with a curfew restriction that allows her to leave her residence from 6:00 am to 9:00 pm on a daily basis and freely travel to within the District during those times while being electronically monitored at all times; and

**ORDERED**, that all other conditions remain in full force and effect.

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Hon. Lydia Kay Griggsby  
United States District Judge