

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CASE NO. 25-cr-00075-NYW

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUCY GRACE NELSON,

Defendant.

UNOPPOSED MOTION TO VACATE MOTIONS HEARING

Ms. Lucy Grace Nelson (hereafter “Ms. Nelson”), by and through her counsel, Assistant Federal Public Defenders Mary V. Butterson, Stephanie Snyder, and Amy Senia, hereby respectfully requests that the Motions Hearing currently set for October 27-28, 2026, be vacated. Ms. Nelson further requests that the hearing be reset after receipt of all materials from Flock Inc., as ordered in the served subpoena *duces tecum*, or completion of litigation related to that subpoena, whichever is sooner. In support of this request, Ms. Nelson states as follows:

1. Ms. Nelson has filed pretrial motions in this matter, including a Motion to Suppress Evidence and a Motion to Dismiss. Docs. 52, 54. The Court has set hearings on both motions for October 27 – 28, 2026; these hearings are set in conjunction with similar motions filed in *United States v. Frederick*, 25-cr-00105-NYW. Docs. 60, 91.
2. The Motion to Suppress involves the use of Flock cameras and software in Ms. Nelson’s case. Ms. Nelson (and Mr. Frederick) has been awaiting materials anticipated from Flock Inc. (“Flock”) pursuant to a subpoena *duces tecum*, with a return date of October 20, 2026, at 12:00 p.m. Doc. 85. Undersigned counsel was contacted by counsel for Flock on Thursday, October 15; initially, that counsel offered to produce a limited series of documents and provide courtesy

copies of those to Ms. Nelson's team for initial review to determine how best to move forward. As early as the morning of Monday, October 19, 2026, Flock's counsel assured undersigned counsel via email that a partial production was forthcoming that day but that they were having "formatting issues" delaying the production. After hearing nothing all day, undersigned counsel reached out to Flock's counsel for an update a bit after 5:00 p.m. MDT. At 8:40 p.m. MDT, counsel for Flock contacted undersigned counsel and, for the first time, raised the issue of a prospective protective order for the limited production of materials, and indicated its intention to dispute any additional production as required by the subpoena. As of this morning, it is undersigned counsel's understanding that Flock does not intend to comply with the subpoena by today's return date; instead, they intend to ask the Court to extend their deadline to file a motion to quash and/or modify the subpoena.

3. Given the forthcoming litigation surrounding this subpoena – and more importantly, because materials necessary to fully litigate the Motion to Suppress are outstanding, Ms. Nelson cannot fully prepare for the October 27-28 hearing. She respectfully requests that the hearing be vacated, to be reset after Flock fully complies with the subpoena or when litigation around the subpoena is resolved, whichever is soonest.
4. Ms. Nelson would also ask that the argument on the Motion to Dismiss, scheduled for the same date and time as the Motion to Suppress, be continued commensurate with the Motion to Suppress, to allow the parties to dedicate all available resources to resolving the issues with Flock as quickly as possible.
5. Undersigned counsel has conferred with the Government, through Assistant United States Attorney Michael Houlihan, who has no objection to this request.

WHEREFORE, Ms. Nelson, through her counsel, hereby respectfully requests that the Motions Hearing currently set for October 27-28, 2026 be vacated.

Respectfully submitted,

MATTHEW K. BELCHER
Federal Public Defender

s/ Mary V. Butterton
MARY V. BUTTERTON
Assistant Federal Public Defender

s/ Stephanie Snyder
STEPHANIE SNYDER
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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2026, I filed the foregoing *Unopposed Motion to Vacate Motions Hearing* with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following email addresses:

Bryan Fields, Assistant United States Attorney
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I hereby certify that I have mailed or served the document or paper to the following participant in the manner (mail, hand-delivery, etc.) indicated next to the participant's name:

Lucy Grace Nelson (via U.S. mail)

s/ Mary V. Butters
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