

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 1:24-CR-00224-LLA
v.	:	
	:	
NICHOLAS ORTT,	:	
	:	
Defendant.	:	

UNITED STATES MOTION FOR A HEARING TO REVOKE RELEASE ORDER

The United States of America, by and through its undersigned attorney, respectfully moves the Court pursuant to 18 U.S.C. § 3148(b) to hold a hearing for defendant Nicholas Ortt for violating the terms of his release, to revoke his release order, and detain him pending sentencing proceedings in this matter.

On May 23, 2024, Nicholas Ortt pled guilty to one count of assaulting, resisting, or impeding officers at the United States Capitol on January 6, 2021. Following the plea hearing, the Court allowed Ortt to remain on release pending sentencing subject to Ortt’s previously imposed release conditions. Under these conditions, Ortt could not violate any federal, state, or local law while on release and must abide by a daily curfew from 1 a.m. to 3 a.m. (ECF 7)

On Thursday June 14, 2024, at approximately 3 a.m. Maryland State Police Trooper First Class Donte Young was driving southbound on Route 29, prior to the exit for Route 100, in Howard County, Maryland. Trooper Young observed a Hyundai Tucson stopped in “Lane 1.” Trooper Young observed a tractor trailer narrowly avoid a collision with the stopped vehicle. In response, Trooper Young activated his emergency lights and conducted a traffic stop of the Hyundai Tucson.

Nicholas Ortt was the driver and sole occupant of the vehicle. Ortt advised Trooper Young that he was in route to Mt. Airy Maryland. However, Ortt’s current location on Route 29 was not a logical route to this location. Ortt presented a Maryland identification card but was not

licensed to drive. Trooper Young conducted several field sobriety tests that indicated Ortt was driving under the influence of alcohol. Ortt refused a preliminary breath test and blood alcohol concentration breath test. Trooper Young arrested Ortt, charging him with driving under the influence, driving without a license, and related offenses. Trooper Young eventually released Ortt to the custody of his girlfriend later in the evening.

Under 18 U.S.C. § 3148(a), “[a] person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release.” Upon the government’s motion to revoke a release order, such as the instant motion, “[a] judicial officer may issue a warrant for the arrest of a person charged with violating a condition of release.” 18 U.S.C. § 3148(b). Once before the Court,

[t]he judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer –

(1) finds that there is – (A) probable cause to believe that the person has committed a Federal, State, or local crime while on release; or (B) clear and convincing evidence that the person has violated any other condition of release; and

(2) finds that – (A) based on the factors set forth in section 3142(g) . . . , there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community; or (B) the person is unlikely to abide by any condition or combination of conditions of release.”

Id.

Under paragraph #9 of the plea agreement between the parties, Ortt was on notice that the Government:

“[M]ay move to change your client’s conditions of release, including requesting that your client be detained pending sentencing, if you client engaged in further criminal misconduct prior to sentencing.”

The Maryland State Police arrested Ortt for numerous crimes at approximately 3 a.m. on June 14, 2024, in violation of his release conditions. Accordingly, under 18 U.S.C. § 3148(b) the Government respectfully asks this Court to hold a hearing for defendant Nicholas Ortt for

violating the terms of his release, to revoke his release order, and detain him pending sentencing proceedings in this matter.

Respectfully submitted,
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By: /s/ Eli J. Ross

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