

1 Robert R. Fischer
FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
2 10 North Post, Suite 700
Spokane, Washington 99201
3 (509) 624-7606

4 Attorneys for Defendant

5
6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE FRED VAN SICKLE)
7

8	UNITED STATES OF AMERICA,)	
)	
9	Plaintiff,)	13-CR-00024-FVS-2
)	
10	vs.)	MOTION TO MODIFY
)	ORDER ON RELEASE
11	LARRY LESTER HARVEY,)	CONDITIONS
)	
12	Defendant.)	06/02/2014 @ 6:30 p.m.
)	Without Oral Argument

13 TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY
EARL A. HICKS, ASSISTANT UNITED STATES ATTORNEY
14

15 LARRY LESTER HARVEY, through counsel, Robert R. Fischer for
16 the Federal Defenders of Eastern Washington and Idaho, respectfully
17 moves the court to modify his conditions of pretrial release and permit
18 him to travel outside the Eastern District of Washington.

19 On February 27, 2013, the Court entered an Order setting
20 conditions of pretrial release. Mr. Harvey executed a \$75,000.00
21 unsecured appearance bond in the event of his failure to appear at as
22 required by the court. Since his release (he had been incarcerated for
23

24 MOTION TO MODIFY
ORDER ON RELEASE CONDITIONS

1 approximately two weeks) he has been at every court appearance and
2 has otherwise dutifully obeyed and conformed to all other conditions set
3 by the court. One of the conditions is that he remain in the Eastern
4 District of Washington.

5 Mr. Harvey would like to travel to Washington, D.C. to meet with
6 Senator Patty Murray in a pre-arranged meeting to take place
7 Wednesday, June 4, 2014. Senator Murray is interested in talking to
8 Mr. Harvey before the Senate votes on Amendment 25 to the Commerce,
9 Justice & Science (CJS) appropriations bill. Mr. Harvey would travel to
10 Washington D.C. on Tuesday morning and return Thursday evening. He
11 will be accompanied by Ms. Keri Boiter of "Americans for Safe Access"
12 who has arranged the meeting. Mr. Harvey's accommodations are paid
13 for by Ms. Boiter's organization.

14 Mr. Harvey called the undersigned's assistant this morning and
15 advised of the meeting with Senator Patty Murray. USPO Matt
16 Thompson has no objections to this request. AUSA Earl Hicks has
17 objected to this request.

18 Mr. Harvey seeks to have his pretrial conditions of release modified
19 to allow travel outside the Eastern District of Washington from June 3,
20 2014 to June 5, 2014. Mr. Harvey will advise the United States
21 Probation Office of his specific travel plans to include his
22 accommodations and travel information.

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24 MOTION TO MODIFY
ORDER ON RELEASE CONDITIONS

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Dated: June 2, 2014

Respectfully Submitted,

s/ Robert R. Fischer
WA 21839
Counsel for Mr. Larry Harvey
Federal Defenders of
Eastern Washington and Idaho
10 North Post, Suite 700
Spokane, Washington 99201
Telephone: (509) 624-7606
Fax: (509) 747-3539
Email: Robert_Fischer@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: EARL A. HICKS, Assistant United States Attorney.

s/ Robert R. Fischer
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Attorneys for Mr. Larry Harvey
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1 MICHAEL C. ORMSBY
2 United States Attorney
3 Eastern District of Washington
4 Earl A. Hicks
5 Assistant United States Attorney
6 Post Office Box 1494
7 Spokane, WA 99210-1494
8 Telephone: (509) 353-2767

9 UNITED STATES DISTRICT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 LARRY LESTER HARVEY,

15 Defendants

Case No.: 13-CR-00024-FVS-2

United States' Response to
Defendant's Motion to Modify Order
on Release Conditions

16
17
18 Plaintiff, United States of America, by and through MICHAEL C.
19 ORMSBY, United States Attorney for the Eastern District of Washington, and Earl
20 A. Hicks, Assistant United States Attorney for the Eastern District of Washington,
21 submits the following response to Defendant's Motion to Modify Order on Release
22 Conditions (ECF No. 385).
23

24
25 The United States strongly objects to the Defendant leaving the Eastern
26 District of Washington to go to Washington, D.C. to meet with Senator Patty
27 Murray . The Defendant has previously left the District to go to Washington, D.C.
28

United States' Response to Defendant's Motion to Modify Order on Release
Conditions – 1

1 to appear before politicians to discuss the alleged facts of his case. There is no
2 further need for him to travel and be treated specially as compared to others on
3 supervised release in this district. Pursuant to the Order Setting Conditions of
4 Release (ECF No.108 at page 4) the Defendant is required to remain in the Eastern
5 District of Washington while the case is pending unless there is a showing of
6 necessity. The United States submits that there is no necessity in the Defendant
7 going to Washington, D.C. with a special interest group and lobbying for the
8 passage of an appropriations bill. The Defendant and the lobbying group he is
9 going with have consistently misrepresented the facts of this case to the press, on
10 the internet (where the Defendant is soliciting funds) and to Congress. The
11 government assumes that both he and Senator Murray have telephones and can
12 discuss this issue over the telephone. The statements that the Defendant is making
13 could and probably will be used against him at trial.

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20 . Dated: June 2, 2014.

21 MICHAEL C. ORMSBY
22 United States Attorney

23
24 s/ Earl A. Hicks
25 Earl A. Hicks
26 Assistant United States Attorney
27
28

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Robert R. Fischer
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Spokane, WA 99201

s/ Earl A. Hicks
Earl A. Hicks
Assistant United States Attorney

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4 Attorneys for Defendant

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6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE FRED VAN SICKLE)
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8	UNITED STATES OF AMERICA,)	13-CR-00024-FVS-2
)	
9	Plaintiff,)	REPLY TO GOVERNMENT'S
)	RESPONSE ON DEFENDANT'S
10	vs.)	MOTION TO MODIFY ORDER
)	ON RELEASE CONDITIONS
11	LARRY LESTER HARVEY,)	
)	
12	Defendant.)	
)	

13 TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY
EARL A. HICKS, ASSISTANT UNITED STATES ATTORNEY
14

15 LARRY LESTER HARVEY, through counsel, Robert R. Fischer for
16 the Federal Defenders of Eastern Washington and Idaho, respectfully
17 submits the following reply to the Government's Response to Defendant's
18 Motion to Modify Order, ECF No. 390.

19 Mr. Harvey is neither a risk of flight, nor a danger to the
20 community. Denying him the right to travel to Washington, D.C. to talk
21 with Senator Patty Murray about defunding DOJ's prosecution of
22 medical marijuana cases in states where it is legal, is simply not
23 advancing the purposes of Section 3742 and denies Mr. Harvey's right of

1 free speech under the First Amendment.

2
3 Dated: June 2, 2014

4 Respectfully Submitted,

5 s/ Robert R. Fischer
6 WA 21839
7 Counsel for Mr. Larry Harvey
8 Federal Defenders of
9 Eastern Washington and Idaho
10 10 North Post, Suite 700
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