

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

UNITED STATES OF AMERICA

v.

CRIMINAL NO: SAG-23-0123

CHARLES A. JENKINS,

Defendant

...0000000...

**RESPONSE TO GOVERNMENT'S OPPOSITION TO DEFENDANT'S
APPEAL OF DENIAL OF REQUEST TO AMEND CONDITIONS OF RELEASE**

Defendant Charles A. Jenkins, by and through undersigned counsel, hereby replies to the government's opposition to Sheriff Jenkins' appeal of denial of his request to amend conditions of release. ECF 57. The defendant states as follows:

1. The government has responded to the defendant's appeal of the magistrate's denial of his request to be able to carry his service firearms. ECF #57. The government's response is almost a verbatim repeat (including footnotes) of the motion the government filed in opposition to the defendant's request, ECF #46, filed with the Honorable Beth P. Gesner.¹ The defendant only seeks herein to respond to the new points made in the current motion. Most significantly and surprisingly, however, the government has doubled down on their argument that the strength of their case is not relevant to the Court's consideration. Title 18 U.S.C. § 3142(g) expressly says otherwise. As the

¹ See, ECF #41, The defendant's motion to amend conditions of release; ECF #46, the government's opposition; ECF #48, Judge Gesner's denial of the defendant's motion; ECF #51, the defendant's notice of appeal and supporting memorandum.

defendant argued in his memorandum in support of this appeal, the magistrate had no way of knowing anything about the strength or weakness of the government's case. In contrast, this Court is in a much better position to evaluate the defendant's request against the strength of the government's case and honor the requirements of § 3142(g). The defendant submits this element militates in favor of the defendant.

2. The government added to its original argument - that Sheriff Jenkins does not need his firearm - by casting doubt on whether Sheriff Jenkins has resumed his full activities in his capacity as Sheriff of Frederick County. As an officer of the court, counsel can unequivocally confirm that after several days of sitting on the side lines, Sheriff Jenkins resumed his constitutional obligation to the citizens that he serves. The implication that counsel is not being truthful with the Court is offensive, but if the government would like a sworn affidavit to satisfy their doubts, we will oblige.

3. The government further added to their argument two examples of deputy sheriffs charged with crimes in Frederick County circuit court who were stripped of their service weapons pending trial. Both these cases alleged violent crimes and are from 2013 and 2014. In response, the defendant directs this Court to the pending matter of *United States v. Scott Jenkins*, 3:23CR 00011-1, the Sheriff of Culpeper County, in the Western District of Virginia. (There is no relation between these men.) Sheriff Scott Jenkins has been indicted with several others for accepting bribes in excess of \$70,000, essentially selling deputy sheriff positions which allowed these men to possess firearms in all 50 states without obtaining a permit. Sheriff Scott Jenkins appeared in court on June 29, 2023. He was released by the Honorable Joel C. Hoppe, Magistrate Judge, not only

without limitation on his right to possess a firearm, but the magistrate added, “The defendant shall ensure that all firearms in his residence are secured in locked storage during any home visit by pretrial officer.” Sheriff Scott Jenkins continues to serve in his capacity as Sheriff of Culpeper County pending trial. In the present matter, Sheriff Charles Jenkins had already removed all firearms from his home prior to his initial appearance. They are secured with a family member and beyond Sheriff Charles Jenkins’ ability to possess them. *See Exhibit 1*, Order Setting Conditions of Release for Scott Jenkins, attached as Exhibit 1.

WHEREFORE, for the reasons asserted in the defendant’s Memorandum filed in support of this appeal, ECF #51, and the arguments contained above, the defendant respectfully requests that he be permitted to carry his service weapons for his own protection and to protect the citizens of Frederick County, Maryland.

Respectfully submitted,

SILVERMAN/THOMPSON/SLUTKIN/WHITE

/s/Andrea L. Smith

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2023, a copy of the foregoing Response to Government's Opposition to Defendant's Appeal of Denial of Request to Amend Conditions of Release was filed via ECF causing copies to be sent to all parties of record.

/s/

Andrea L. Smith