

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

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO: SAG-230-0123

CHARLES A. JENKINS,

*

Defendant

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DEFENDANT’S MOTION TO AMEND CONDITIONS OF RELEASE

Defendant, Charles A. Jenkins, by and through undersigned counsel, hereby moves this Honorable Court to amend the Conditions of his pre-trial release to permit him to possess his two (2) department issued duty weapons. In support of this Motion, the Defendant provides the following:

1. Charles Austin Jenkins, is the elected Sheriff of Frederick County, Maryland, where he is currently serving his fifth term of office,
2. The office of Sheriff is one that is provided for in the Maryland Constitution, which requires that each county and Baltimore city elect a Sheriff.¹
3. The duties of a Maryland Sheriff include the enforcement of laws, the arrest of offenders, the service of process and the return of impartial juries. In addition, the Frederick County

¹ “There shall be elected in each county and in Baltimore City one person, resident in said county or City, above the age of twenty-five years, and for at least five years preceding his election a citizen of the State, to the office of Sheriff. He shall hold office for four years, until his successor is duly elected and qualified, give such bond, exercise such powers and perform such duties as now are or may hereafter be fixed by law.” Md. Constitution, Art. 4, § 44

Sheriff's Office (FCSO) is involved in the security of the Frederick County Courthouse and the operations of the Frederick County Adult Detention Center.

4. Sheriff Charles Jenkins has been indicted in five counts of a six-count Indictment which alleges a conspiracy, and four additional substantive counts related to Sheriff Jenkins' signing five law letters, ultimately used by a business, The Machine Gun Nest (TMGN), to obtain machineguns for rental by the customers.
5. The co-defendant in this case is Robert Justin Krop, a Federal Firearms Licensee (FFL) who owns TMGN with his wife, Stephanie Krop.
6. Sheriff Jenkins does not have any ownership interest of any kind in TMGN, nor has the Government alleged such a relationship.
7. The Government has provided the following as an outline to the allegations against each of the defendants, which Sheriff Jenkins agrees is an accurate overview of the charges pending against himself and Robert Krop ²:

DEFENDANT(S)	CT.	STATUTE	DESCRIPTION
Charles A. Jenkins Robert J. Krop	1	18 U.S.C. § 371	Conspiracy to Defraud the United States
	2	18 U.S.C. § 922(a)(6)	False statement during purchase of a firearm
	3	18 U.S.C. § 924(a)(1)(A)	False statements in Records FFLs are required to maintain
	4&5	18 U.S.C. § 1001	False statements to federal agency
Robert J. Krop	6	18 U.S.C. § 921(a)(23) 18 U.S.C. § 922(0) 26 U.S.C. § 5845(b)	Unlawful possession of machineguns

8. Of significance to this motion, Sheriff Jenkins is not charged with Count 6, unlawful

² Identical chart appears as a demonstrative aid in the Government's pleading, *United States' Omnibus Opposition to Defendant's Pretrial Motion*, p. 7.

possession of the machineguns.

9. On April 12, 2023, Sheriff Jenkins appeared before this Court for an arraignment, where he pled not guilty and was released on personal recognizance.
10. The Court, pursuant to 18 U.S.C. § 3142 (c) (1) (B) (viii), directed that Sheriff Jenkins ‘refrain from possession a firearm, destructive device, or other dangerous weapon.’
11. Sheriff Jenkins continues to work daily, fulfilling his Constitutional Duty as the elected Sheriff of Frederick County. He does this without his server pistol, at great personal risk to himself. Over the course of his tenure as Sheriff, Sheriff Jenkins has been the target of several threats of serious injury and death.
12. It is understood, through information and belief, that while Sheriff Jenkins’ co-defendant, Robert Krop has been ordered by the Court to refrain from both entering his business at TMGN and possessing a firearm, Krop’s wife, Stephanie Krop, is still permitted to possess her firearms in the same home where Mr. Krop resides.
13. 18 U.S.C. § 3142 (c) (1) (B) mandates that the Court should impose “the least restrictive further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community.”
14. As part of his April 12, 2023 release, Sheriff Jenkins has also been supervised by Scott Holtzer of the United States’ Probation Office.
15. Sheriff Jenkins maintains his innocence of these charges and will continue to do so throughout a trial in this matter. Counsel for Sheriff Jenkins has reviewed more than 2,000 pages of discovery and various recorded witness interviews. Counsel has yet to discover *any* evidence to support the government’s allegation that Sheriff Jenkins

knowingly and willfully committed any crime. Recently in a hearing before the Honorable Stephanie Gallagher, related to the question of severance, Government counsel stated on the record in response to this lack of evidence, that the Government had ‘theories’ with regards to the evidence against Sheriff Jenkins.

16. As such, Sheriff Jenkins requests permission to have the conditions of his release amended to permit him to have possession of his two duty issued firearms: a Sig Sauer Model P239, 9mm, s/n SBU000908 and a Sig Sauer Model P320X, 9 mm, s/n 58J354496. The former is for his duty uniform and the latter is for plain clothes.
17. Amending the conditions of Sheriff Jenkins release will not endanger the public, but will provide greater protection to the public, as it will ensure that the citizens of Frederick County have their chief law enforcement officer positioned to protect both his safety and theirs while this matter is pending.

WHEREFORE, it is respectfully requested that this Honorable Court amend the conditions of release to permit Sheriff Charles Jenkins to have possession of his two duty issued firearms, as outlined in paragraph 16.

The Defendant requests a hearing on this matter.

Respectfully submitted,

ETHRIDGE, QUINN, KEMP, ROWAN &
HARTINGER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 2023, a copy of the foregoing motion was filed via ECF causing copies to be sent to all parties of record.

By /s/ Margaret A. Teahan
Margaret A. Teahan, Esquire