

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

UNITED STATES)	
)	Case No. 3:22-cr-00327-4
v.)	Judge Trauger
)	Magistrate Judge Holmes
COLEMAN BOYD)	

ORDER MODIFYING CONDITIONS OF RELEASE

A hearing on the petition for action on conditions of pretrial release filed on December 9, 2022 (Docket No. 216) was held on December 20, 2022. The defendant Coleman Boyd appeared with counsel, Kerry Haymaker. Also appearing was Assistant U.S. Attorney Amanda Klopf for the United States, along with U.S. Pretrial Services officer Douglas Murphy.

The Court was advised that the defendant, the United States, and Pretrial Services reached an agreement for modification of the conditions of the defendant's pretrial release to address the issues raised in the petition but without adjudication of the alleged violations. Accordingly, the Court will take no further action on the petition with reservation for Pretrial Services to include the alleged circumstances in any future petition for actions on conditions of pretrial release.

To provide context for the modified conditions, the Court notes that, among the conditions of release for the defendant and all other co-defendants in this proceeding is a location restriction that prohibits each defendant from entering or being within a specified distance from any building or the "curtilage" of any building in which a reproductive health services (or women's health services) facility is located without prior approval of Pretrial Services. This condition is the subject of the December 9 petition. Upon further consideration of this condition, it is apparent that the term "curtilage" lends itself to differing definitions and interpretations and therefore creates the

possibility of unintended noncompliance, as well as difficulty in enforcement.¹ Accordingly, pursuant to 18 U.S.C. § 3142(c)(3), the Court modifies the conditions of the defendant's pretrial release by deleting the referenced existing location condition, which is currently found in Condition 7(g), *see* Docket No. 28-4 at 2, and adding the following separate condition:

The defendant must not enter any building in which a facility that provides reproductive health services is located, must not be within 100 feet of any entrance of any such building, and must not be in any parking lot that directly services any such building, without prior approval of Pretrial Services.

Additionally, Condition 7(g) is modified by replacing it with the following condition:

The defendant must avoid all contact, directly or indirectly, with any person who is or may become a victim or witness in the investigation or prosecution of this case, including co-defendants, except that the defendant may have contact with co-defendants who are family members or close friends, but not about this case.

Additionally, Condition 7(f) is modified by replacing it with the following condition:²


The defendant must remain in the State of Mississippi at all times during the pendency of this proceeding except to travel to the Middle District of Tennessee for court proceedings unless special permission is obtained from Pretrial Services in advance. The defendant must request permission from Pretrial Services at least seven (7) days in advance of the requested travel and must provide Pretrial Services with descriptive details of the specific purpose and nature of the travel and the dates of travel. The notification to Pretrial Services must also include: (i) the means by which the defendant will travel and, if by air, confirmation of flights; (ii) the address of the location where the defendant will reside during the travel and, if commercial lodging, confirmation of booking; and, (iii) the address of any event(s) that the defendant will be attending during the travel, including whether a reproductive or women's health facility is located at the address.

¹ To be clear, this is not the travel restriction that limits where the defendant may travel. This is, as described, the separate and additional location restriction that prohibits the defendant from entering or being within a specified distance from any building.

² The Court has provided additional clarification in this modified condition to reasonably assure the defendant's understanding and for ease of compliance.

All other conditions of release previously imposed and not modified herein remain unchanged and in full force and effect.

It is SO ORDERED.


BARBARA D. HOLMES
United States Magistrate Judge