

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	No. 4:19CR00031 DPM
)	
GILBERT R. BAKER)	

MOTION TO AMEND CONDITIONS OF RELEASE

Through his counsel, J. Blake Hendrix and Annie Depper of Fuqua Campbell, P.A, Baker moves the Court to amend the conditions of his release to remove the condition of substance abuse testing; to remove the condition to not use alcohol at all; to add the condition that he not use alcohol excessively; and, to add Susan Baker has a third-party custodian.

1. The Bail Reform Act states, “If a person is ordered released by a magistrate judge . . . the person may file, with the court having original jurisdiction over the offense, a motion for amendment of the conditions of release.” *18 U.S.C. §4145(a)(2)*.

Baker was ordered released on January 24, 2019. *Doc. 13*. In addition to the standard conditions of release, the court imposed several additional release conditions. Relevant to this motion are the conditions to not use alcohol at all (Condition(7)(l)); to submit to testing for a prohibited substance (Condition 7(n)); and, to participate in inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services officer (Condition 7(o)).

Baker successfully completed a 30-day inpatient treatment program, and he has since received outpatient counseling. He has been subject to random prohibited substance testing and has been the subject of a violation report involving alcohol in which no action was requested. He has otherwise been in compliance with all release conditions.

2. Baker moves the court to amend the conditions of release to remove the condition that he not use alcohol at all, add the condition that he not use alcohol excessively, and remove the condition of testing for prohibited substances. To give the court a reasonable assurance that Baker will abide by the conditions, he asks that the court continue the condition that he participate in outpatient substance abuse counseling and that the court appoint Baker's wife, Susan, as his third-party custodian. Counsel have explained the requirements of a third-party custodian to Mrs. Baker, in particular that she must report any excessive alcohol use. Mrs. Baker supports the condition, and she is prepared to affirm her obligations to the court.

For these reasons, Bakers asks that the court amend the conditions of his release.

Respectfully submitted by,

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