

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-3034

September Term, 2020

1:21-cr-00222-TFH-2

Filed On: August 9, 2021

United States of America,

Appellee

v.

George Pierre Tanios,

Appellant

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson, Rogers, and Walker, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and facts filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. It is

ORDERED and ADJUDGED that the district court's May 12, 2021 order be reversed and the case remanded for the district court to order appellant's pretrial release subject to appropriate conditions, including home detention and electronic monitoring. On this record, we conclude that the district court clearly erred in determining that no condition or combination of conditions of release would reasonably assure the safety of the community. See *United States v. Munchel*, 991 F.3d 1273, 1282 (D.C. Cir. 2021).

Although appellant has not shown that the district court applied a presumption of detention in contravention of the Bail Reform Act and precedent, see *United States v. Khater*, No. 21-3033, Judgment at *2 (D.C. Cir. July 27, 2021) (per curiam), the district court clearly erred in its individualized assessment of appellant's dangerousness. The record reflects that Tanios has no past felony convictions, no ties to any extremist organizations, and no post-January 6 criminal behavior that would otherwise show him to pose a danger to the community within the meaning of the Bail Reform Act. Cf. *Munchel*, 991 F.3d at 1282-84 (remanding pretrial detention orders where the district

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court did not demonstrate it adequately considered whether the defendants present an articulable threat to the community in light of the absence of record evidence that defendants committed violence or were involved in planning or coordinating the events of January 6).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Scott H. Atchue
Deputy Clerk