

PS 8
(5/05)

**UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS**

United States of America

vs.

Steve Waithe

Docket No. 0101 1:21CR10342

PETITION FOR ACTION ON CONDITIONS OF PRETRIAL RELEASE

The undersigned U.S. Probation and Pretrial Services Officer presents this report regarding defendant Steve Waithe , who was placed under pretrial release supervision by the Honorable Donald Cabell, on 5/19/2021 under the following conditions, including to be placed in the third-party custody of his father Steve Waithe Sr.:

1. The defendant must submit to supervision by and report for supervision to the U.S. Probation and Pretrial Services Office as directed.
2. The defendant must continue or actively seek employment. You must get U.S. Probation permission.
3. The defendant must abide by the travel restriction that travel is restricted to Massachusetts and Maryland.
4. The defendant must avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution including: co-defendants, co-conspirators. If you are unsure about who this may be ask your attorney first.
5. The defendant must not possess a firearm, destructive device, or other weapon.
6. The defendant must report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops. Report within 24 hours.
7. The defendant must reside at the home of his parents in the third-party custodianship of his father, Steve Waithe Sr. in Maryland.
8. The defendant must not use computers or internet enabled devices. The defendant must not access the internet at all.

And respectfully seeks action by the Court and for cause as follows:

On June 8, 2021, Your Honor allowed an assented to motion for Mr. Waithe to communicate with his counsel via Zoom video conference while he resided in another district and the COVID-19 pandemic persisted. This motion proposed following a specific procedure, which included his third-party custodian, to allow careful and limited access to the video application.

On August 9, 2021, Your Honor allowed a motion for Mr. Waithe to participate in mental health treatment by video conference which again identified a specific procedure, which included his third-party custodian, to allow careful and limited access to the video application. This portion of

the motion was assented to. The motion also sought to allow Mr. Waithe to travel to Chicago with his father to pick up his belongings and stay for one to two nights at his brother's residence. This portion of the motion was opposed by the government, assented to by probation, and allowed by Your Honor.

On November 22, 2021, Your Honor allowed a motion from defense in a limited fashion. Your Honor allowed Mr. Waithe to be permitted to access the internet only to facilitate his search for employment, provided that he do so only while in the presence of one of his parents, and through the use of a computer or device fitted with monitoring software, the existence of which was to be verified by the Probation Office. Mr. Waithe was not to access the internet for any other purpose and his use of the internet was to be limited to two hours per day. Since November 4, 2021, Mr. Waithe has maintained employment with a uniform and monitoring supply company.

On January 26, 2022, Your Honor allowed an assented to motion to modify Mr. Waithe's conditions to allow him to travel into Virginia for work purposes only. This motion stated he had secured employment doing deliveries for a uniform cleaning service. As a part of this employment, he would have to travel to Virginia to make deliveries.

On May 31, 2022, Your Honor allowed a motion for Mr. Waithe to travel with co-workers from Maryland to Pennsylvania from June 3, 2022 to June 5, 2022 for a work retreat. Probation had no opposition to this request and the government took no position.

On July 29, 2022, Your Honor allowed a motion for Mr. Waithe to travel to New Jersey by car with his father on July 30, 2022 to visit family. Probation had no opposition to this request and the government assented.

On October 19, 2022, this undersigned officer received a request from defense counsel reporting Mr. Waithe sought to modify his conditions of release to allow him to have a laptop, with a prohibition against social media, with the installation of the monitoring software, and ongoing prohibition of contact with any witnesses or alleged victims. It was reported that Mr. Waithe wanted to pursue a prison writing/mental health project with Johns Hopkins. It was stated that Mr. Waithe would use the computer for this project and work purposes only.

On October 20, 2022, this undersigned officer received information from Mr. Waithe's supervising officer in the District of Maryland that he had been accessing the internet with the supervision of his father on an unmonitored device since August 2022. Mr. Waithe's father and third-party custodian reported to the officer in the District of Maryland that he or his wife would unlock their iPad and monitor his use for no more than two hours each evening. His father was directed to not allow Mr. Waithe to use the device until the monitoring software was installed and he agreed. Mr. Waithe reported the purpose of his use of the iPad was to do market research to determine what programs were available that provide mental health resources to inmates from outside of the institution and writing programs for inmates.

On October 20, 2022, this undersigned officer learned that Mr. Waithe had established an LLC, The Waithe Foundation, without probation approval. On October 21, 2022, this officer received a document from the District of Maryland, which had received the document from Mr. Waithe's

father and third-party custodian. The document identified a mission statement, what we do, and specifications.

On October 21, 2022, this undersigned officer contacted Assistant U.S. Attorney Deitch and notified him that Mr. Waithe had been accessing an unmonitored device, supervised by his mother or father, for two hours per day since August 2022. This officer also informed AUSA Deitch that Mr. Waithe had established an LLC without probation approval. AUSA Deitch provided additional information relating to violations of Mr. Waithe's terms of release, including that the execution of a search warrant on Mr. Waithe's primary Instagram account revealed he was regularly logging into his account and attempting to persuade additional potential victims to send him images of themselves.

On October 24, 2022, this undersigned officer received information from Mr. Waithe's supervising officer in the District of Maryland that he had been accessing the internet with the supervision of his father on an unmonitored device since July 2022. Mr. Waithe confirmed he was aware he could have 2 hour per day access to the internet, monitored by his parents, for employment purposes only. He claimed to be unaware of the monitoring software component of the November 2021 modification allowed by Your Honor.

On October 24, 2022, Mr. Waithe contacted this undersigned officer. He stated he wanted to get a monitored laptop to work on his foundation. He stated he wanted his foundation to collaborate with the John's Hopkins prison writing program. He claimed he could not communicate with John's Hopkin's by phone because they did not have a phone number listed and he could not e-mail them without a computer. He confirmed he sought the motion in November 2021, but not for self-employment. He confirmed he understood that the court agreed for him to use a monitored device in the presence of his father or motion for employment purposes two hours per day. He claimed he had not used any internet capable device or unmonitored device since the motion was allowed because he has maintained employment. He reported the only device he ever used was his mother's iPad. He reported only having access to his flip phone. He denied access to any other devices.

On October 28, 2022, this undersigned officer received further information from AUSA Deitch. This undersigned officer was informed that through the execution of a search warrant on Mr. Waithe's personal Instagram account ("mrhopskipjump"), the government has learned that Mr. Waithe has been regularly and repeatedly violating the terms of his pre-trial release, including the provision prohibiting him from accessing the internet outside certain strict parameters. Moreover, the evidence indicates that Mr. Waithe has been utilizing the internet and his Instagram account to view the accounts of female Instagram users and to send "direct messages" to female users, at times requesting that the female users send him photographs of themselves.

Since Mr. Waithe's arrest on April 7, 2021, Mr. Waithe's primary Instagram account ("mrhopskipjump") has been logged into at least 135 times. Initially, the account was accessed for shorter periods of time (e.g., under 30 minutes). Over time, the account remained open (meaning that Mr. Waithe left himself logged in) for longer periods of time, including for multiple days at a time. Mr. Waithe's Instagram account has been accessed from a variety of IP addresses, including many in the geographic area in which Mr. Waithe presently resides and at

least dozens of times from IP addresses registered to Ms. Urica Waithe, Mr. Waithe's mother. More specifically, Mr. Waithe's Instagram use frequently can be tied to a specific Samsung Galaxy A7 tablet computer registered to a Verizon account in Ms. Urica Waithe's name.

In one "direct message" conversation in late May/early June 2022, Mr. Waithe compliments a female Instagram user and offers to pay her in exchange for allowing him to make "drawings" using photos of her. On June 2, 2022, he writes, "I would just need a bunch of pictures of you preferably with all of your tattoos showing because it makes for more detail in the drawings. It wouldn't be posted anywhere or anything haha. I can give it to you personally but it's for my portfolio I'm working on." - In another direct message conversation, in June 2022, Waithe informs another female Instagram user that she is in "such great shape" and offers her \$50 to participate in a "study." He then writes, "Haha it's just you being yourself it's a portrait" and "Of your most confident sensual picture".

U.S. Probation and Pretrial Services is seeking the Court issue a warrant for Mr. Waithe to appear before Your Honor for a show cause hearing to answer for his violation conduct.

Petition for Action on Conditions of Pretrial Release

PRAYING THE COURT WILL:

- Issue a warrant.
- Issue a summons for the defendant to appear for a show cause hearing.
- Other:

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: 11/1/2022

Place: Taunton, Massachusetts

/s/Jessica Turkington

Date: 11/1/2022

Jessica Turkington
Senior U.S. Probation Officer

ORDER OF COURT

- Warrant to issue.
- Summons to issue. Clerk to schedule show cause hearing.
- Other:

Considered and ordered this 1st day of November, 2022, and ordered filed and made part of the record in the above case.

/s/ Donald L. Cabell
Honorable Donald L. Cabell
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT

for the
District of Massachusetts

United States of America)

v.)

Steve Waithe)

Defendant)

Case No. 1:21-cr-10342-PBS-1

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Steve Waithe (USM # 38585-509),
who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
- Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Violation of pretrial conditions of release.

Date: 11/01/2022

/s/ Jarrett Lovett
Issuing officer's signature

City and state: Boston, Massachusetts

Jarrett Lovett, Courtroom Deputy Clerk
Printed name and title

Return	
This warrant was received on (date) _____, and the person was arrested on (date) _____ at (city and state) _____.	
Date: _____	<p style="text-align: center;">_____ <i>Arresting officer's signature</i></p> <p style="text-align: center;">_____ <i>Printed name and title</i></p>

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

United States of America
v.

STEVE WAITHE

Defendant

)
)
) Case No. 1:20-mj-1209-DLC
)
)

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at:

_____ *Place*

on _____

_____ *Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (6) The defendant is placed in the custody of:
 Person or organization Steve Waithe, sr.
 Address (only if above is an organization) _____
 City and state Maryland Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian Date

- (7) The defendant must:
 - (a) submit to supervision by and report for supervision to the US Probation and Pretrial Services, telephone number _____, no later than as directed.
 - (b) continue or actively seek employment. You must get US Probations Permission
 - (c) continue or start an education program.
 - (d) surrender any passport to: _____
 - (e) not obtain a passport or other international travel document.
 - (f) abide by the following restrictions on personal association, residence, or travel: Travel Restricted to Massachusetts and Maryland.
 - (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendant(s), co-conspirator(s) - If you are unsure about who this may be ask your attorney first.
 - (h) get medical or psychiatric treatment: _____
 - (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - (k) not possess a firearm, destructive device, or other weapon.
 - (l) not use alcohol () at all () excessively.
 - (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
 - (p) participate in one of the following location restriction programs and comply with its requirements as directed.
 - (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or
 - (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
 - (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
 - (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
 Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
 - (q) submit to the following location monitoring technology and comply with its requirements as directed:

ADDITIONAL CONDITIONS OF RELEASE

- (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
 - (ii) Voice Recognition; or
 - (iii) Radio Frequency; or
 - (iv) GPS.
- (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.
- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops. **(Report within 24 hours)**
- (t)
- a. Reside at home of parents in the third party custodianship of your father Steven Waithe in Maryland.

b. No use of computers or Internet enabled devices. No accessing the Internet at all.

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature

City and State

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 5/19/2021

/s/ Donald L. Cabell

Judicial Officer's Signature

USMJ Donald L. Cabell

Printed name and title

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

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v.

STEVE WAITHE

Defendant

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Case No. 1:20-mj-1209-DLC

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- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____
Place

on _____
Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:
Person or organization Steve Waithe, sr.
Address (only if above is an organization) _____
City and state Maryland Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: Steve Waithe 05/18/2021
Custodian Date

- () (7) The defendant must:
 - () (a) submit to supervision by and report for supervision to the US Probation and Pretrial Services, telephone number _____, no later than as directed.
 - () (b) continue or actively seek employment. You must get US Probations Permission
 - () (c) continue or start an education program.
 - () (d) surrender any passport to: _____
 - () (e) not obtain a passport or other international travel document.
 - () (f) abide by the following restrictions on personal association, residence, or travel: Travel Restricted to Massachusetts and Maryland.
 - () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendant(s), co-conspirator(s) - If you are unsure about who this may be ask your attorney first.
 - () (h) get medical or psychiatric treatment: _____
 - () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - () (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - () (k) not possess a firearm, destructive device, or other weapon.
 - () (l) not use alcohol () at all () excessively.
 - () (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
 - () (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - () (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
 - () (p) participate in one of the following location restriction programs and comply with its requirements as directed.
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 - () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or
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Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.
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- (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops. **(Report within 24 hours)**
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- a. Reside at home of parents in the third party custodianship of your father Steven Waithe in Maryland.

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While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
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Defendant's Signature

City and State

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- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 5/19/2021

/s/ Donald L. Cabell

Judicial Officer's Signature

USMJ Donald L. Cabell

Printed name and title