

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	:	
	:	
<i>versus</i>	:	
	:	
KENTRELL D. GAULDEN	:	CRIMINAL NO. 21-14-SDD-SDJ
a/k/a “YoungBoy Never Broke Again”	:	
a/k/a “NBA YoungBoy”	:	
a/k/a “YB”	:	

**UNITED STATES’ MEMORANDUM IN OPPOSITION TO DEFENDANT’S
MOTION TO AMEND CONDITIONS OF RELEASE**

The United States of America by Ronald C. Gathe, Jr., United States Attorney for the Middle District of Louisiana, through William K. Morris, Assistant United States Attorney, respectfully submits this memorandum in opposition to the defendant’s motion to amend conditions of pretrial release that was filed on November 1, 2023.

I. Mental Health Treatment Programs

The defendant’s current conditions of release are detailed in R. Doc. 142. Pursuant to 18 U.S.C. § 3142(c)(3), “[t]he judicial officer may at any time amend the order to impose additional or different conditions of release.” Condition Number 13 states “[t]he Defendant is restricted to 24-hour-a-day lock-down at his residence except for medical necessities and court appearances or other activities specifically approved by the court. (Home Incarceration).” The defendant claims that this language is “more stringent than necessary” and has deprived the defendant of the ability to participate in “life-enrichment or mental health programs.” R. Doc. 241-1, p. 4. The United States fails to see how the defendant’s

current conditions of pre-trial release prohibit him from seeking and obtaining mental health treatment.

The United States' position is that appointments related to mental health should be treated the same as appointments related to physical health or dental health. While an annual physical or semi-annual dental checkup may not be "necessary" in the strictest sense of the word, they are considered a necessity for most people in the modern world and should be treated as such for the defendant. It is the understanding of the United States that the United States Probation and Pre-Trial Services Office ("USPO") shares this view and would consider mental health appointments to be similarly situated.

Curiously, the defendant has not identified what specific programs he is being denied the ability to participate in. While the defendant categorizes his request as "narrowly tailored" (R. Doc. 241-1, p.3), this question remains unresolved. Is he seeking the help of a mental health professional outside of the State of Utah? Is he seeking the help of a mental health professional outside of the United States? Are there not modern-world, widely available virtual options for him to seek help from a mental health professional of his choosing? In sum, it is the position of the United States that Condition Number 13 of the defendant's conditions of release does not need to be amended for him to take advantage of mental health treatment options.

II. "Employment Related Activity"

The defendant's motion goes on to piggyback a request "to schedule and attend employment-related activities in the same way he schedules and obtains medical appointments and court appearances through pretrial services" (R. Doc. 241, p. 1), as if these

two types of requests are in any way similar in nature. The reality is that “employment related activities” is a hopelessly vague term when considering the defendant’s field of employment. Although the defendant’s stated goal is to not “burden this Honorable Court with each employment-related request,” in reality, the requested amendment cannot be effected without burdening the Court. According to the defendant: “In order to fulfill his contract obligations, Mr. Gaulden needs to be able to travel to and from recording studios on occasion in order to continue to produce the quality of music that his fans expect.” R. Doc. 241-1, p. 9. This request does not identify any specific studio in order for the USPO to perform the necessary vetting beforehand. Where are the studios? Who is allowed there? Will individuals that are not allowed at his home be present at the studios? How many people will be at the studios? Will the defendant’s “employment related” studio activity be subject to the same time restrictions applicable to his home incarceration? Despite the defendant’s stated purpose of limiting any burden on this Court, it is clear that his request generates more questions than answers for both the USPO and the Court.

It is also worth noting that the defendant’s access to a studio is not a matter of first impression for the Court. On October 18, 2021, Atlantic Records Chairman Julie Greenwald testified that Atlantic could “include basically bringing his work environment to him” as part of their efforts to ensure the community’s safety and that they would build a studio in his home. Tr. p. 49-50. Given that the defendant’s work environment may be brought to him, there simply is no need for travel and participation in other undefined “employment related activity.”

III. Re-opening of the detention hearing as an “alternative”

The defendant’s motion goes on to suggest an “alternative” (R. Doc. 241, p. 2) theory of relief that would result in the re-opening of the detention hearing in the event that the Court is not inclined to grant the proposed modifications. This request is equally as perplexing. Under 18 U.S.C. § 3142(f), a detention hearing may be reopened “at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.” This Court has already determined that there are conditions of release that will reasonably assure the appearance of the defendant as required and the safety of any other person and the community under 18 U.S.C. § 3142(g). In other words, defendant has already prevailed in the detention hearing—the Court determined that detention is not necessary. Defendant is not suggesting that the Court’s decision denying detention was wrong. There is therefore no reason to re-open the detention hearing. The only relief being sought pursuant to this “alternative” approach is the amendment of conditions that the Court already has the authority to amend, pursuant to 18 U.S.C. § 3142(c)(3), without any need for a hearing under 18 U.S.C. § 3142(f). Therefore, another hearing under 18 U.S.C. § 3142(f) is not the proper procedural mechanism by which to obtain the relief that the defendant seeks.

WHEREFORE, the Government respectfully requests the Court deny the defendant's motion to amend conditions of pretrial release.

Respectfully submitted,

UNITED STATES OF AMERICA, by

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