

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 21-30014
)	
WILLIAM SAM McCANN, JR.,)	
)	
Defendant.)	

**GOVERNMENT’S MOTION TO REVOKE PRE-TRIAL RELEASE
AND FOR IMMEDIATE HEARING**

The United States of America, by its attorneys, Gregory K. Harris, United States Attorney for the Central District of Illinois, and Timothy A. Bass, Assistant United States Attorney, respectfully submits its motion to revoke pre-trial release and for immediate hearing and states the following:

Introduction

Defendant McCann was discharged from the hospital at approximately 1:49 p.m. on February 7, 2024. At the status hearing earlier that morning, Defendant McCann represented to this Court that he was “under the influence of quite a lot of medication,” that he has “taken so many drugs over here” and was uncertain whether he could “put a coherent thought together,” and that medications were “being pumped into his body[.]” In addition, this Court ordered him to “immediately report” “to

probation” when he returned “home” after being discharged. The government respectfully submits this motion pursuant 18 U.S.C. § 3148 and alleges that Defendant McCann has repeatedly violated his conditions of pre-trial release by, among other things, providing false and incomplete information to the Court and failing to comply with this Court’s most recent order to communicate with the probation office. Accordingly, the government respectfully requests that the Court issue a warrant for his arrest or, in the alternative, order him to appear in person for an immediate hearing on this motion on the afternoon of today’s date or the morning of February 9, 2024.

Background

Following the return of the indictment in this matter, Defendant McCann was released on bond with conditions of pre-trial release. (R.12; R.13)¹ The conditions included, among other things, requirements that he appear in Court as directed and submit to supervision by the probation office, a restriction on travel within this district and St. Louis, County with the approval of the probation office, and a requirement that he not possess a firearm, destructive device, or dangerous weapon and that he provide written verification to the probation office of the removal of all firearms from his residence. (R.13)

¹ Citations are to the docket number on this Court’s docket sheet.

At a status hearing on January 29, 2024, this Court directed Defendant McCann to cooperate with the probation office to ensure that the list of firearms he disclosed to the probation office was consistent with the list of approximately 72 firearms that the FBI had identified as being in his possession prior to the indictment in this matter. The Court further authorized the probation office to disclose the list of firearms provided by Defendant McCann to the government. The government has subsequently reviewed that list and is concerned that Defendant McCann may still have firearms in his possession at his residence and is in violation of a condition of pre-trial release.

On February 5, 2024, Defendant McCann failed to appear for trial after being admitted to a hospital in St. Louis County. This Court thereafter conducted status hearings with him on February 5, 6, and 7, 2024. During the most recent status hearing on the morning of February 7, 2024, Defendant McCann represented to this Court that that he was “under the influence of quite a lot of medication,” that he’s “taken so many drugs over here” and was uncertain whether he could “put a coherent thought together,” that medications were “being pumped into his body[,]” and that he was “not 100% sure” he was mentally competent to communicate with the Court. (See R.84 (Transcript of 2/7/24 Status Hearing at pp.3-7)) In addition, this Court ordered him to “immediately report” “to probation” when he returned “home” after being discharged.

(See R.84 (Transcript of 2/7/24 Status Hearing, at p.10; docket entry 2/7/24))

At 1:49 p.m. on February 7, 2024, Defendant McCann advised the probation office that he had been released from the hospital and was on his way home. According to medical officials, he was stable, discharged without restrictions, and cleared to return to work.²

On the morning of February 8, 2024, the probation office advised the government that Defendant McCann had not communicated with the probation office upon his return home, and that the probation office attempted to call him at 5:00 p.m. on February 7, 2024, but he did not answer the call. The probation office further advised that it left Defendant McCann a voice mail, requesting that he either email or call the probation office to advise that he had returned to his residence. The probation office advised that Defendant McCann has not returned the message or complied with the probation office's request.

Argument

Title 18, United States Code, Section 3148(a) provides that “[a] person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release,

² The government has ordered the transcript of the 2/7/24 hearing, which has been filed of record, and emailed a copy to Defendant McCann. In addition, the government received Defendant McCann's medical records and has filed them under seal with the Court, as directed, and provided copies to standby counsel, the probation office, and Defendant McCann.

an order of detention, and a prosecution for contempt of court.” Section 3148(b) provides that the government “may initiate a proceeding for revocation of an order of release by filing a motion with the district court.” Finally, Section 3148(b)1) further provides that the Court “shall enter an order of revocation and detention, after a hearing,” if it finds clear and convincing evidence that the defendant has violated a condition of release not involving a violation of law, and that he “is unlikely to abide by any condition or combination of conditions of release.”

In this case, the government respectfully submits that there is clear and convincing evidence that Defendant McCann has violated conditions of release by, among other things, providing false and incomplete information to the Court and by failing to comply with this Court’s most recent order to communicate with the probation office immediately upon his return to his residence. In addition, the government is concerned that Defendant McCann has not complied with the condition of release requiring the removal and verification of removal of numerous firearms from his residence.

Accordingly, the government respectfully requests that the Court issue a warrant for Defendant McCann’s arrest or, in the alternative, order him to appear in person for an immediate hearing on this motion as soon as practicable on the afternoon of today’s date or the morning of February 9, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to standby counsel, and I emailed a copy to the following:

William Sam McCann, Jr.
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