UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA v. JOSEPH L. MELLO III, Defendant.	Criminal Case No. 26-MJ-50 RLA

MOTION FOR REVOCATION OF THE ORDER OF RELEASE AND FOR A HEARING ON THE MOTION PURSUANT TO 18 U.S.C. § 3145(a)

The Government moves pursuant to 18 U.S.C. § 3145(a)(1) to revoke the release order entered November 12, 2026 (Release Order), which is currently stayed through November 17, 2026, at noon, and for a hearing on the Motion to Revoke, at which the Government and Defendant can present their respective proffers as to detention and release of the Defendant and some of the Defendant's victims can present statements, as is authorized under 18 U.S.C. § 3771(a)(4) of the Crime Victims' Rights Act (CVRA).[1]

TRAVEL OF THE CASE

The Defendant was charged by complaint on November 6, 2026. He was arrested and made his initial appearance before Magistrate Judge Aitchison on November 9, 2026.

On November 9, 2026, the Government moved for Defendant's detention and sought a detention hearing in accordance with 18 U.S.C. § 3142(f)(1)(A). The Government also requested that the hearing be continued, pursuant to 18 U.S.C. §3142(f) to permit victims to be present and present statements, in accordance with 18 U.S.C. § 3771(a)(4) of the CVRA.

[1] As directed by Magistrate Judge Aitchison, *see infra*, in addition to this Motion, the Government will submit a supplemental memo in advance of the hearing on the Motion to Revoke summarizing its argument in support of detention.

On November 12, 2026, Magistrate Judge Aitchison held the detention hearing, at which the Government and Defendant presented their respective proffers. The Government argued that no condition or combination of conditions could be set that would reasonably assure the safety of the community or another person and the risk of non-appearance. The Government further argued that the rebuttable presumption as set forth in 18 U.S.C. § 3142(e)(3)(E) applied and that the Defendant had not rebutted the presumption as to both prongs, safety of the community or another person and the risk of non-appearance. In addition, at the hearing, as authorized by 18 U.S.C. § 3771(a)(4) of the CVRA, five victims presented statements and statements of three other victims were read during the hearing, as requested by those victims.

At the conclusion of the November 12, 2026 hearing, Magistrate Judge Aitchison ordered the Defendant to be released on conditions. However, upon oral motion of the Government, Magistrate Judge Aitchison agreed to stay the release order until November 17, 2026, at noon, to permit the Government to seek review of the release order pursuant to 18 U.S.C. § 3145(a). During the hearing, the Government further advised that it would request approval to file a Motion to Revoke to seek review of the Release Order pursuant to 18 U.S.C. § 3145(a) and that it would advise the Court and counsel by 5:00 pm that day, November 12, 2026, if it would be filing a Motion to Revoke. On November 12, 2026, before 5:00 pm, the Government advised the Court and counsel, that it intended to seek review and would be filing a Motion to Revoke.

At the November 12, 2026 hearing, Magistrate Judge Aitchison ordered the Government to file a Motion to Revoke by November 13, 2026 at 5:00 pm. Magistrate Judge Aitchison stated that she set the filing date of November 13, 2026 for the District Court to be informed that the Government is seeking review and to afford prompt review by the District Court of the Motion to Revoke. At the conclusion of the hearing, Magistrate Judge Aitchison further explained that the November 13, 2026, 5:00 pm deadline was for the Government to file the Motion to Revoke but the Government could file a supplemental

memo in advance of any hearing set by the Court with additional information in support of the Government's motion for detention.

REQUESTED RELIEF

Title 18, section 3145 provides that "[i]f a person is ordered released by a magistrate judge . . . the attorney for the Government may file, with the court having original jurisdiction over the offense, a motion for revocation of the order or amendment of the conditions of release" and "[t]he motion shall be determined promptly." 18 U.S.C. § 3145(a). A *de novo* standard applies to a District Court's review of a release order. *See United States v. Tortura*, 922 F.2d 880, 883, n. 4 (1st Cir. 1990) (citing *United States v. Koenig*, 912 F.2d 1190, 1191 (9th Cir. 1990) and collecting cases).

The Government respectfully seeks review of the Release Order, in accordance with 18 U.S.C. § 3145(a) and the applicable law governing such review, before the District Court Judge to whom this matter will be assigned.[2] Further, because the standard of review is *de novo* and the District Court needs the requisite information to make a meaningful review, the Government seeks a hearing to allow the Government and Defendant to fully present their respective positions before this Court. Further, as occurred during the hearing before Magistrate Judge Aitchison, the Government anticipates that a number of victims will seek to exercise their rights under the Crime Victims Rights Act, 18 U.S.C. § 3771, and present statements at the hearing on the Motion to Revoke, as is authorized under 18 U.S.C. § 3771(a)(4) ("A crime victim has the following rights -- The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.")

[2] Because this case was charged by Complaint and has not yet been presented the Grand Jury, a District Court Judge has not yet been assigned.

CONCLUSION

For the foregoing reasons, the Government requests that the Court set a hearing on the Motion to Revoke.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2026, I caused the within Government's Notice to be filed electronically and it is available for viewing and downloading from the ECF system.

Denise M. Barton

DENISE MARIE BARTON
Assistant United States Attorney