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Attorney for Defendant NATHAN NEPHI ZITO

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>NATHAN NEPHI ZITO,</p> <p style="text-align: right;">Defendant.</p>	<p>Cause No.: CR 22-113-BLG-SPW</p> <p style="text-align: center;"><b>REPLY BRIEF RE: MOTION TO AMEND PROBATION CONDITIONS</b></p>
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NATHAN NEPHI ZITO, by and through counsel, replies to the government's response to his Motion to Amend his probation conditions.

Mr. Zito stands on the arguments made in his opening brief. Mr. Zito replies to reiterate that while he is asking that his home arrest condition be stricken, he proposes that a curfew condition from 10:00

pm to 5:00 am be ordered in place of the home arrest condition. This proposed “step down” in supervision from home arrest to a curfew for the remaining weeks would continue to hold Mr. Zito accountable and continue to serve as punishment for his offense conduct.

Finally, Mr. Zito clarifies that his father lives in the Billings area, not in Corvallis.

DATED this 24<sup>th</sup> day of July, 2023.

DATSOPOULOS, MacDONALD & LIND, P.C.

By: /s/ Peter F. Lacny  
Peter F. Lacny  
Attorney for Nathan Nephi Zito

**CERTIFICATE OF SERVICE**

L.R. 5.2(b)

I, Peter F. Lacny, attorney for Defendant, hereby certifies that a copy of the Defendant's foregoing Reply Brief was served on these persons by the following means:

- 1, 2 CM/ECF
- Hand Delivery
- Mail
- Overnight Delivery Service
- Fax
- 3,4 Email

1. Clerk, U.S. District Court
2. Bryan Dake and Jeremy Goldstein, U.S. Attorney Office
3. U.S. Probation Office
4. Nathan Nephi Zito

DATED this 24<sup>th</sup> day of July, 2023.

By:       /s/ Peter F. Lacny        
Peter Lacny