We the people, are seeking Congressional investigations led by a legal, non-partisan committee into the events of January 6, the violence perpetrated by US Capitol police, Metro police and Federal agents against peaceful, lawfully assembled demonstrators and the subsequent political witch hunt that has occurred against nearly 1,000 US citizens, perpetrated by a weaponized FBI and DOJ that has resulted in unprecedented, coordinated, flagrant and egregious violations of Civil and Due Process Rights against all defendants in a manner heretofore unseen in US History.

During and following the events of January 6, the media and certain politicians released a false narrative of the events that occurred that day. It has persisted ever since. Those of us present know that the reporting was at the very least misleading and in most cases riddled with bold face lies and political bias. As a result, concerned citizens, investigators and legal minds began pouring through the voluminous evidence of what may be the single most chronicled event in US history. After nearly two years of painstaking research, conducted by thousands of individuals, the evidence proves that many members of the police force present acted outside the scope of proper conduct, often violently, provoking, and injuring thousands of citizens and murdering 4 unarmed, non-violent protestors. Following these events, the FBI and DOJ have acted in a coordinated manner to selectively facilitate arrests and prosecutions of those they deemed had committed alleged “crimes” that day. The extent of flagrant politically motivated Prosecutorial and Judicial misconduct is so extensive, that these arrests, indefinite pre-trial detentions, trials, and sentences can more accurately be compared to the actions of Nazi Germany or Stalin’esque Russia, than that of the United States.

The 118th House of Representatives will have the unique opportunity to investigate these events and use the evidence of these crimes committed against the American people to take action to help ensure justice for those who have been victimized by their government. We do not seek Congress to make any sort of determination as to innocence or guilt on behalf of any of the accused. This is a matter for the courts. Rather, we seek to ensure that each of the accused is afforded the same equal protection, basic Civil Rights, preservation of Due Process and a trial free from blatant bias by judge and/or jury. To date they have not. In short, we ask Congress to ensure the Constitutional Rights of the accused stop being trampled. We the people have uncovered overwhelming amounts of evidence to support all assertions and claims made within this short brief. As such, we seek investigations into the following 3 areas and based upon those findings, we seek relief for the accused, persecuted and victimized, in accordance with the United States Constitution and all applicable laws.

1. Thorough investigation into the actions of January 6, specifically involving violence that occurred against the American people by law enforcement and Federal agents that resulted in thousands of injuries and 4 deaths of unarmed citizens.

2. Thorough investigation of the subsequent actions taken by but not limited to the DOJ, FBI, politicians (specifically the Jan 6 committee) that have resulted in tens of thousands of Civil Rights violations.

3. Thorough investigation into the pre-trial detention of over 100 accused citizens, the facilities in which they are held, particularly the Washington DC and Northern Neck, VA jails. We seek to reveal the political bias that exists within the DC circuit judicial body and the residents of DC, which proves that no J6 defendant can receive a fair trial. The incarcerated must be moved from these facilities back to their home districts and the venue for these trials must be moved from the District of Columbia to ensure each Defendant is afforded their constitutionally protected rights.

Jan 6 official narrative vs the true events of Jan 6

Beginning as early as 6am on the morning of January 6, 2021, US Capitol and DC Metro police were already being briefed on what would become the false and official narrative of the events of the day. Officers were told, before any protestor even stepped foot near the Capitol grounds that “All Pro-Trump protestors were be viewed as a potential threat because they were there to stop the certification of the election”. This is a direct quote from a USCP Sergeant. The media and politicians alike have characterized all protestors and anyone present as a “violent mob”, “insurrectionists”, “traitors”, “extremists”, “racists”, “terrorist” and on and on. They would have you believe that there was a constant and unrelenting attack by a blood thirsty crowd and that the police were completely overwhelmed and simply fighting for survival. The police all acted heroically and 5 gave their lives in defense of a mob that beat one to death with a fire extinguisher.

As we know the above statement is a lie. No officers were killed on Jan 6. This did not stop the media from reporting it. Even almost a year later political advertisements were pumped all through Virginia and the DC area showing scenes from J6 and proclaiming to all, including potential jurors that 5 officers died. These ads were run thousands of times a day in an effort to defeat Governor Youngkin. TV shows, podcasts, newspapers, magazines all run the same content, claiming an insurrection and violent mob attacked the Capitol.

The true narrative of Jan 6, as supported with video, reports, officer testimony and eyewitness accounts, all refute the above listed claims and paint a drastically different picture.

On Jan 6, some approximately one million Patriots gathered peacefully to protest what they saw as a stolen election and to lend support to Donald Trump but more importantly to the members of The House and Senate who had publicly supported a delay in the certification of the election pending a thorough investigation into the claims of voter fraud and audits of key counties and states across the country. The group gathered peacefully, forming a line over a mile long to gain access to the Ellipse to hear speeches by lawmakers and President Trump. People marched and demonstrated. They waved flags and signs. They prayed. They chanted. They talked to fellow Patriots and made new friends. Beyond their shared beliefs, every person present shared one thing in common, they documented. They had video cameras and cell phones. They took pictures and videos. Over the course of a 12-hour period, the video and photographic evidence collected by citizens, journalists, CCTV and law enforcements has made this the most detailed and chronicled single day event in history. Yet as we see time and time again, politicians and the media alike repeatedly use the same handful of videos to uphold their false narrative.

The truth is that there were 6 permits obtained for peaceful demonstrations at the Capitol on J6. Men, women, and children of all ages gathered to listen to the speeches at the Ellipse and most planned to then walk to the Capitol. President Trump referenced this and specifically stated to peacefully march to the Capitol. Unbeknownst to the President or anyone gathered, the permits were pulled, and temporary plastic snow fencing and some bike racks were placed around the perimeter of the Capitol grounds. A few hundred demonstrators were gathered along the West side of the Capitol grounds hours before Trump spoke. At a little before noon, the first “breach” of that line took place. If you watch any narrative of J6, including that of the Jan 6 com mite, you might mistakenly believe that to be the famous video of Ray Epps and Ryan Samsel. This was not the case.

Unidentified individuals, who the FBI and DOJ are not seeking for crimes, were among the first to remove barricades and snow fencing from the West side of the grounds. Following this, the breach as described above did take place. From this point, the media, FBI, DOJ, and politicians would have you believe a violent mob overwhelmed police and violently attacked the Capitol. This did not happen. The first group of protestors walked up a sidewalk and onto the Lower West Terrace. Here they encountered a group of USCP. The group stopped and the police formed an arbitrary makeshift line. They were not assaulted. There wasn’t violence. They simply gathered, talked with police, cheered, and chanted.

Meanwhile behind them, the temporary snow fencing was removed. This is important because as Trump’s speech was concluding, a million protestors began working their way to the Capitol at the urging of their President, where they had permits to legally assemble. USCP CDU (Civil Disturbance Units) were ordered to assemble along this Western perimeter and for a line to inform protestors that the grounds were closed. According to multiple accounts, the officers present were not happy with their assignment. They specifically stated they wanted to move to the LWT to fight. Multiple Lieutenants attempted to raise command on a radio and cell phone but were unsuccessful. The officers took matters into their own hands, disobeying direct orders, in a flagrant act of disobedience, negligence, insubordination and dereliction of duty told their Lieutenants that they refused to await orders and self-deployed to the LWT to fight.

Officers claimed that the LWT was mayhem and that they had to fight their way in and fight to simply hold the ground beneath them. We see officers simply walk up, join the line, and stand there with no violence whatsoever. The first act of violence occurred as officers began removing bike racks from under the scaffolding and attempting to push protestors. A minor scuffle ensued with 2 or 3 protestors and police. The police responded by opening fire into a crowd at point blank range with rubber bullets and pepper balls, ripping through the faces of multiple people in the crowd. This was the start of a massive unprovoked attack upon ALL unarmed citizens present.

MPD arrived in waves, and it became immediately clear that they were ill prepared to handle the situation. The MPD has a history of abuse and violence against protestors and citizens. They came in, quite literally with guns blazing. Officers set up position in the upper tier and began indiscriminately shooting protestors with rubber bullets and pepper balls. Multiple officers ran around indiscriminately spraying OC spray from high powered canons into the crowd. Officers gathered more bike racks and pushed them into the crowd that was swelling from the gap left behind by the USCP officers who abandoned their posts. Protestors were violently shoved, struck with batons and shields, tased and sprayed. All the while they were keeping an eye above them for incoming fire. All the while the video shows almost no violent reaction from the crowd. Most are begging and pleading with officers to stop, and many are praying.

As the crowd grew to encompass the entire tier and cover the grass to the West, the LWT became nothing short of a lobster trap. People became trapped in a massive crowd that was growing from behind and officers advancing with shields, bike racks and weapons. Then without warning, the MPD let loose with a barrage of concussion grenades, causing untold injuries and a fatal heart attack. To this point, the most “violent” response to the attacks were some shoves. This would calm down and people would again beg and plead with officers to stop. Officers attacked men and women alike regardless of age. The crowd was angered as they witnessed an elderly woman repeatedly violently shoved down a set of stairs by officers using their hands and shields. Tear gas was launched into a crowd that was quite literally trapped. The crowd tried to triage, assisting the injured as they could. The scene was quickly being turned into a war zone.

Meanwhile, on the East side of the Capitol, there was almost no violence. People moved past bike racks, which were often moved aside as officers waived the crowd forward. At one point a window was broken and then as if by magic, large, heavy, magnetically sealed doors were opened from the inside. Protestors simply walked inside and began wandering around, often getting direction from officers and stopping to take selfies and bump fists. There are very few videos of alleged violence inside the Capitol because there was little violence. Most of it was some pushing.

Back on the Western Terrace, the crowd was facing constant agitation as Congress was rushed out of session. Officers were told to move from the Lower tier of the LWT to the Upper tier of the LWT. At this precise time, there was a surge and the bike racks fell, as the crowd responded to the savage beating of a man behind police lines. This is the moment the media and politicians alike prefer to use to show police being overrun. What they won’t show is most of the people were quite literally pushed forward and most didn’t engage in any violence. Most were trying to deescalate the situation, making calls for police and protestors alike to remain peaceful. At that point, the crowd could have easily overtaken the police force. They did not. They moved forward slowly and methodically, allowing the officers time to relocate via 2 doors that led to the upper level. Police officers who became separated from their units and engulfed within the crowd were led back to their units by protestors.

As the police left, protestors filled the LWT and temporary bleachers. The crowd paused to collect themselves, pray, sing, and chant. For most, the horror of the brutal assault by law enforcement was over and they could do what they felt they were lawfully assembled to do, practice their First Amendment Rights. Unbeknownst to anyone in this area, there were protestors in the building, and some would move forward to enter or attempt to enter the Capitol. This was a very small amount of people. Inside, unarmed Ashli Babbit was murdered at a set of glass doors that were smashed by a member of Antifa. The Capitol was quickly cleared and the only area where any violence persisted was at the tunnel on the upper tier of the LWT.

Clashes in this tunnel proved to be deadly as protestors were often pushed into the tunnel where they were viciously beaten by officers. Rosanne Boylan was trampled and beaten to death by MPD officer Lyla Morris. The media claimed she collapsed and then later the official narrative was she died of a drug overdose. This, like every other story about J6 was a lie. The death of Rosanne enflamed the crowd. Many men who are facing charges rushed forward to protect and lend aid to Rosanne. Her lifeless body was drug by her leg into the Capitol and left laying alone until someone finally arrived to render aid. It was too late.

At approximately 5:30 tear gas was deployed at a massive scale. The protestors moved off Capitol grounds in accordance with the 6pm curfew enacted by Mayor Bowser. At this time, the Capitol Police finally used the PA system to announce there was a curfew. This could be heard everywhere on Capitol grounds. Why it was not used initially or at any point before this to inform protestors that the grounds were restricted, remains a mystery. All but a few protestors obeyed the curfew and those who didn’t were detained. Most returned to their hotels where they watched the news portray an event far different than they experienced. That has persisted to this day.

DOJCB\_001 Police Reports of misconduct

The first set of documents available in Global Discovery came over half a year following the events of Jan 6. These documents fall under the protective order, however, much of the information contained in the reports became public when Brian Mock filed a motion to dismiss his indictment in the Fall of 2021. The motion details the nature of the reports, as well as the specific number of reports missing from Discovery that to date has not been shared with any Defendant, including Mr. Mock who specifically requested production of these documents. These are internal DOJ investigations into alleged police misconduct on Jan 6. All names have been redacted and none of these officers have been called to testify.

Upon review of these documents, it became clear that the alleged “misconduct” did not involve violence perpetrated by officers or any other misconduct. What the DOJ was interested in was finding any officer who was photographed or filmed allegedly “assisting” protestors in any way. These included officers who did NOT willfully engage in violence. Officers were forced to defend why they talked to protestors to help deescalate the situation as they are trained to do or why they shook hands, gave fist bumps, or allowed a selfie to be taken with protestors. At the end of each interview the officers were asked if they supported Trump or were part of any organization that supported Trump.

Further, out of the 49 reports that were listed in the table of contents, the DOJ has refused to release 28 of the reports to the defendants. It is unknown if there were any more reports conducted into alleged USCP misconduct conducted by the DOJ. Based on the amount of law enforcement present, it is highly likely there are more reports. Also, no defendant has received any reports of alleged misconduct by and Metro police officer or any other agency present that day. Similarly, no defendant has received a single after-action report by any law enforcement present that day. To date the only reports received were the 302 interview reports by the FBI conducted weeks and months after the event.

The reports of alleged officer misconduct do reveal information that is both shocking and damning to the official narrative of J6. The following are direct quotes that have been made public by the filing of Mr. Mock’s motion:

-“I was originally drafted for CDU (Civil Disturbance Unit) At 1000 hours on January 6, 2021. I, then swap my starting time with another officer whose starting time was at 0800 hours. I enjoyed being part of CDU. Few minutes after our roll call, my squad was directed to help the east front security posture at the Capitol division. As I was crossing the street at traffic 6 (T6 reference point), a radio broadcast was sent out to all outside unit ‘attention all unit on the field we are NOT looking for any “Pro-Trump” in the crowd we are only looking for any “anti-pro-Trump” who wants to start a fight. At that point I started thinking about the initial intelligence that was disseminated. The entire crowd was a threat based on the intelligence; the pro-Trump are the threat because they were coming to stop the count. However, I convinced myself that perhaps the mission had changed.

The CDU that was scheduled at 1000 hours was initially supposed to be part of our rotation. However, they were sent to patrol garages around the House division. At that point I was convinced that the mission had changed and the threat was not a high level threat because of the radio call and the decision that were made to send the other group to patrol garages.

I was at the East-front with officers. A small group (perhaps prior or still in the military) approached one officer and ask him if he wants to talk because what is happening at the Lower West Terrace will happen at the East front as well and nothing will stop that. I automatically realized that there is a disconnect or a miscommunication about the event that is occurring today. I was alert at that point. My actions during the chaos were to protect the man next to me. I was not leaving anyone behind. However, I also want my family to get their answers if anything ever happened to me.” (OPR 21-039, CAPD\_000000814-CAPD\_000000815)

Another officer inside the Capitol stated.

-“No officials on scene were directing the officers to ‘shove them out’, and that they seemed to be ‘allowing this’…he wasn’t there to agitate the situation and he believed yelling at the people would have ‘drummed it up’…some people were agitators and other were just nosey but there were many people there that were military and law enforcement…all I know was the situation was calm at that point.”

The following is an officer talking about allowing protestors through an Upper terrace door,

-“Ah man, this is brutal redacted this is…this is tough. I wanna say something since this is on record. You know mindset is key to a lot of what was going on at that door….I was resolved in my mind that a second escalation of force at that point – the only outcome at that point was deadly force. Overwhelmed by an adversary of significant numbers and of size and us, with limited options to repel them after already trying to fight and after already going to physical force to do so – I had checked off and resolved in my mind that deadly force was going to be the only way to do it and the only way we were going to get there was if we initiated that force on the front end…the only way we could have prevented these people from coming in that door was killing em…

A physical confrontation occurred when we began pushing and hitting the leading edge of the crowd in an attempt to expel them from the building. There was an older lady in the front of the group carrying a protest sign that began to scream in pain as she was crushed between us…I believe mindset is also key in the actions I took at the Upper West Terrace door. I was prepared to fight…I resolved that had a second confrontation to expel this group occurred, that the end result would have been lethal force. When redacted pulled me back, it caused me to break the cycle of thought of preparing to fight where I then transitioned in my mind to do what was necessary to preserve life.”

-“…An attempt to go hands on with the protestors would have yielded injury to officers and no achievable objective…Rear of crowd began pushing, causing front of group to advance on the line.”

-“I mean personally, I wanted to hold the line there, I wanted to fight them…”

-“do you believe there was a failure to take appropriate police action?

Personally, yes I do…who knows if we would have gotten hurt or worse if we tried to stop them there. But I personally was frustrated that at least we didn’t try.”

-“…using deadly force…what are your thoughts on that, at the time…was that an option?

I mean, yes. It’s obviously in our heads…in this situation where it was just people with flagpoles, sticks and such I based on what I had already seen, I felt like it would have just made things worse.”

I mean at this point there not really fighting us. So it’s – you have to take into consideration here, if they’re not fighting, there are some in there that are fighting you. We have no tactical advantage…If you look at our use of force, I mean you’re a sergeant, use of force what would you do there…because there’s nothing you can do. You can’t use lethal force, look at how many there are nor do you have justification for doing it. What happens when you hit slide lock – they’re gonna take the gun from you. You can’t use OC, you can’t use batons here, where’s that going to get you…this is a result of the department’s failures on so many levels.”

-“When asked if there was a failure to take appropriate police action during this incident at the LWT door, redacted stated, ‘no.’ Redacted stated he has never been trained in a scenario like he faced during the incident.”

-“was there a failure to take appropriate police action at the LWT door?

I guess you can say there is, I’m not sure I know what appropriate action is…I mean, I’m willing to go to any training to tactically learn what to do here but I don’t think that there was clear action.”

-“So right there specifically, was there a plan, what was the plan?

I don’t think there was a plan the entire day. I think – truthfully speaking, from even the short calculations from things I tried to figure out, none of them seemed to work out. I don’t think that there was a plan.”

-“I used verbal communications and empty hands techniques…I drew my baton, a large number of protestors were able to break through the doors…causing me to holster my baton and withdrawing my firearm…I demanded that they had to leave…they did not seem harmful nor did I feel like my life was at risk but I was being very cautious of everyone in front of me…I allowed a few of them to speak as they made their way to the exit. They mentioned that they were peaceful and supported us…they offered to help the first responding officer (FRU) and I by creating a circle around us to bring us back to other officers. A couple of them leaned in for a hug and/or fist bump…”

 Civil Rights and Due Process Violations

The prosecution of thousands of men and women is happening on a scale never seen before.

While feebly promising to “uphold the civil and constitutional rights of all Americans” during his confirmation hearing in front of the Judiciary Committee in February of 2021, Merrick Garland set the tone of the Government’s cases by vowing to “battle extremist attacks” and prosecute the “white supremacists who stormed the Capitol” 2 –personally supervising the [largest scale prosecution ever undergone by the DOJ and waging legal warfare against thousands of Americans at all levels.]

The resultant aftermath has been a greater desecration of “our Democracy” than one million unarmed Americans could have ever committed. The following is just a sample of the [atrocities committed] which have had a rippling effect on millions: the children, families, friends, churches, and communities of those charged, whose lives have been upended [by us not following the law].

-Protective orders:

The protective order put in place by DOJ/court denies any J6 Defendant access to their discovery unless they agree not to release any information contained within it. They further cannot view the 14,000 hours of video, available on Evidence.com unless they are sitting with their attorney.

a) This protective order makes it virtually impossible for Defendant’s to actively participate in their own defense. Most J6 defendants do not have an attorney in their hometown. Further, if they can sit with their attorney, they are forced to pay hundreds of dollars an hour to do so.

b) The amount of, by the government’s own words “voluminous” evidence, is impossible for any Defendant and/or their attorney to view. It would take one person over 3 years of constant viewing for 80 hours a week to simply watch all the 14,000 hours of footage the government has provided. Best estimates put open-source videos at 5-10 times that amount. This is just what has been uncovered thus far. Then we consider the hundreds of thousands of pages of global discovery that the government has provided. This is one of the reasons no Jan 6 Defendant has had proper representation to date.

c) The government has violated its own Protective Order. The DOJ has released many hours of video it deems “Sensitive” or “Highly Sensitive”. This has been done selectively in an effort to sway public opinion about the events and “guilt” of the accused. The Jan 6 Select Committee has further violated this protective order by similarly releasing snippets of video, often cropped together, as well as doctoring video and time stamps to create a false narrative for the events.

-Access to Discovery:

a) The DOJ began arresting and indefinitely detaining people in connection with January 6 almost immediately following the event. They did not begin providing Global data until the Summer of 2021 and did not provide access to the video evidence until over a year after Jan 6, 2021. The judge’s used this as a reason to waive defendant’s speedy trial clock, almost always against the objections of the defense. Before the video evidence was available and before most of the other Global Discovery was released, trial dates were set and little, if any of this evidence was viewed by defendant’s or their lawyers. Discovery continues to be added monthly.

b) Jan 6 detainees have had limited access to their Discovery. In the DC Jail, detainees must sign up for a computer to access their discovery. Many waited for over 9 months to gain access to these computers. They were given 14 days of access, though these were often cut short. They then went back on a waiting list. The DC jail routinely lied to the Prosecution and court about access to the discovery. The General Council of the DC jail was summoned to court by Judge Boasberg because they repeatedly claimed that Mr. Mock had his Discovery and was given access to view it. The General Council then claimed in court that they in fact had not given Mr. Mock his discovery because they had lost between 2-8 flash drives with “sensitive” and “highly sensitive” material on it, as well as all the private content of Mr. Mock’s phone and lap top computers. This same scenario played out with Defendant Brandon Fellows. There were hundreds, if not thousands of internal complaints lodged by the J6 Defendants and their attorney’s concerning access to Discovery. To date there has been no remedy

-Undercover plain clothes operatives and Federal involvement

a) Christopher Wray lied to Congress claiming there was no FBI involvement in J6. It has since been proven that there was a minimum of 8 CI’s who were working with the FBI, as well as armed members of the FBI in and around the Capitol on J6. To date, none of the information about these agents, CI’s or other Federal agents present that day have been provided to a single Jan 6 Defendant.

b) Leading up to Jan 6, based on intel that the FBI, DOJ, Capitol Police, DHS, Fusion Centers, and other government agencies had acquired, there was an increase to the threat level on the dates of Jan 4-6. Officials went so far as to order the local hospitals to add extra staff, make sure extra blood was on hand and to prepare for mass casualties. To date no Jan 6 Defendant has had access to the information discussed in those meetings, what caused the increase in the threat level, or the subsequent actions taken by all parties involved to prepare for those threats. A timeline produced by the government as part of discovery has been made public and shows all the meetings between government agencies in the leadup to Jan 6. It also has an almost minute by minute account of the events on Jan 6. Again, to date, none of the information contained in this timeline has been made available to J6 defendants.

c) There was a booklet published by the police for the scheduled protests of Jan 4-6. This was a briefing manual for all officers to be made aware of responsibilities, chain of command and all pertinent information. Within this manual is a page that discusses a plain clothed unit of the MPD known as the Electronic Surveillance Unit. They were tasked with covertly surveilling the crowd and specifically looking for any potential or actual threats. To date no Jan 6 defendant has been provided with any information concerning this undercover unit, let alone the electronic surveillance that they obtained during the event.

d) The DOJ has not provided the defendants with a single after-action report by any USCP officer, Metro officer or any other law enforcement present that day. The only reports provided to the defendants have been FBI 302 reports. These are flagrant Brady violations that have yet to be remedied.

-Other Due Process violations

It is virtually impossible to list all the violations inflicted upon Jan 6 defendants, particularly those held in pre-trial detention. The following are some examples and their effect upon the accused.

1. Federal judges in the DC circuit overruled bond motions on appeal by the DOJ with no new evidence when the accused were granted bond in their home state. These were not based on existing Federal or case law, but rather by new criteria developed by the DC district that are applicable only to Jan 6 defendants. These criteria are known as the Chrestman 6, based on a bond motion held for Jan 6 detainee William Chrestman.
2. Whether the defendant has been charged with felony or misdemeanor offenses.
3. The extent of the defendant’s prior planning.
4. Whether the defendant used or carried a dangerous weapon.
5. Evidence of coordination with other protestors before, during or after the riot.
6. Whether the defendant assumed a formal or de facto leadership role.
7. The defendant’s words and movements during the riot.

These new criteria violate the Bail Reform Act that states “congress limited pretrial detention of persons who are presumed innocent to a subset of defendants charged with crimes that are ‘the most serious’ compared to other Federal offenses.” US v Singleton DC Cir 1999. The alleged actions of the accused are not held to the same standard as every other defendant in the country. They are now based in comparison to the alleged actions of another accused defendant. Further, when using these criteria, the Prosecution does not need to prove that a defendant’s words and/or actions meet the criteria but rather simply claim they do. In many cases, the Prosecution doesn’t make the argument, rather the judge makes it for them, claiming the accused was a leader or the alleged actions make that individual a threat.

b) DOJ creates false narrative using altered or misleading video and/or photographic evidence

An article published by the Epoch times in August of 2022 describes a common theme among J6defendants. It reveals that the DOJ has been taking still frame photos and concocting their own stories alleging assaults where other video and photographic evidence proves them to be lies. Even after getting caught lying about the “evidence”, often used as reason to detain the accused, the DOJ persists with the lies. This evidence includes making a protestor appear closer to an officer they are accused of assaulting, when in actuality, they are up to 20 feet away from them. They have used pictures of protestor’s hands up protecting themselves from spray and/or physical assaults to claim they are attacking officers. One charge against James McGrew for assault with a deadly weapon was dropped when it was revealed to be a fabrication. Brian Mock was released from bond after 347 days in detention when it was shown an alleged push never happened and an alleged kick was simply a still frame photo of his foot off the ground.

Also contained in the article is a quote from William Shipley, an attorney representing many Jan 6 defendants. He describes the way in which people are being charged is inconsistent with other cases he has seen as a Federal Prosecutor for 23 years and defense attorney for over a decade. The DOJ is providing detailed accounts of their charges, knowing they can’t comment to reporters. They release selective clips of body cams, CCTV footage and the misleading photographs described above. This is all in an effort to publicly prove the guilt of the accused, meanwhile denying the defendant the right to show the public entire clips or any exculpatory evidence because of the protective order. In essence they violate their own protective order to create a false narrative of the alleged “crimes”. Often there are no “victims”, no witnesses and the FBI refuses to characterize the alleged “crimes” in the same manner as the DOJ.

c) Misapplied charges and multiplicity-

There seems no rhyme nor reason as to who is arrested for being present at the Capitol and then how defendants are charged. Some are charged with petty misdemeanors for entering the Capitol, while others are charged with felony Obstruction under article 1512. People are being charges for assault with a deadly and dangerous weapon for such things as a flagpole, sign, pepper spray, gloves, or simply touching a large aluminum frame sign that was passed through the crowd and confiscated by officers. Breaking a window has led to Seditious Conspiracy charges. Touching any piece of abandoned police gear, even for a second to move it has resulted in the charge of theft of government property even after the property was recovered by law enforcement. 1 defendant found language in his indictment charging him with attempted assassination of Joe Biden.

Another issue comes into play with multiplicity. The DOJ is stacking any charge they can to make the indictments as voluminous as possible. For example:

Count 1: Felony Assault of an officer

Count2: Felony Civil Disorder (because of the alleged assault)

Count 3: Misdemeanor Disorderly conduct in or on Restricted Grounds (because of alleged assault)

Count 4: Misdemeanor Act of violence in or on Restricted Grounds (because of alleged assault)

Count 5: Misdemeanor Disorderly conduct in or on Capitol Grounds (because of alleged assault)

Count 6: Misdemeanor Act of violence in or on Capitol Grounds (because of alleged assault)

-Civil Rights violations against pretrial detainees

The list of Civil Rights violations against pre-trial Jan 6 detainees is too voluminous to cover and has been well chronicled by numerous letters by the accused, interviews, reports by Marjorie Taylor-Greene and the US Marshalls. These include:

No or limited access to discovery

Denied access to attorney

Denied access to law library and legal material

Denied access to video visits and in-person visits

Denied access to religious services

Denied access to haircuts or nail trimmers

Threats, intimidation and assaults by guards and jail staff

Contaminated food

Unsanitary conditions, included standing sewage, fecal matter, urine and bodily fluids

Sexual assaults and threats of sexual assaults by prison staff

Prolonged solitary confinement with no infractions by the detainees

Denied access to meals and water for punitive reasons

Placed in General Population against court order for PC, often resulting in assault

The conditions inside the DC jail were so deplorable that the US Marshals removed 400 Federal inmates from the facility and advised an investigation into Civil Rights violations. They left the Jan 6 detainees in those same squalid conditions to face more civil rights violations.

The unprecedented pretrial detention of these men has probably been a large part of the reason that they have been forced to waive their speedy trial rights against their will, leaving them locked in jail for more than 20 months before they have a chance to even face a judge. By virtue, they are taking pleas under duress.

This is not equal protection under the law.

The result has been widespread violations of the: 8th amendment protections against cruel and unusual punishments, disproportionate to the offence, and excessive in length or severity; 5 th amendment protection against the deprivation of life, liberty, and due process of law; the 14 th amendment promise of equal protection under the law; 6th amendment which protects against

” undue delays” and partial juries; 4th amendment protections against unreasonable search and seizure; Supreme Court precedents commonly referred to as Brady disclosure rules, the Bail Reform Act, and the promises of the First Step Act; the internationally recognized United Nations Declaration of Human Rights, specifically against cruel, inhuman, and degrading punishment or torture.