

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
v.	)	<b>No. 1:21-cr-28 (APM)</b>
	)	
<b>KELLY MEGGS,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT’S OPPOSITION TO  
DEFENDANT’S RENEWED REQUEST FOR PRETRIAL RELEASE**

The United States respectfully files this memorandum in opposition to Defendant Kelly Meggs’s renewed request for pretrial release. Defendant Meggs plotted with his co-conspirators to stop the certification of the Electoral College vote, prepared to use violence if necessary, and stormed the Capitol. And he was the “team leader” of the attack. For these reasons, the Court should maintain the order that the defendant be detained pending trial.

**I. BACKGROUND**

Video recorded on January 6, 2021, captured the defendant among a “stack” of more than a dozen individuals dressed in camouflaged para-military gear moving in a deliberate and organized manner toward the Capitol building. An additional recording shows the stack moments later embedded near the front of a violent mob that is attempting to literally break open the doors of the Capitol building. The video depicts the doors later opening and the subsequent flow of people into the building, to include the defendant and members of the stack. Selfies and surveillance video taken inside of the Capitol Rotunda further evince Defendant Meggs’s and his coconspirators’ presence inside.

Co-defendant Jessica Watkins characterized their insurgent effort to breach the Capitol building as “forcing entry into the Capitol building” and said that it was “[f]orced. Like Rugby.”

On the afternoon and evening of January 6, co-defendant Graydon Young wrote on Facebook that “[w]e stormed and got inside.” Defendant Meggs himself wrote in a Signal chat, “Ok who gives a damn who went in there.... We are now the enemy of the State.” An hour later, Defendant Meggs wrote to the same Signal chat: “We aren’t quitting!! We are reloading!!”

Based on his actions described above, on February 17, 2021, Defendant Meggs was arrested on a complaint charging him with conspiracy, in violation of 18 U.S.C. § 371 (a felony); destruction of government property, in violation of 18 U.S.C. § 1361 (a felony); obstruction of an official proceeding, in violation of 18 U.S.C. § 1512(c)(2) (a felony); and entering a restricted building without lawful authority, in violation of 18 U.S.C. § 1752(a) (a misdemeanor). Defendant Meggs made his initial appearance in the Middle District of Florida the same day, and was detained pending a hearing pursuant to 18 U.S.C. § 3142(f).

On February 19, 2021, a federal grand jury in Washington, D.C., indicted Defendant Meggs (along with eight co-defendants, including his wife Connie Meggs) on the same four counts from the complaint.<sup>1</sup>

On February 22, 2021, Magistrate Judge Philip R. Lammens of the Middle District of Florida conducted a detention hearing and ordered that Defendant Meggs be detained pending trial. Judge Lammens wrote:

There is a presumption of detention in this case. The conduct is such that someone who is alleged to have committed it is inherently unlikely to appear or not endanger the community. In other words, given the nature of the alleged conduct they are a risk of flight and danger to the community. The nature of the offense and the weight of the evidence are weighed heavily then....

This case isn’t just about breaking the law. We see those cases everyday. This case is different. It is more. It is about challenging the very existence of the law. It is about a challenge to the very institution responsible for

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<sup>1</sup> On March 12, 2021, the grand jury handed up a second superseding indictment, adding a tenth defendant but leaving the charges as to Defendant Meggs unchanged.

making the law, while it was in the process of carrying out its lawful duty. They were carrying out a duty that their oath required them to fulfill....

When the Court considers then the seriousness of the charges against you and the weight of the evidence, there is only one conclusion. You are a danger to the community and must be detained.

(ECF 17; Case 5:21-mj-01036-PRL (M.D. Fla.))

On March 17, 2021, Defendant Meggs filed the instant motion.

## II. LEGAL STANDARD

Defendant Meggs styles his pleading as a “renewed request for pretrial release,” but it is unclear to the government whether he is seeking to “reopen[]” the detention hearing under Section 3142(f) based on alleged new material information, or whether he is filing a “motion for revocation or amendment” of Magistrate Judge Lammens’s detention order under Section 3145(b). His pleading cites to Section 3142 (but not Section 3145), and he avers that “significant information has come to light that militates strongly in favor of the defendant’s pretrial release.” (ECF 82 at 2-3.) For that reason, it appears that he is seeking to “reopen” the detention hearing under Section 3142(f), which means he must come forward with “information that was not known to the movant at the time of the hearing and that has a material bearing” on the underlying detention question. *See United States v. Lee*, 451 F. Supp. 3d 1, 5 (D.D.C. 2020).<sup>2</sup>

At a detention hearing, the government may present evidence by way of a proffer. *United States v. Smith*, 79 F.3d 1208, 1209-10 (D.C. Cir. 1996).

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<sup>2</sup> If Defendant Meggs is indeed moving for review under Section 3145(b), the Court should review the magistrate’s release order *de novo*. *See, e.g., United States v. Tortora*, 922 F.2d 880, 883-84 (1st Cir. 1990) (district court engages in *de novo* review of contested pretrial release or detention order made by magistrate).

### III. ARGUMENT

#### a. Alleged “Changed” Circumstances

Defendant Meggs points to two facts that he suggests constitute material information that was not known to him at the time of the detention hearing before Judge Lammens: (a) Defendant Meggs made a statement to law enforcement after his arrest, and (b) the government provided a disclosure letter about damage to the Capitol’s doors. (ECF 82 at ¶ 10.)<sup>3</sup> Neither point warrants reconsideration of Judge Lammens’s detention decision.

On the first point, yes, Defendant Meggs made a statement to the FBI in the hours following his arrest. But that fact was known at the time of Defendant Meggs’s first detention hearing, and, regardless, simply speaking with law enforcement does not mean that a person is not a danger. This is especially so when some of the statements Defendant Meggs made to the FBI appear to be in conflict with the evidence.

On the second point, the government provided a disclosure letter to defense counsel about the timing of *some* of the damage to the Capitol doors. The double doors through which Defendant Meggs and his co-defendants unlawfully entered the Capitol suffered extensive damage. That damage includes, but is not necessarily limited to, panes of glass being smashed, a door handle being ripped off, a door closer being broken, and the doors themselves being damaged by chemical spray. The U.S. Capitol complex suffered millions of dollars in total damage from the rioters on

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<sup>3</sup> Defendant Meggs also alleges that the government, at the initial detention hearing, “inaccurately stated” that a police officer was beaten to death, “inten[ded]” to “inflame the court,” and “quite incredibly” informed the court that there was a concern that the Meggses “would kill federal law enforcement officers.” (ECF 82 at ¶¶ 12-14.) While the government did not locate these precise statements in the transcript of the Feb. 22, 2021, detention hearing – and Defendant Meggs did not cite any particular page or passage – it is true that one police officer lost his life (and more than a hundred officers were injured) in connection with the attack on the Capitol. Regardless, Judge Lammens did not reference these points in his written order finding that Defendant Meggs had not rebutted the presumption that he was a danger to the community. (ECF 17; Case 5:21-mj-01036-PRL (M.D. Fla.))

January 6. Just within the Rotunda – where Defendant Meggs spent much time after breaching the Capitol – there was significant damage (well in excess of \$1000) to artwork and the marble flooring.

The disclosure letter indicated that the panes of glass appear to have been smashed prior to Defendant Meggs’s entry. That does not mean that Defendant Meggs is not legally responsible for the damage to the glass – under theories of aiding and abetting or conspiracy – or for the remainder of the damage to the doors. In the minutes directly prior to the defendant’s breach of the Capitol, hundreds of rioters surrounded and assaulted law enforcement officers who were attempting to prohibit entry. Video captures the officers in the terrifying final minutes before the breach occurs, as they try to stop the rioters.<sup>4</sup> The collective mob pushes forward with a common goal, yelling “Take their shields,” “Our house,” and “We want Trump!” The rioters fire pepper spray at the officers (which strikes the Capitol doors), beat the officers with shields and flagpoles, and fire numerous projectiles at the officers and the doors. The crowd violently yanks on the doors, ultimately forcing them open. Defendant Meggs’s group was immediately behind the front line of the mob, aiding and abetting their attack, and then capitalizing on the breach moments later. When the rioters at large, including Defendant Meggs and the stack, eventually gain entry, a woman shouts “We did it,” as alarm bells blare.

Regardless, the government is not relying on the strength of the evidence as to the Section 1361 violation to support Defendant Meggs’s detention. In fact, once the grand jury has found probable cause that Defendant Meggs violated Section 1361 (felony) – and here, it has – then under

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<sup>4</sup> See <https://www.youtube.com/watch?app=desktop&v=MVullQb-Lec> (Oath Keeper stack visible at 4:10).

the guidance of *United States v. Singleton*, 182 F.3d 7, 12 (D.C. Cir. 1999), the government has satisfied its burden under Section 3142(f)<sup>5</sup> to trigger a detention analysis under Section 3142(g).

Because Defendant Meggs has not articulated any significant changes to the factual findings that underpinned Magistrate Judge Lammens's detention order, the Court should deny the motion for reconsideration. *See Lee*, 451 F. Supp. 3d 1 at 5.

## **b. Basis for Detention**

### **i. Introduction**

Defendant Meggs's motion fails to recognize that there is a rebuttable presumption in favor of Defendant Meggs's detention, pursuant to 18 U.S.C. § 3142(e)(3)(C). A felony charge of destroying government property under 18 U.S.C. § 1361 is an offense listed in 18 U.S.C. § 2332b(g)(5)(B), and is punishable by a term of imprisonment of up to 10 years, which falls within the statutory requirement that the predicate offense provide for punishment of "10 years or more." Because the grand jury found probable cause that the defendant committed a felony violation of Section 1361, the rebuttable presumption applies here.

Judge Lammens found that the presumption applied – and that it was not rebutted. This Court should not disturb that ruling.

Even if the Court were to reach the merits of Judge Lammens's detention decision, Defendant Meggs has not proffered facts to rebut the presumption of detention, and the factors in Section 3142(g) still favor Defendant Meggs's detention.<sup>6</sup> None of the information presented in

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<sup>5</sup> The same rationale would apply to the detention analysis under Section 3142(e)(3)(C).

<sup>6</sup> Moreover, the indicted crime of a Section 1361 violation is an enumerated offense under Section 2332b(g)(5)(B), and the offense was clearly calculated to "influence or affect the conduct of government by intimidation or coercion" under Section 2332b(g)(5)(A). As such, the offense constitutes a federal crime of terrorism for purposes of evaluating the "nature and circumstances of the offense charged" under Section 3142(g)(1).

Defendant Meggs's pleading negates that he conspired with others to stop Congress's certification of the Electoral College vote, took steps to aid this conspiracy, and then participated in the storming of the Capitol itself, all the while acting as a leader of the group.

**ii. Preparation: Defendant Meggs's Actions Prior to Storming the Capitol**

Defendant Meggs engaged in extensive planning and financing to come to Washington, D.C., and coordinate with his coconspirators and others on how to accomplish his goals of disrupting Congress.

*1. Facebook records*

On November 9, 2020, shortly after the presidential election, Defendant Meggs exhorted others on Facebook to join him in "doing shit" rather than just "talking on Facebook," and asked those who were ready to "join the fight" to message him directly:

**Time** 2020-11-09 11:13:09 UTC  
**Type** Comments  
**Summary** Kelly Meggs commented on a post from November 7, 2020. `Then Do it, a lot of people here are talking ! I don't see anybody doing ! I used say hell yeah and let's go . Then I did it ! Now I laugh when i see people say it . If your waiting for it to come to your street your gonna die . You aren't trained , you don't have any experience and you might do some shooting but that's not combat or riots . This fight is face to face, not far away. If your ready to really join the fight DM me . It if your gonna keep talking on Facebook . Remember there are people doing shit ! `  
**Object Id** S: 11517304829:10218762348831320:17

On December 19, Defendant Meggs discussed his coordination with other groups who were also planning to be in Washington, D.C., on January 6:

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-19 15:22:53 UTC  
**Body** Well we are ready for the rioters , this week I organized an alliance between Oath Keepers , Florida 3%ers , and Proud Boys . We have decided to work together and shut this shit down

On December 22, Defendant Meggs told others he will be going to the Capitol and it will be wild:

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 19:06:00 UTC  
**Body** Kelly the Oath Keeper that trains with [REDACTED]  
  
We are thinking that this is the plan : he wants us to get shit kicked off .  
  
**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 19:06:05 UTC  
**Body** Trump said  
  
It's gonna be wild !!!!!!!  
It's gonna be wild !!!!!!!  
He wants us to make it WILD that's what he's saying . He called us all to the Capitol and wants us to make it wild !!!  
Sir Yes Sir !!!  
Gentlemen we are heading to DC pack your shit !!

On December 22, Defendant Meggs discussed coordination with the Proud Boys and the number of Oath Keepers who will be in Washington, D.C., on January 6:

Facebook Business Record Page 421

**Body**  
Nice , we will have at least 50-100 OK there

**Author** [REDACTED]  
**Sent** 2020-12-22 22:47:51 UTC  
**Body** Hell yeah!!!

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 22:49:48 UTC  
**Body** Plus we have made  
Contact with PB and they always have a big group . Force multiplier

**Author** [REDACTED]  
**Sent** 2020-12-22 23:29:06 UTC  
**Body** Yeah are they showing in force

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 23:41:56 UTC  
**Body** I figure we could splinter off the main group of PB and come up behind them . Fucking crush them for good

**Author** [REDACTED]  
**Sent** 2020-12-22 23:43:44 UTC  
**Body** Good plan

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 23:50:59 UTC  
**Body** We can hang for a while they'll see one group then we all fall to back of the pack and peel off . We catch them in the middle ..game over

On December 22 to 25, Defendant Meggs recruited another person to join him in Washington, D.C., and announced that he was named “state lead” of Florida (presumably of the Oath Keepers):

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 23:52:17 UTC  
**Body** You wanna have some fun

**Author** [REDACTED]  
**Sent** 2020-12-22 23:52:51 UTC  
**Body** Sure

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-22 23:53:05 UTC  
**Body** DC Jan 6th

**Author** [REDACTED]  
**Sent** 2020-12-22 23:53:28 UTC  
**Body** Going to go off aye?

**Author** [REDACTED]  
**Sent** 2020-12-24 15:42:14 UTC  
**Body** [REDACTED] sent an attachment.  
**Share** **Date Created** 2020-12-24 15:42:14 UTC

**Author** [REDACTED]  
**Sent** 2020-12-25 00:09:06 UTC  
**Body** I want to join the oath!! I'm tired of this shit

**Author** [REDACTED]  
**Sent** 2020-12-25 00:38:21 UTC  
**Body** I will have a 15 person van full tell me what we need the van will be full

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-25 00:40:00 UTC  
**Body** I was named State lead of Florida today .

On December 25, Defendant Meggs provided a provisions list – mace, gas mask, baton, plate carrier – and discussed coordination with the Proud Boys:

Facebook Business Record		Page 1071
<b>Body</b>	Where you want to go DC	
<b>Author</b>	Kelly Meggs (Facebook: 1517304829)	
<b>Sent</b>	2020-12-25 00:40:32 UTC	
<b>Body</b>	Get a hotel and come with us	
<b>Author</b>	[REDACTED]	
<b>Sent</b>	2020-12-25 00:40:39 UTC	
<b>Body</b>	I'm coming just need to know how to prepare	
<b>Author</b>	[REDACTED]	
<b>Sent</b>	2020-12-25 00:40:58 UTC	
<b>Body</b>	I will need list of gear and attire	
<b>Author</b>	[REDACTED]	
<b>Sent</b>	2020-12-25 00:41:30 UTC	
<b>Body</b>	Fuck these communist cock suckers	
<b>Author</b>	Kelly Meggs (Facebook: 1517304829)	
<b>Sent</b>	2020-12-25 00:41:52 UTC	
<b>Body</b>	We are all staying in DC near the Capitol we are at the Hilton garden inn but I think it's full .	
	Dc is no guns . So mace and gas masks , some batons . If you have armor that's good . During the day it's kind of boring but when it starts getting dark Game on	
<b>Author</b>	Kelly Meggs (Facebook: 1517304829)	
<b>Sent</b>	2020-12-25 00:43:05 UTC	
<b>Body</b>	No armor at least get a plate carrier on Amazon multi cam is best	
<b>Author</b>	Kelly Meggs (Facebook: 1517304829)	
<b>Sent</b>	2020-12-25 00:45:18 UTC	
<b>Body</b>	You can hang with us we will probably be guarding [REDACTED] or someone during the day but then at night we have orchestrated a plan with the proud boys . I've been communicating with [REDACTED] [REDACTED] the leader . We are gonna March with them for a while then fall back to the back of the crowd and turn off . Then we will have the proud boys get in front of them the cops will get between antifa and proud boys . We will come in behind antifa and beat the hell out of them	

On December 26, Defendant Meggs told another person to “wait for the 6th when we are all in DC to insurrection”:

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-26 21:23:54 UTC  
**Body** Trumps staying in , he's Gonna use the emergency broadcast system on cell phones to broadcast to the American people . Then he will claim the insurrection act

**Author** [REDACTED]  
**Sent** 2020-12-26 21:25:09 UTC  
**Body** That's awesome. Any idea when?

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-26 21:26:01 UTC  
**Body** Next week

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-26 21:26:18 UTC  
**Body** Then wait for the 6th when we are all in DC to insurrection

On December 30, Defendant Meggs told another person that while Defendant Meggs will not be “carrying weapons, he will have a “heavy” QRF – or Quick Reaction Force – on standby, presumably to ferry weapons to him and his team:

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-30 23:12:35 UTC  
**Body** You guys Gonna carry ?

**Author** [REDACTED]  
**Sent** 2020-12-31 12:59:46 UTC  
**Body** No

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2020-12-31 13:00:27 UTC  
**Body** Ok we aren't either , we have a heavy QRF 10 Min out though

On January 3, Defendant Meggs told another person that Defendant Meggs and more than 200 Oath Keepers were “called” to Washington because what Vice President Pence is doing “checks all the boxes,” and emphasized that the January 6 event will *not* be a “rally”:

**Author** [REDACTED]  
**Sent** 2021-01-03 04:10:12 UTC  
**Body** I have a friend in Philly who wants to know more on OK and may be in Washington. U gonna be there?

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2021-01-03 10:13:33 UTC  
**Body** Yes 200 +

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2021-01-03 10:15:42 UTC  
**Body** Florida is taking [REDACTED] for 2

Days when he moves full kits . Insurrection act should be why he is presenting to America , now pence announced he is going to allow the evidence to be presented to Congress . That checks all the boxes . I think this is why we were called there . Anything less would be a terrible mistake . The natives are very restless .

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2021-01-03 10:16:00 UTC  
**Body** Tell your friend this isn't a Rally !!

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2021-01-03 10:16:10 UTC  
**Body** Be very very cautious

Finally, on January 4, Defendant Meggs expressed his disdain for D.C. police officers:

**Author** Kelly Meggs (Facebook: 1517304829)  
**Sent** 2021-01-04 14:02:08 UTC  
**Body** We will be done by 6 and then we do street patrol , daytime real threats are only political . Night time is when they attack Patriots!! We have 200+ patrol at night  
 Fucking DC cops protect those antifa fuckers though pisses me off

This sentiment appears in conflict with Defendant Meggs’s allegation in his motion (and what he stated to the FBI upon his arrest) that he was at the Capitol to help “protect” police officers. (ECF 82 at ¶ 15.)

2. *Go To Meeting records*

Between December 12, 2020, and January 3, 2021, Defendant Meggs organized and participated in approximately ten online meetings on Go To Meeting that were affiliated with the Oath Keepers.<sup>7</sup> Defendant Meggs did not use his real name; he used the moniker “Gator 1.” The

<sup>7</sup> Go To Meeting is an online meeting site that allows users to host conference calls and video conferences via the Internet in real time.

names of the meetings included “se leaders dc 1/6/21 op call,” “dc planning call,” and “florida dc op planning chat”:

1	session_subject	session_ty	session_da	session_duration	participant_name	participant_ty
14	dc planning call	scheduled	2021-01-03	54.48	gator 1	organizer
61	dc planning call	scheduled	2021-01-02	0.55	gator 1	organizer
143	se leaders dc 1/6/21 op call	scheduled	2020-12-31	11.05	gator 1	organizer
277	dc discussion and cpt teams	scheduled	2020-12-23	33.78	gator 1	organizer
353	oath keepers friday night free for all	scheduled	2020-12-05	56.62	gator 1	organizer
372	osint and securing online intel	scheduled	2020-12-12	38.97	gator 1	organizer
379	osint and securing online intel	scheduled	2020-12-12	38.97	gator 1	organizer
388	osint and securing online intel	scheduled	2020-12-11	2.57	gator 1	organizer
391	osint and securing online intel	scheduled	2020-12-11	0.23	gator 1	attendee
447	miami review and positions	scheduled	2020-12-12	34.2	gator 1	organizer

Other individuals who were with Defendant Meggs in Washington, D.C., on January 6, also participated in these meetings, including co-defendant Kenneth Harrelson (as “Gator 6”).

### 3. *Email records*

On the evening of January 3, 2021, co-defendant Steele sent an email to Defendant Meggs’s email account at Proton Mail,<sup>8</sup> copying co-defendant Young. Steele attached her application and vetting form, and wrote: “My brother, Graydon Young told me to send the application to you so I can be verified for the Events this coming Tuesday and Wednesday.” Defendant Meggs appears to have provided instructions to co-defendant Steele, because the following day (January 4), Steele again sent her application and vetting form to another Oath Keepers email address at Proton Mail. On her email, she copied Defendant Meggs. In contrast to this evidence, Defendant Meggs inexplicably told the FBI that “the only person I’ve ever vetted” was a man six months earlier. Interview Tr. at 28-29.

<sup>8</sup> Proton Mail is housed overseas (in Switzerland) and offers end-to-end encryption. “Even the company hosting your emails has no way of reading them, so you can rest assured that they can’t be read by third parties either.” Mindaugas Jancis, *ProtonMail review: have we found the most secure email provider in 2021?*, CyberNews, Mar. 4, 2021, at <https://cybernews.com/secure-email-providers/protonmail-review>. According to his financial records, Defendant Meggs has a recurring charge to Proton Mail, suggesting he has a premium account.

Moreover, on January 8, 2021, two days after the attack on the Capitol, co-defendant Young wrote in an email that Defendant Meggs – using the moniker “OK Gator 1” – was the group’s “team leader” at the Capitol.

*4. Hotel and financial records*

Defendant Meggs not only led and planned the Oath Keepers’ activities, he financed them. He paid for two separate adjoining rooms at the Hilton Garden Inn in Washington, D.C., from January 5 to 7, but he and his wife (co-defendant Connie Meggs) only stayed in one of them. Moreover, Defendant Meggs paid for the two rooms with two different credit cards.

Several other Oath Keepers, including co-defendants Watkins, Crowl, and Caldwell, stayed at the Comfort Inn in Arlington between January 5 and 7. Defendant Meggs paid for two rooms at that hotel during that period, even though he did not stay there.

*5. Signal records*

Several members of the conspiracy – as well as other members of the Oath Keepers – participated in a Signal chat titled “DC OP: Jan 6 21.” The chat shows that the participants were activating a plan to use force on January 6. Notably, Defendant Meggs was a member of the chat (as “OK Gator 1”), as were co-defendants Jessica Watkins and Kenneth Harrelson.

On January 1, 2021, Defendant Meggs wrote to the group that they may already be in an “actual ware [*sic*]” with “domestic” enemies:

OK Gator 1	1/1/2021	1:19 AM	<p>Yep, Weird times my friends weird times. We truly may be in the actual ware they have said we are in. Cyber attacs, bombs in TN, the place where they printed the mail in ballots burned to the group. It's a full fledged assault on our republic. Funny we are supposed to be ready for enemies foreign or domestic.</p> <p>This is foreign AND domestic. I hope Trump handles this. He has the power, does he have the testicular fortitude?! I say he does! so we wait.</p>
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On January 2, Defendant Meggs reported that he will be coordinating the “QRF” with the Oath Keepers from North Carolina:

OK Gator 1	1/2/2021	6:28 AM	<p>Good call last night. Lots focerred, I'll get with NC team today and find out QRF location</p>
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On January 3, Defendant Meggs informed the group that a member (likely co-defendant Young) with a sister (likely co-defendant Steele) who is “leo” (law enforcement officer) provided her vetting information to join the group, again in contrast to Defendant Meggs’s statements to the FBI:

OK Gator 1	1/3/2021	10:40 PM	<p>Who do I need to send vetting paper to . We have a member his sister is Leo and coming</p>
OK Gator 1	1/3/2021	10:41 PM	<p>I have her vetting stuff in my proton where do I sent it</p>

Finally, on January 6 itself, at approximately 1:38 p.m., Person One wrote to the group on Signal, “All I see is Trump doing is complaining. I see no intent by him to do anything. So the

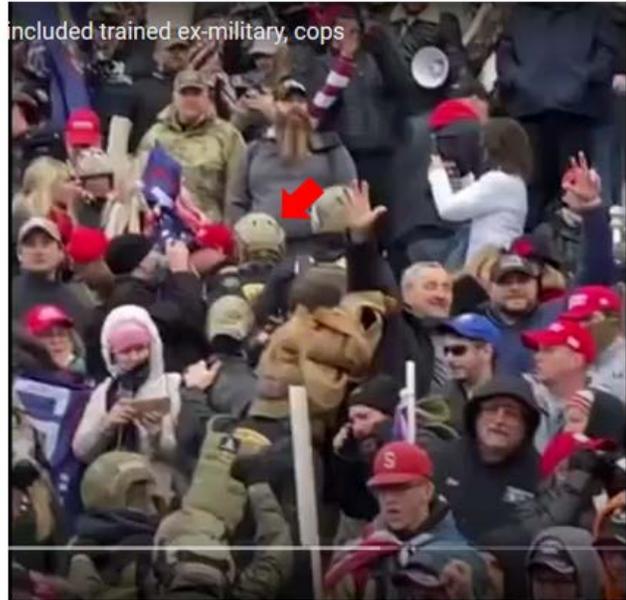
patriots are taking it into their own hands. They've had enough." At 2:14 p.m., an individual leading the coordination of the security details run by the Oath Keepers on January 5-6 stated, "The have taken ground at the capital[.] We need to regroup any members who are not on mission." Person One then reposts that message and instructs the group: "Come to South Side of Capitol on steps" and then sends a photograph showing the southeast side of the Capitol. At 2:41 p.m., Person One posted another photograph showing the southeast side of the Capitol with the caption, "South side of US Capitol. Patriots pounding on doors[.]" At around the same time, Defendant Meggs – with several of his coconspirators – was breaching the Capitol itself.

### **iii. Obstructing the Certification: Defendant Meggs's Actions on January 6**

At around 2:20 p.m. on January 6, the U.S. Capitol Police locked down the Senate chamber to protect Vice President Pence, the senators, and staffers from the rioters that had begun to storm the Capitol and from the mob that was enveloping the building. At around 2:30 p.m., law enforcement began to evacuate Vice President Pence and senators from the Senate chamber. At about the same time, Defendant Meggs and his coconspirators ascended the steps on the east side of the Capitol, pushing through and parting the crowd so that they could get closer to the doors at the top of the steps. Defendant Meggs is one of several individuals in a military-style "stack" formation, with hands on each other's backs or flak jackets, some with obvious Oath Keeper insignias visible on their clothing, moving up through the crowd towards the door of the Capitol.<sup>9</sup> Below is a screenshot (with red arrow added to identify Defendant Meggs):

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<sup>9</sup> The video is available at the following link, at slide 10: <https://apnews.com/article/ex-military-cops-us-capitol-riot-a1cb17201dfddc98291edead5badc257>.



Members of the stack of Oath Keepers – including Defendant Meggs – wearing matching uniforms consisting of camouflaged-combat attire, then aggressively approached the east doors of the Capitol. These individuals, who are wearing helmets, reinforced vests, and clothing with Oath Keeper logos and insignia, can be seen moving in an organized and practiced fashion and forcing their way to the front of the crowd gathered around a set of doors:



A close-up view of the badges on the vest of one of these individuals – who appears to be Defendant Meggs himself – seen just under the Oath Keepers emblem on his shirt, displays the Oath Keepers motto, “Not On Our Watch.” The badge also says, “I don’t believe in anything. I’m just here for the violence.”



Then, at around 2:40 p.m., Defendant Meggs, as part of the stack, and with seven of his current co-defendants, rushed through the Capitol doors—the same damaged doors described in detail above—and past a police officer trying to keep the crowd at bay:



With several of his coconspirators, Defendant Meggs (red arrow) then moved into the Rotunda:



At around 2:47 p.m. – while Defendant Meggs was inside the Capitol – rioters broke into the Senate chamber. At about the same time, several members of the conspiracy, along with dozens of other rioters, moved down a hallway connecting the Rotunda to the Senate chamber.<sup>10</sup> The rioters chanted phrases such as “Fuck McConnell,” and tried to continue down the hallway to the Senate.<sup>11</sup> As described by co-defendant Watkins in a subsequent Parler post: “Yeah. We stormed the Capitol today. Teargassed, the whole 9. Pushed our way into the Rotunda. Made it into the Senate even. The news is lying (even Fox) about the Historic Events we created today.” Thankfully, a group of police officers in riot gear was able to push the rioters back into the Rotunda (and away from the Senate chamber) by deploying a chemical irritant.<sup>12</sup>

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<sup>10</sup> It is presently unclear if Defendant Meggs was one of the members of the conspiracy who physically went down this hallway. The investigation is ongoing.

<sup>11</sup> See [https://www.liveleak.com/view?t=9ZobJ\\_1610107203](https://www.liveleak.com/view?t=9ZobJ_1610107203).

<sup>12</sup> According to co-defendant Watkins’s Parler post, as reported by the press: “We never smashed anything, stole anything, burned anything, and truthfully we were very respectful with Capitol Hill PD until they attacked us. . . . Then we stood our ground and drew the line.” Jake Zuckerman, *Ohio*

Defendant Meggs remained inside the Capitol for about 20 minutes in total, until finally leaving with several of his coconspirators at around 3:00 p.m.

But Defendant Meggs did not leave the area. At around 4:00 p.m., a large group – including Defendant Meggs and co-defendants Connie Meggs, Graydon Young, and Laura Steele, other members of the stack, and other individuals wearing “Oath Keepers” clothing and insignia who stormed the Capitol – gathered around Person One and stood around waiting for at least 10 minutes in that location. Defendant Meggs is indicated with a red arrow:



Similarly, this group standing outside includes Defendant Meggs (blue arrow) and co-defendants Young (red arrow), Steele (yellow arrow), and Harrelson (green arrow):

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*bartender and her “militia” drove to D.C. to join the Capitol breach*, Ohio Capital Journal, Jan. 13, 2021, at <https://ohiocapitaljournal.com/2021/01/13/ohio-bartender-and-her-militia-drove-to-d-c-to-join-the-capitol-breach>.



**iv. Future Dangerousness: Defendant Meggs’s Actions After the Attack**

On the evening of January 6, Defendant Meggs wrote in the “DC OP” Signal chat, “Ok who gives a damn who went in there.... We are now the enemy of the State.” An hour later, Defendant Meggs wrote to the same Signal chat: “We aren’t quitting!! We are reloading!!” Far from second-guessing the actions he led as “team lead” on January 6, Defendant Meggs was ready for more.

When the FBI searched Defendant Meggs’s residence on February 17, 2021, the FBI located more than three firearms. And co-defendant Connie Meggs admitted during her custodial interview that she participated in a firearms training class with her husband and others to prepare to be “security” at the rallies and events planned in Washington, D.C., for January 5-6, 2021.

**IV. CONCLUSION**

For all these reasons, the government submits that Defendant Meggs has not presented information that constitutes a significant change in the law or facts since Judge Lammens ordered

him detained. Defendant Meggs has also not rebutted the presumption under Section 3142(e)(3)(C), that there are no conditions that will reasonably assure the safety of the community.

Defendant Meggs's "renewed motion for pretrial release" should therefore be denied.

Respectfully submitted,

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