

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

UNITED STATES OF AMERICA

v.

JARED HUNTER ADAMS,

Defendant.

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Case No.: 21-CR-212-ABJ

**GOVERNMENT’S MEMORANDUM IN OPPOSITION TO
DEFENDANT’S MOTION TO MODIFY CONDITIONS OF
RELEASE**

The United States of America by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this memorandum in opposition to defendant Jared Hunter Adams’ Motion to Modify Conditions of Release (“Mot.”). ECF No. 26.

“Next time we won’t leave our guns at home.”

That is what defendant Jared Adams vowed as he retreated from advancing Metropolitan Police Department Officers on the steps of the United States Capitol on January 6, following a clash between rioters and police. Adams now asks the Court to allow him to possess firearms for recreational purposes while he awaits trial for his role in the January 6 riot. His own words on January 6 are perhaps the most concise summary of why, to ensure the safety of the community, the Court should leave the firearms restriction in place.

Adams poses a danger sufficient to justify the conditions of release set by the Court here, which are no more stringent than necessary. Adams brought knives with him to Washington D.C. He joined the attack on the Capitol and was part of a crowd that clashed with police. He threatened to bring guns to the Capitol; by his own admission, he collects firearms. His criminal

history includes violence. He does not request access to firearms out of necessity, say, to earn a living or for protection from a particular threat. Instead, firearms collecting and hunting are his hobbies. Or, as the defendant puts it, “he is unable to enjoy these past-times given the current restrictions.” Mot. ¶ 5.

Adams unlawfully entered the U.S. Capitol in the midst of a violent riot and promised that, “next time,” he would return, armed. His history and characteristics suggest that the Court cannot entirely dismiss his words as an idle threat. The government acknowledges that Adams is currently charged with misdemeanors only, and is not aware of evidence that Adams assaulted officers. Primarily for these reasons, the government has agreed that Adams may remain on release pending trial, without a curfew, home detention, or monitoring – but not without conditions. Here, the condition that Adams may not possess a dangerous weapon, including a firearm, must be included among the minimum conditions necessary to assure the safety of the community. His history and characteristics and conduct on January 6 amply justify restricting his firearms-related recreation pending trial. The Court should deny Adams’ motion.

FACTUAL BACKGROUND

I. Adams’ Participation in the Capitol Riot

On January 6, Adams drove from Ohio to Washington, D.C. Adams brought two hunting knives with him, which he told the FBI he left in his car.

After hearing then-President Trump speak, Adams marched to the Capitol. As he approached the Capitol, he took a cell-phone video, and can be heard saying, “looks like we are storming the steps,” “well I guess we are breaking inside,” and “well they better have enough” (referring to police and pepper spray). Gov. Ex. A at 0:02, 0:14, 0:17.

By approximately 2:46 p.m., Adams found himself on the inaugural scaffolding, which by then was overrun with rioters. He created another cell phone video of a line of rioters moving down the stairs, toward the Capitol Building. He can be heard saying, “keep your feet moving...let’s go...gotta funnel in like cattle...just keep going, push yourself.” Gov. Ex. B at 0:25, 0:49, 1:03, 1:07. Adams and the other rioters then encountered a line of police and yelled at them. At one point, Adams can be heard saying, I hope DHS bought enough bullets.” Ex. B at 7:05.

Adams then entered the U.S. Capitol Building, and was inside between approximately 3:23 p.m. and 3:33 p.m. He later told the FBI that he took a “pointer stick” with him but did not engage in violence or property destruction inside. By approximately 4:30 p.m., Adams was at the North Terrace outside the Capitol building, in a group of rioters being pushed back by police officers. Adams filmed the rioters’ confrontation with police, again using his cell phone. In the video, Adams can be heard calling, “start stomping back, fuck it, start stomping back!” Gov. Ex. C. at 5:20-5:24. The police and the rioters then clashed; Adams said police were “spraying” and that he could not see. Ex. C at 6:10, 6:35. He ultimately turned from the police line and moved away, saying, “I wouldn’t try that shit [i.e., confronting the police] next time we leave our guns at home.” Ex. C at 6:50-7:00. He continued, “Next time we won’t leave our guns at home.” *Id.*

Adams later posted on Instagram, “We stormed the Capitol building and the senate today!” His post included a close-up video of a rioter using a flagpole to break a window leading into the Capitol. Gov. Ex. D at 00:01, 00:28.

II. Procedural History

On March 9, 2021, Adams was arrested in Hilliard, Ohio in connection with a complaint charging him with four misdemeanors (violations of 18 U.S.C. §§ 1752(a)(1) and (2) and 40

U.S.C. §§ 5104(e)(2)(D) and (G)), relating to his role in the January 6 attack on the U.S. Capitol. ECF No. 1, 5. The available information indicated that Adams was living out of his car, but he acknowledged that he had a storage unit, where he kept firearms. He had recently been laid off. At his initial appearance in the Southern District of Ohio, Adams was released on conditions, including that he not possess any firearms or other dangerous weapons. ECF No. 9 at 14. He agreed to reside with his grandmother. *Id.*

On March 15, 2021, Adams had his initial appearance in this district. Over Adams' objection, Magistrate Judge Faruqi imposed the condition that Adams not possess a firearm, destructive device, or other weapon. Dkt 13 at 2. Magistrate Judge Faruqi also ordered Adams to surrender the key to where his firearms are kept to a third-party custodian and not have access to the location of the firearms. *Id.* Adams was also required to report to Pretrial Services weekly by phone, actively seek employment, notify Pretrial Services of travel outside the Southern District of Ohio, obtain Court approval for travel outside of the continental United States, stay away from Washington D.C. except for court-related matters, not use alcohol to excess, not violate state, federal, or local law, cooperate in the collection of a DNA sample if authorized by statute, advise the court or Pretrial Services before changing residence or phone number, and appear in court as required. *Id.*

On July 2, Pretrial Services filed a Compliance Report. ECF No. 25. The report noted that Pretrial Services was awaiting the name of third-party custodian to whom Adams had given the keys to his storage unit where he keeps his firearms. *Id.* at 2. The report also noted that Adams had twice failed to call to check in. At a status hearing on July 6, the Court ordered Adams to provide the information regarding the custodian of his firearms to Pretrial Services.

On July 8, Adams filed the instant motion. He did not consult with the U.S. Attorney's Office or Pretrial Services before doing so. Pretrial Services has informed the U.S. Attorney's Office that it opposes Adams' motion.

III. Adams' Criminal History and Firearms Ownership

Adams' criminal history includes one conviction and one arrest involving violence, both in Ohio. In 2013, a complainant called the police and reported that Adams had picked his brother up by the throat and slammed him down on a table, causing the table to break. Adams was charged with domestic violence and ultimately convicted of disorderly conduct (a misdemeanor) following a guilty plea. In 2016, according to a police report, Adams was taken to a hospital and treated for a broken bone and cuts on his hands after getting into an altercation after he was accused of committing a sexual assault. No charges were filed.

In 2017, the Hilliard (Ohio) Police conducted a search warrant at a residence where Adams and others were living. They found three firearms belonging to Adams: a loaded Beretta 9mm handgun, a Mossberg 5.56mm rifle, and a Savage Arms 7mm rifle.

ARGUMENT

I. Applicable Authority

Under the Bail Reform Act, if a judicial officer determines that release under two standard conditions (not committing crimes and cooperating in the collection of DNA) "will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community," the judicial officer may impose additional conditions. 18 U.S.C. §§ 3142(b), (c)(1). In that event, the judicial officer shall release the defendant "subject to the least restrictive further condition, or combination of conditions" that "reasonably assure the appearance of the person as required and the safety of any other person and the community."

18 U.S.C. § 3142(c)(1)(B). These conditions may include the condition that the person “refrain from possessing a firearm, destructive device, or other dangerous weapon.” 18 U.S.C. § 3142(c)(1)(B)(viii).

In determining appropriate conditions of release, the judicial officer considers factors including: (1) “the nature and circumstances of the offense charged”; (2) “the weight of the evidence”; (3) “the history and characteristics” of the defendant and (4) “the nature and seriousness of the danger to any person or the community that would be posed by the [defendant’s] release.” 18 U.S.C. § 3142(g) (“Section 3142(g) factors”). The judicial officer may amend a release order “at any time.” 18 U.S.C. § 3142(c)(3).

II. The Court Should Not Modify Adams’ Release Conditions

Adams is already subject to the “least restrictive” combination of conditions necessary to ensure the safety of the community. 18 U.S.C. § 3142(c)(1)(B). The nature and circumstances of Adams’ offense (his participation in the Capitol riot) and his history and characteristics demonstrate that he poses a danger. And yet, Adams is not subject to home detention, a curfew, or GPS monitoring; instead, he must telephone Pretrial Services once a week and is subject to certain travel restrictions. Together with these relatively limited conditions, the prohibition on firearms possession, which has been imposed by two separate magistrates, creates the least restrictive combination of conditions required to mitigate the particular danger that he poses to the community.

A. The Section 3142(g) Factors Favor Maintaining the Firearms Restriction

The Section 3142(g) factors justify including the firearms restriction among Adams’ conditions of release. While Adams is currently charged only with misdemeanors, the nature and circumstances of the offense support restricting his ability to possess firearms before trial. He

brought two hunting knives with him to Washington, D.C., even though his trip had nothing to do with hunting. Fully aware that rioters were storming the Capitol and breaking inside, Adams joined in. As he approached the Capitol, he acknowledged the possibility of violence (commenting that the police were going to need pepper spray). He urged other rioters to make their way toward the entrance to the building. He yelled “I hope DHS bought enough bullets.” Adams then unlawfully entered the Capitol, knowing full well that law enforcement officers were struggling against the tide of rioters.

After entering and leaving the Capitol, Adams did not leave the area – he stayed, and joined a group of rioters involved in a skirmish with police clearing the area. As Adams, who owns multiple guns, retreated, he called out, “Next time we won’t leave our guns at home.” Later, on social media, he boasted of his participation in the riot, in an attack that led to injuries, deaths, and disrupted the peaceful and democratic transition of power. While he may be currently charged with misdemeanors only, Adams joined a violent attack on our nation’s democracy, yelled threats, including threats specifically referencing weapons and bullets, skirmished with police, and celebrated his participation after the fact. The nature and circumstances of his offense suggest that Adams does pose a danger and warrant a weapons restriction.

The weight of the evidence of Adams’ conduct is strong. The evidence in this case includes Adams’ admission to the FBI that he participated in the January 6 riot, his social media posts stating the same; U.S. Capitol Police security footage showing Adams inside the Capitol Building, Adams’ own cell phone videos documenting his participation, and Metropolitan Police Department body-worn camera videos that show the skirmish with the rioters from the police’s vantage point.

Adams' history and characteristics also support restricting his access to firearms.

Adams' criminal history, while somewhat dated, includes physical violence, most notably a conviction arising from an incident where he grabbed his brother by the throat and slammed him into a table. His criminal history increases the possibility that Adams is capable of violence, of following through on his threats from January 6, because he has been violent before. While it may not be sufficient to merit pretrial *detention*, it does support, at a minimum, the far lesser restriction of a firearms prohibition.

In summary, and as to the fourth Section 3142(g) factor, the nature of and seriousness of the danger posed justifies the weapons restriction. Adams brought two dangerous weapons to Washington, D.C., willingly joined in a violent and destructive attack on the Capitol, and yelled threats that referenced guns and bullets. He later celebrated his participation in the riot. He has been violent before. He collects firearms. He is a defendant who poses a danger to the community, and there is evidence of a danger particularly related to dangerous weapons. If Adams is to remain on release, subject to monitoring principally through weekly phone calls with Pretrial Services in Washington, D.C., a firearms restriction here is the minimally necessary condition required to ensure the safety of the community.

B. Adams' Arguments and Compliance with Pretrial Release Do Not Support Removing the Firearms Restriction

Adams claims that he is "unable to enjoy" his hobbies, firearm collecting and hunting, under the current restrictions. Mot. ¶ 5. This argument favors the government's position. Adams has acknowledged that he does not need access to dangerous weapons; rather, firearms are his "past-time." *Id.* The firearms prohibition is therefore a less restrictive condition for Adams than it would be for a defendant who, for example, required access to weapons as part of his or her livelihood (for example, if he or she needed a weapon to protect a herd of farm

animals). The condition does not permanently deprive Adams of his firearms, nor does it even require that he find another place to store them; he must simply provide the key to his storage unit to a third-party custodian. The Court should not modify Adams' conditions of release to accommodate his request to enjoy a purely recreational activity.

Adams' remaining arguments in support of his motion are unavailing. His principal argument is that he has been charged only with misdemeanors. Mot. ¶¶ 1-3, 9. This argument ignores the actual nature and circumstances of his offense, discussed above, which support restricting his access to firearms. Adams' statement that "nothing in the discovery provided contains any indicia of violence by the defendant," Mot. ¶ 4, is plainly wrong (for example, the government provided the police report describing Adams' attack on his brother); in any event, the proffer in this opposition demonstrates far more than "an indicia" of danger.

Moreover, the narrowly tailored release conditions are fully consistent with the lesser charges Adams is facing. Had there been more evidence of violent conduct on January 6, or had Adams been charged with a crime of violence, the government likely would have sought detention or more stringent conditions, such as home detention, or electronic monitoring. Finally, Adams argues that there is no "statutory preclusion" against Adams' firearms possession aside "other than § 3142's suggestion that prohibition of firearms possession may apply in the appropriate case." Mot. ¶ 8. As Adams acknowledges, the Bail Reform Act specifically contemplates the firearms restriction imposed here. No further "statutory preclusion" is required. Pretrial release conditions frequently include restrictions that may not appear in other federal statutes, such as the limitations on travel to the District of Columbia in place here. In any event, there are other "statutory preclusions" against firearms possession that can apply to a

misdemeanor defendant: the Court may restrict access to firearms as a condition of probation or supervised release pursuant to 18 U.S.C. §§ 3563(b)(8) and 3583(d).

Finally, Adams' compliance with the firearms restriction to date does not support relaxing his conditions of release. Over three months after his initial appearance in this district, Pretrial Services reported that Adams had still not provided the name of the third-party custodian for the storage unit where he keeps his firearms. This apparent lack of compliance weighs against trusting Adams further by granting him full access to firearms.

CONCLUSION

Despite bringing weapons to Washington, D.C., storming the Capitol, threatening to bring guns "next time," and celebrating his participation in a violent riot on social media, Jared Adams, whose criminal history includes violent behavior, is on release pending trial. Restricting Adams' access to dangerous weapons is the least restrictive condition the Court can impose to assure the safety of the community. The Court should deny Adams' motion.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Alexis J. Loeb
Alexis J. Loeb
California Bar No. 269895
Assistant United States Attorney
Detailee
450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102
Tel. (415) 436-7168
alexis.loeb@usdoj.gov

EXHIBIT A

Cell Phone Video

Provided via USAfx

EXHIBIT B

Cell Phone Video

Provided via USAfx

EXHIBIT C

Cell Phone Video

Provided via USAfx

EXHIBIT D

Social Media Recording
Provided via USAfx