

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

UNITED STATES OF AMERICA

v.

JASON DOUGLAS OWENS,

Defendant.

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Criminal No. 21-MJ-376

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION TO MODIFY
CONDITIONS OF RELEASE**

The United States of America hereby responds to Defendant Jason Owens' Motion to Modify Conditions of Release (ECF. 17) and respectfully requests this this Court deny Defendant's request.

FACTUAL BACKGROUND

Defendant is charged via complaint with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. In brief, on that date, as a Joint Session of the United States House of Representatives and the United States Senate convened to certify the vote of the Electoral College of the 2020 U.S. Presidential Election, members of a large crowd that had gathered outside forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. Scores of individuals entered the U.S. Capitol without authority to be there. As a result, the Joint Session and the entire official proceeding of the Congress was halted until the Capitol Police, the Metropolitan Police Department ("MPD"), and other law enforcement agencies from the city and surrounding region were able to clear the Capitol of hundreds of unlawful occupants and ensure the safety of elected officials.

As discussed in the criminal complaint affidavit, Defendant Jason Owens flew from San Antonio, Texas to Washington, D.C. with his son, Grady Owens, on January 5, 2021. ECF 1-1 at 8-9. Defendant Jason Owens purchased both plane tickets. *Id.* Based on video identification, seized clothing, and Defendant Jason Owens' own admissions, he and his son were members of the crowd that gathered outside of the U.S. Capitol the following day, January 6, 2021. *Id.* at 12. While standing outside the Capitol building, Grady Owens struck a MPD officer with a skateboard resulting in injury to the officer. *Id.* at 3-4. Thereafter, Defendant Jason Owens shoved a second officer hard enough to cause the officer's head to snap backward. *Id.* at 10-11. When, just a few months later, he was directly asked about his time at the Capitol on January 6th, Defendant Jason Owens told officers he *did not recall any violent encounters with law enforcement.* *Id.* at 12.

Defendant Jason Owens is currently charged with violations of 18 U.S.C § 111(a), Assaulting, Resisting, or Impeding Certain Officers or Employees (with physical contact); 18 U.S.C. § 231(a)(3), Obstruction of Law Enforcement During Civil Disorder; 18 U.S.C. § 1752(a)(2), and (4) and (b)(2), Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, Knowingly Committing an Act of Physical Violence in any Restricted Building or Grounds; 40 U.S.C. § 5104(e)(2)(D) and (F), Violent Entry and Disorderly Conduct on Capitol Grounds. These charges are the result of Defendant's actions on January 6th on the western side of the Capitol building where he pushed and fought with officers. Additionally, and although not part of the currently charged conduct, Capitol surveillance video discovered after the complaint was filed revealed Defendant and his son at the East Rotunda doors (the opposite side of the Capitol building) later in the day, again pushing and fighting with officers in an attempt to enter the Capitol building.

Finally, on April 7, 2021, a federal grand jury returned a six-count indictment against the Defendant's son, Grady Owens, resulting from his own conduct on January 6, 2021. *United States v. Grady Owens*, Cr. No. 21-286 BAH. The indictment charged: one count of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); one count of Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon and Inflicting Bodily Injury, in violation of 18 U.S.C. § 111(a)(1) and (b); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds using a Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(2) and (b)(1)(A) and (B); one count of Engaging in Physical Violence in a Restricted Building or Grounds using a Dangerous Weapon, in violation of 18 U.S.C. § 1752(a)(4) and (b)(1)(A) and (B); one count of Impeding Passage Through the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(E); and one count of Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 40 U.S.C. § 5104(e)(2)(F). Grady Owens is currently released pending trial with conditions including home detention and location monitoring. *See* Exhibit A, Grady Owens's Pretrial Services Status report, 10/14/21. Grady Owens' mother (and Defendant Jason Owens' wife), Shannon Owens, is currently serving as Grady Owens' third party custodian. *Id.* Grady Owens lives in a home separate from his mother and father. *Id.*

ARGUMENT

When a court determines that pretrial detention is not necessary, 18 U.S.C. § 3142(c) provides several conditions that may be imposed to reasonably assure the appearance of a person as required and the safety of any other person community. In imposing such conditions, the court still considers (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) his or her history and characteristics; and (4) the nature and seriousness of the danger to any person or the community that would be posed by his or her release.

18 U.S.C. § 3142(g). Defendant Owens is currently subject to a number of the conditions set forth in § 3142(c) based on the § 3142(g) factors. He now asks this Court to amend the condition that prohibits contact with anyone present at or involved with the events at the U.S. Capitol on January 6, 2021, including his son, Grady Owens.¹ In particular, he asks that Grady Owens be permitted to live with him at his same residence, “for continued health of the family.” ECF 17 at 2. The Government opposes Defendant’s request.

As set forth, Defendant and his son, Grady, took part in a violent and unprecedented attempt to stop the certification of the vote of the Electoral College of the 2020 U.S. Presidential Election. Both men traveled to Washington, D.C., marched on the Capitol, and chose to physically engage with uniformed law enforcement officers. The evidence is significant and strong. The pair initially pushed and shoved officers who were on their way to help Capitol police who were overrun by rioters attempting to gain access to the U.S. Capitol building. Approximately an hour later they then moved on to the east side of the building and again pushed and shoved officers as they attempted to enter the building.

Although not currently charged together, there can be no doubt that this father and son duo were co-conspirators in their criminal behavior. Defendant Jason Owens now asks this Court to reside and have contact with his compatriot, and as part of his request tells this Court that he will not discuss the events of January 6th with Grady. This Court should be highly skeptical of Defendant’s apparent promise, particularly given his prior statement to officers that he had *no recollection* of engaging in any violent encounters with law enforcement on January 6th and the significant evidence to the contrary.

¹ Grady Owens is not currently subject to the same restriction prohibiting contact with other January 6th participants. See Exhibit A.

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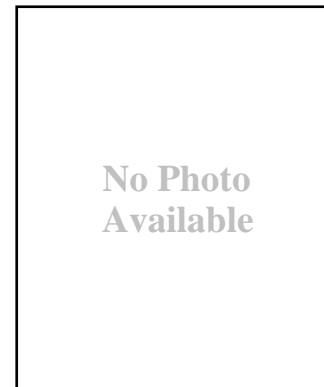
*Pretrial Services Agency for the District of Columbia Memorandum
(Status Report)*

Presiding Judge: The Honorable Beryl A. Howell
United States District Court

Date: 10/14/2021

Name of Defendant: Grady D. Owens

Docket Number: CR21-000286



Offense: Assaulting, Resisting, Or Impeding Certain Officers Or
Employees
Entering or Remaining in Restricted Building or
Grounds
Violent Entry and Disorderly Conduct on Capitol
Grounds

Release Date: 5/28/2021

Conditions of Release: USDC General Supervision

- Do not possess firearms.
- Not use or illegally possess a narcotic drug or other controlled substance defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner.
- Other conditions: Shannon Owens is to retrieve defendant and bring him to Joy Towell's court-approved residence .
- Participate in home detention location restriction programs and comply with its requirements as directed. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer.
- Submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
- Third party custodian: Person Custodian name: Joy Towell Custodian address: 377 Orphan Lane City State, Zip: Blanco, TX 78606 Relationship: Friend
- Other conditions: Courtesy Supervision by the US Pretrial Services in the Western District of Texas (Austin Division) (512) 916-5297 and report no later than 5/28/2021 .
- Not obtain a passport or other international travel document.
- Other conditions: Surrender any passport to the US Pretrial Services in the Western District of Texas (Austin Division) .

- Other conditions: Defendant may only travel within the Western District of Texas and to the District of Columbia for Court Business. All other travel subject to Court approval .
- Other conditions: Location Monitoring Technology as directed by the pretrial services or supervising officer .
- Report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- Submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

Hearing Date: 10/15/2021

In accordance with Your Honor's order dated May 28, 2021, the Pretrial Services Agency for the District of Columbia (PSA) is providing a status update of Grady D. Owens's compliance with the conditions of release.

Pretrial Supervision Adjustment:

The defendant is compliant with the conditions of release imposed by the Court however, his current 3rd Party Custodian has relinquished his rights as the custodian. The defendant's mother, Shannon Owens has agreed to become the defendant's 3rd Party Custodian.

- Do not possess firearms

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Not use or illegally possess a narcotic drug or other controlled substance defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Other conditions: Shannon Owens is to retrieve defendant and bring him to Joy Towell's court-approved residence

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Participate in home detention location restriction programs and comply with its requirements as directed. You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Submit to location monitoring as directed by the pretrial services office or supervising officer

Mr. Owens was connected to GPS monitoring on June 1, 2021.

- Third party custodian: Person Custodian name: Joy Towell Custodian address: 377 Orphan Lane City State, Zip: Blanco, TX 78606 Relationship: Friend

Due to the defendant contracting COVID -19, Mr. Towell has relinquished his rights as the 3rd Party Custodian. The defendant has relocated to his mom's property that is for sale. The address is 1005 4th Street, Blanco TX 78606. Mr. Owen's mom, Shannon Owen's has agreed to be her son's 3rd Party Custodian, however she will not be residing with him. PSA screened Mrs. Owens and she is eligible.

- Other conditions: Courtesy Supervision by the US Pretrial Services in the Western District of Texas (Austin Division (512) 916-5297 and report no later than 5/28/2021

Mr. Owens reported as directed.

- Not obtain a passport or other international travel document

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Other conditions: Surrender any passport to the US Pretrial Services in the Western District of Texas (Austin Division)

Mr. Owens surrendered his passport to the Western District on Texas on 6/1/2021.

Other conditions: Defendant may only travel within the Western District of Texas and to the District of Columbia for Court Business. All other travel subject to Court approval

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops

PSA is unaware of any violations concerning the above mentioned condition of release as there have been no alleged violations reported to PSA.

- Submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing

Mr. Owens drug test on 6/16/2021 was negative for illicit drugs.

Warrant Check:

A check of the Washington Area Law Enforcement System (WALES), the National Crime Information Center (NCIC) and the Interstate Identification Index (III) was completed on 10/13/2021. The defendant does not have any outstanding warrants.

I declare under penalty of perjury that the foregoing is true and correct:

Brandy Mathies

By: Brandy Mathies 10/14/2021
Pretrial Services Officer Date
(202) 442-1629

Takeysha Robinson

Approved by: Takeysha Robinson 10/14/2021
Supervisor, US District Court Date
202-442-1002

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