

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

_____ )	
UNITED STATES OF AMERICA, )	
)	
Plaintiff, )	
)	
vs. )	Case No.: 8:21-CR-348
)	
JEREMY BROWN, )	
)	
Defendant. )	
_____ )	

CONTINUED MOTION PROCEEDINGS  
BEFORE THE HONORABLE SEAN P. FLYNN

(PAGE 19, LINE 3 THROUGH PAGE 22, LINE 2 HELD UNDER SEAL)

December 15, 2021  
8:41 a.m. to 11:58 a.m.

**APPEARANCES:**

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**ALSO PRESENT:** JEREMY BROWN, DEFENDANT  
 BRETT LINDSEY, AGENT

(Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.)

**REPORTED BY:**

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1 (Call to Order of the Court)

2 THE COURT: Morning, everyone. Mr. Calderon, would  
3 you call the case, please.

4 THE COURTROOM DEPUTY: In the matter of United States  
5 of America versus Jeremy Brown, Criminal Case Number  
6 8:21-CR-348-SCB-SPF.

7 THE COURT: Counsel, please make appearances.

8 MS. ASOKAN: Good morning, Your Honor. Risha Asokan  
9 for the United States.

10 MS. KRIGSMAN: Cherie Krigsman for the United States.

11 THE COURT: Good morning.

12 MR. SANSONE: Good morning, Your Honor. Bill Sansone  
13 on behalf of Mr. Jeremy Brown, who is present.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: Good morning, Mr. Brown. Good morning,  
16 Mr. Sansone.

17 All right. This is a continuation of the hearing we  
18 started yesterday on defendant's motion for reconsideration of  
19 its original motion to reopen the detention hearing.

20 Mr. Sansone, is there something you'd like to bring  
21 to the Court's attention?

22 MR. SANSONE: Pardon me, Your Honor?

23 THE COURT: You're standing. Is there something  
24 you'd like to bring to the Court's attention?

25 MR. SANSONE: Yes, very briefly. I talked to the

1 government about this. Timing-wise, to get to -- Citrus County  
2 Jail requires a specific appointment. I just can't show up and  
3 say I'm here. I would have to leave at 11:30. Ms. Asokan  
4 thinks that her part will be done well in advance, and we'll go  
5 from there. I just wanted to alert the Court.

6 THE COURT: Thank you, sir. All right. Let's get  
7 started.

8 Ms. Asokan.

9 MS. ASOKAN: Thank you, Your Honor.

10 May I proceed?

11 THE COURT: You may.

12 MS. ASOKAN: Thank you.

13 Your Honor, just briefly, I want to recap what was  
14 presented yesterday towards the end of the hearing. At the  
15 conclusion of the hearing, Your Honor was presented with three  
16 calls in which the defendant talked, expressly, in his own  
17 words, unequivocally, about his views of certain conditions of  
18 release, common conditions of release and his belief that  
19 they're unconstitutional.

20 The last call that I played included additional  
21 information from the defendant about his view and his own  
22 interpretation of the sign that was posted on his door, the  
23 very sign that caused this Court so much concern at the first  
24 hearing.

25 And just as a reminder, he said that that sign was an

1 if-then statement, a conditional statement, a threatening  
2 statement, like a threat would be conditional, that if you  
3 violate the law, in the defendant's view of what is lawful and  
4 unlawful, then you better bring a bigger tactical package. So  
5 that's where we left off yesterday, Your Honor.

6 At this time, I'd like to go back and play  
7 Government's Exhibit 9F with the accompanying transcript, 9F-T  
8 as just another example of the defendant's views about  
9 following orders and other restrictions that might be imposed  
10 on him.

11 Just one moment, Your Honor.

12 For context, Government's Exhibit 9F is a call from  
13 October 24th, 2021 with Kristie Tertel, T-e-r-t-e-l. And this  
14 clip and the entirety of the call has been produced in  
15 discovery. But the clip we'll be listening to right now begins  
16 at seven minutes 22 seconds and ends at nine minutes and three  
17 seconds.

18 Your Honor, I'll come back to this in the interest of  
19 time. I'm not sure why it's not playing or I'm having to --

20 THE COURT: You want to try to restart the computer  
21 maybe or --

22 MS. ASOKAN: Your Honor, I'm not sure, and I  
23 apologize as to what's going on here. But I'm happy to just  
24 read the transcript, if that's all right with you.

25 THE COURT: It is.

1 MS. ASOKAN: So this transcript is -- excuse me, at  
2 Government's 9F-T. It's -- it accompanies Government's 9F.

3 So it begins with Mr. Brown saying, "Brandon is in  
4 the process of putting together a video with all the  
5 surveillance footage that we took as well as Tylene's iPhone  
6 footage of the arrest."

7 Ms. Tertel says, "I have stuff for him if you want my  
8 footage of January 6th."

9 Mr. Brown, "Okay. Um, well, this is more about the  
10 day that they arrested me and put me in here, because there's  
11 very damning stuff in that footage. Right? So that's where  
12 they admit that they don't know what they are looking for in  
13 the search warrant yet and expletive like that. So what I'm  
14 wanting to do is if he finishes editing that, I want him -- I  
15 want to have you guys review it. If it's acceptable for  
16 release on a wide-scale meaning, you know, it might be  
17 something that Tucker Carlson would show or OAN or whatever.  
18 Then what I would like to do is predistribute it with the  
19 agreement that it's not released earlier than the start of my  
20 hearing, because once we are in the hearing, they're not going  
21 to interrupt it and be like, 'Oh, my God, Your Honor. Look at  
22 this expletive," and he laughs, "you know."

23 Ms. Tertel says, "Right. Right. Make sure you run  
24 that by your lawyer as well, you know, because you don't want  
25 to have evidence, you know, given out in advance, because that

1 would be not be good."

2 Mr. Brown, "Well, I mean, the -- the -- the reality  
3 is is I'm not worried about them knowing what they did wrong,  
4 because this is going to be" -- there's some shouting in the  
5 background -- "this is going to be a case heavily fought in the  
6 court of public opinion. And it's very likely that the judge  
7 is probably going to try to gag me as conditions," and then,  
8 "my bond. And that's going to go really well," and then he  
9 laughs.

10 Your Honor, that's at 9F, if the Court would like to  
11 listen to it.

12 THE COURT: It's not necessary. I can read the  
13 transcript. Thank you.

14 MS. ASOKAN: One moment, Your Honor. I'm just going  
15 to see if this is working.

16 Your Honor, the conditions and the defendant's  
17 express statements about the conditions of release, at this  
18 point, this is what the government has to present for the  
19 Court. But now that we've heard the defendant's own  
20 statements, his own views about what he believes are lawful and  
21 unlawful restrictions, as well, again, a reminder of what the  
22 defendant meant by that sign on his door, the next thing that  
23 we need to look at are his actions.

24 Now, yesterday, a big theme of defense's presentation  
25 through its witnesses was context, that you can't look at the

1 sign in isolation and that you need to think about the sign in  
2 the context -- the broader context of who the defendant is.  
3 That's exactly what we're asking the Court to do as well.

4 Now that we know what his thoughts are, what his  
5 views are, we need to look at that in the context of his  
6 actions. And what we have, Your Honor, are several examples of  
7 where the defendant has willfully, knowingly defied Court  
8 orders, and has failed to comply with serious government  
9 obligations and restrictions imposed on him.

10 And one point, Your Honor, that I'd like to bring up  
11 to rebut what defense presented yesterday, before we get into  
12 our own examples, is defense asked this Court to look at how  
13 the defendant conducted himself at the time he was arrested on  
14 September 30th as evidence as to how he will continue to  
15 conduct himself in this case if presented with law enforcement  
16 or pretrial services or whoever.

17 Your Honor, it's true that the defendant did not  
18 resist or fight back when the agents approached him. But the  
19 real truth of what happened is that the defendant wasn't  
20 arrested in his home or inside a car. This wasn't a knock on  
21 the door to see if he was in there.

22 As we discussed at the first hearing, and I believe  
23 this Court actually inquired about it and mentioned that the  
24 agents had the element of surprise. That's absolutely true.  
25 They waited until Mr. Brown was outside of his home, outside of

1 his car, and standing, I believe, in his driveway until they  
2 approached him. Two agents approached him, at which point he  
3 knew what was happening, and additional agents followed.

4 This wasn't a scenario where Mr. Brown could see who  
5 was coming or anything like that. And the point for the  
6 purposes of detention and the context of people, pretrial  
7 services in particular, going to his home, is that he wasn't in  
8 his house, and he couldn't see them coming.

9 At this time, Your Honor, I'd like the Court to turn  
10 its attention to Government's Exhibit 13. Now, this is a photo  
11 of a CD -- see if I can pull it up. Now, Your Honor, I don't  
12 believe there was any mention of this at the first detention  
13 hearing. Sorry, Your Honor.

14 Now, I don't believe there was any mention of  
15 classified documents at the first detention hearing. So I  
16 believe this is entirely new information to the Court. So at  
17 the search on September 30th, agents found in the defendant's  
18 RV certain -- a file that contains certain classified documents  
19 or at least at the time what appeared to be classified  
20 documents. They were in a folder that was in, I believe, a  
21 briefcase in the RV.

22 Now, there were two sets of documents that were  
23 marked at the secret level, and with those documents, there's  
24 this CD that clearly has the secret marking on it. It's our  
25 understanding, from speaking with agents, that that CD contains

1 approximately 60 documents, approximately 25 of which appear to  
2 be classified at the secret level.

3 Now, Your Honor, just to be abundantly clear, the  
4 content of those documents obviously will not be discussed  
5 during the hearing today, only the fact that they have been  
6 marked at the secret level and appear to be classified.

7 Now, the government is in the process of confirming  
8 with the stakeholder that actually owns this information that  
9 these are in fact classified documents, and that they haven't  
10 been declassified. But at this time, we have no reason to  
11 believe that they are -- we have no reason to believe that they  
12 aren't classified.

13 And on this point, before moving on to the  
14 nondisclosure agreement, it came up yesterday that in the  
15 testimony with a couple of the defense's witnesses, that  
16 information may be declassified over time, et cetera.

17 That is somewhat true that information may become  
18 less sensitive over time. But for these purposes, Your Honor,  
19 and what's important for the Court to consider is that the  
20 defendant doesn't get to decide that. As long as they are  
21 marked classified, and as long as the owner of the information  
22 has not declassified it, they stay classified. He doesn't have  
23 classification authority, and he doesn't get to unilaterally  
24 decide what he believes is no longer classified, and what can  
25 be shared or disseminated publicly.

1           The other important thing, Your Honor, is that the  
2 defendant knew all of that. This is something that he knew as  
3 part of his military training as somebody who had handled  
4 classified information.

5           At this time, we'd like to look at Government's  
6 Exhibit 14. And that is the nondisclosure agreement that was  
7 referenced yesterday in the testimony of Mr. Olson and  
8 Mr. Pecha, I believe his name was.

9           Your Honor has a copy and obviously is capable of  
10 reading it himself, but there are just a few lines that I'd  
11 like to bring to the Court's attention. Now, this is a  
12 nondisclosure agreement for classified information, the  
13 standard agreement. Anyone who handles classified information  
14 has to sign one of these. I've signed one of these. It's  
15 routine. And this is between -- this is -- has been signed by  
16 Mr. Brown, if you flip to the next page on October 17th, 1995.

17           So in Paragraph 1, Your Honor, the first line,  
18 "Intending to be legally bound, I hereby accept the obligations  
19 contained in the agreement in consideration of my being granted  
20 access to classified information."

21           The last line of the paragraph, "I understand and  
22 accept that by being granted access to classified information,  
23 special confidence and trust shall be placed in me by the  
24 United States government."

25           Paragraph 2, "I hereby acknowledge that I have

1 received a security indoctrination concerning the nature and  
2 protection of classified information, including the procedures  
3 to be followed in ascertaining whether other persons to whom I  
4 contemplate disclosing this information have been approved for  
5 access to it, and that I understand these procedures."

6 First line of Paragraph 3, "I have been advised that  
7 the unauthorized disclosure, unauthorized retention, or  
8 negligent handling of classified information by me could cause  
9 damage or irreparable injury to the United States and could be  
10 used to the advantage of a foreign nation."

11 Further down in that paragraph, "I understand that if  
12 I am uncertain about classification status of information, I am  
13 required to confirm from an authorized official that the  
14 information is unclassified before I disclose it."

15 And then, Your Honor, further down to Paragraph 7, to  
16 the words in the middle of the paragraph, "I agree that I shall  
17 return all classified materials which have, or may come into my  
18 possession or for which I am responsible because of such  
19 access: (a) upon demand by an authorized representative of the  
20 United States government; (b) upon conclusion of my employment  
21 or other relationship with the department or agency that last  
22 granted me a security clearance or that provided me access to  
23 classified information; or (c) upon the conclusion of my  
24 employment or other relationship that requires access to  
25 classified information. If I do not return such materials upon

1 request, I understand that this may be a violation of  
2 Section 793, Title 18, United States Code, a United States  
3 criminal law."

4 And, lastly, Your Honor, "Unless and until I am  
5 released in writing by an authorized representative of the  
6 United States government, I understand that all conditions and  
7 obligations imposed upon me by this agreement apply during the  
8 time I am granted access to classified information and at all  
9 times thereafter."

10 Again, this is signed by the defendant. And this is  
11 just one version of the nondisclosure agreement. People who  
12 have access to classified information have to sign many of  
13 these over the course of their employment. We have requested  
14 the defendant's whole military record and expect to see many  
15 more versions of this, but this is what we have.

16 Another thing to keep in mind, Your Honor, is that  
17 while Mr. Brown did receive this as a young soldier, he not  
18 only received this guidance, but military personnel receive  
19 periodic training and updates on how to handle classified  
20 information, just like all of us who are granted access to it  
21 as part of our jobs.

22 The second example of the defendant's disobedience  
23 when presented with classified information, which to be very  
24 clear is exactly what we are trying to convey in showing Your  
25 Honor the nondisclosure agreement and explaining that we found

1 classified information, is what came up yesterday before the  
2 hearing began.

3 As Your Honor is aware, the defendant was presented  
4 with a search warrant last week. It was a valid search warrant  
5 issued by this Court, and the defendant refused to comply. He  
6 refused to comply last week, even after we gave him an  
7 opportunity to speak with his counsel. And he refused to  
8 comply yesterday, Your Honor, even after this Court explained  
9 to him what his rights were, explained to him that under the  
10 Constitution, he does not have a right to refuse, and gave him  
11 an opportunity to comply in this Court.

12 And eventually, he did comply, Your Honor, but it  
13 wasn't until after maybe three or four rounds of this Court's  
14 inquiry as to whether he would.

15 Now, just to go back as to the -- the backstory as to  
16 what set the stage for the defendant's refusal to comply last  
17 week. The agents attempted to execute this warrant at Pinellas  
18 on Wednesday, December 8th, at which time the defendant  
19 refused. He invoked, like he did yesterday, his Sixth and  
20 Fifth Amendment rights, at which time the agents promptly  
21 contacted me, and we gave him an opportunity to speak with  
22 counsel.

23 The agents did not attempt to force the warrant on  
24 him or to obtain the sample. On Wednesday, the defendant would  
25 not agree until he could make his own probable cause

1 determination based on his own review of the affidavit that  
2 accompanies the application for the warrant.

3           It is told to me by defense counsel that he had  
4 already scheduled a meeting with the defendant on Thursday, and  
5 he would have liked an opportunity to speak with him in person  
6 to explain what was going on. The government agreed and gave  
7 defendant 24 hours to speak with counsel and to comply with the  
8 warrant, at which time the government also indicated that they  
9 would not be seeking -- that we would not be seeking the  
10 Court's intervention until the defendant had that opportunity.

11           The next day, Your Honor, approximately one o'clock  
12 in the afternoon, the government received the exact same  
13 response, that until the defendant had a copy of the affidavit,  
14 could review it and make his own probable cause determination,  
15 even after Judge Sneed had already made that determination and  
16 issued a valid warrant, he would not comply.

17           Your Honor, that is an express rejection of this  
18 Court's authority, even after being given opportunities to  
19 speak with counsel and to understand the proper procedures.  
20 And, yesterday, Your Honor also explained the proper procedures  
21 that the defendant was so concerned about the government  
22 following. Even then, the defendant did not comply until  
23 the -- Your Honor pressed him three or four times on whether he  
24 would.

25           Your Honor, the details of what transpired last week

1 are in Government's Exhibit 15. The same facts are outlined  
2 there.

3 Last Thursday, the government filed a motion for an  
4 order to show cause as why the defendant should not be held in  
5 contempt. That's in -- the order granting that motion is in  
6 Government's Exhibit 16. That order contains a finding that  
7 the -- that the defendant disobeyed the Court's command.

8 As we saw yesterday, as we've seen over the course of  
9 the last week, the defendant operates on his own terms. Even  
10 when presented with an order to show cause, a very serious  
11 order from the Court as to why he should not be held in  
12 contempt, the defendant still stood on his refusal to comply  
13 with the warrant.

14 Your Honor, we have additional evidence that sheds  
15 light on why the defendant wasn't going to comply. And what  
16 Your Honor is about to hear is that this was all part of a  
17 delay tactic in the defendant's mind, a delay tactic in  
18 disobeying a court order, which will become relevant again with  
19 regard to an additional ground that the United States is  
20 presenting why detention is appropriate.

21 Your Honor, the defendant has told us in jail calls  
22 why he refused to comply, and that's because he's playing a  
23 delay game. His words, you're about to hear it, delay. Your  
24 Honor, delay is obstructing a judicial proceeding. Delay is an  
25 attempt to obstruct.

1           At this time, I'm going to play Government's Exhibit  
2 9B, which has an accompanying transcript at Government's  
3 exhibit 9B-T. And I'll see if this is -- for the record, this  
4 is a call from December 8th, 2021, the entirety of which has  
5 been produced in discovery. And it's a call with Tylene  
6 Aldridge, who is the defendant's partner. And the clip begins  
7 at 11 minutes, 47 seconds and ends at 13 minutes and five  
8 seconds.

9           (Audio played in open court; not reported.)

10          (Audio stopped in open court.)

11           MS. ASOKAN: Again, for the record, that is  
12 Government's Exhibit 9B. Your Honor, a point that I'm going to  
13 keep emphasizing is these are the defendant's own words. He  
14 said, "We have to maximize our delay tactics." That was a  
15 motivation last week in refusing to comply with a court order.

16           The next call is in Government's Exhibit 9C, and this  
17 is a December 8th call with Scott Olson. Mr. Olson testified  
18 here yesterday with the accompanying Exhibit 9C-T. This call  
19 we received later, and it has not been produced in discovery,  
20 but the government fully intends to comply with its discovery  
21 obligations and produce it promptly, along with the other calls  
22 that we've received since. This call starts at seven minutes,  
23 36 seconds and ends at 9 minutes, 57 seconds. And there's  
24 actually two clips. I'm playing the first one.

25           (Audio played in open court; not reported.)

1 (Audio paused in open court.)

2 MS. ASOKAN: For the record, this clip goes at --  
3 this is from the same call, and it begins at 11 minutes, 11  
4 seconds, goes to 11 minutes, 50 seconds.

5 (Audio played in open court; not reported.)

6 (Audio stopped in open court.)

7 MS. ASOKAN: Again, that's at Government's  
8 Exhibit 9C. Your Honor, you heard multiple times during that  
9 call that to the defendant, this was a game, that he was  
10 playing a delay game. He even said, it's not about complying,  
11 it's about playing the game, and we have to play the game.

12 Not following a court order to the defendant is a  
13 game. This is obstructive behavior, Your Honor. This is  
14 exactly our point, and it was even demonstrated in the  
15 defendant's behavior yesterday, that anytime that he thinks  
16 that something is not lawful or that, in his view, he doesn't  
17 have to comply, that he's going to delay, that he's going to  
18 obstruct, and he's going to force the Court to intervene at  
19 every corner.

20 This is going to continue to keep happening, because  
21 we know he has these views about what he believes is lawful and  
22 what he has to oblige with, not what court orders say, not what  
23 this Court says or what other obligations he has promised to  
24 comply with.

25 And, Your Honor, as I alluded to a few minutes ago,

1 this brings us to a new ground for detention that the United  
2 States is raising today, and that is under  
3 18 U.S.C. 3142(f)(2)(B), that the defendant poses a serious  
4 risk -- or that there is a serious risk that such person will  
5 obstruct or attempt to obstruct justice or threaten, injure, or  
6 intimidate, or attempt to threaten, injure, intimidate a  
7 prospective witness or juror.

8 Now, as we've just heard, the defendant essentially  
9 gloating about -- about delaying judicial proceedings with  
10 respect to the search warrant. We also have evidence of an  
11 attempt to intimidate a witness.

12 At this time, Your Honor, I ask for permission to  
13 approach and have this discussion at sidebar, as it contains  
14 the recording -- the content of the transcript contains  
15 personal information about a witness and other sensitive  
16 information.

17 THE COURT: You may approach.

18 MS. ASOKAN: Thank you.

19 (Bench conference begins.)

20 MS. ASOKAN: Your Honor, this is at Government's  
21 9H-T. Yesterday, I asked that this exhibit be placed under  
22 seal. Your Honor, I'm just going to read it into the record.

23 This is a call between the defendant and Ms. Tylene  
24 Aldridge from November 14th, 2021. And the clip begins at two  
25 minutes, 27 seconds.

1 (The following portion of the bench conference was held  
2 under seal.)

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[REDACTED]

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(Sealed portion of the bench conference concluded.)

MS. ASOKAN: The tape ends at 20 minutes, 10 seconds.

THE COURT: Mr. Sansone, any objection to Government's Exhibit 9H-T being placed under seal?

MR. SANSONE: No.

THE COURT: All right. I'm going to grant the government's motion to place Government's Exhibit 9H-T under seal.

MR. SANSONE: Can I respond to that under seal at sidebar? I'm asking --

THE COURT: Well, I think you can make comments about the document. We just don't want to reference the witness who's identified in that document or the witness' address.

MR. SANSONE: Okay.

THE COURT: Or spouse's information. So as long as you don't reference the specific witness, any personal information about the witness, I would think you'd be able to make that argument. If you feel the need to make that specific -- provide that specific information, then we can come back to sidebar, and you can make your argument.

MR. SANSONE: All right. Thank you.

(Bench conference concluded.)

THE COURT: You may proceed.

1 MS. ASOKAN: Thank you, Your Honor. Without getting  
2 into the content that was just presented at sidebar, I want to  
3 note for the record that what Your Honor was presented with,  
4 the United States takes extremely seriously. It goes directly  
5 to what 3142(f)(2), the obstruction portion of the Bail Reform  
6 Act refers to. This is exactly the concern that that statute  
7 contemplates.

8 Your Honor, between that call and that -- excuse me,  
9 that transcript, and the calls we just heard about delay, delay  
10 tactics, this is a game, the United States admits that this is  
11 direct evidence of at least an attempt to obstruct judicial  
12 proceedings, at least an attempt to engage in obstructive  
13 conduct.

14 Your Honor, at this time, I'd like to go back to the  
15 first factor under 3142(g), the nature of the offense, the  
16 nature and circumstances. Your Honor, since the last hearing,  
17 the defendant has been charged by indictment with four counts  
18 of possession of unregistered firearms and destructive devices  
19 in violation of 26 U.S.C. Section 5861(d).

20 At the initial hearing, he had only been charged by  
21 criminal complaint as to two unregistered firearms. The  
22 additional two counts that the indictment includes, includes  
23 the two grenades that were found in the defendant's possession.  
24 The maximum term of imprisonment for these charges is ten  
25 years.

1 He's also been charged by indictment with one count  
2 of unlawful storage of explosive material in violation of  
3 18 U.S.C. 842(j). That, of course, refers again to the two  
4 grenades that were found in his possession. The maximum term  
5 of imprisonment for this offense is one year.

6 Based on the government's preliminary calculations  
7 under the Sentencing Guidelines, the defendant is looking at  
8 approximately 51 to 63 months for the felony charges under  
9 Title 26 for acceptance. This is serious jail time, Your  
10 Honor, serious time in prison, if the defendant is convicted.

11 The next factor, Your Honor, is more -- there's been  
12 development of evidence -- of more evidence of dangerousness,  
13 rather. The first exhibit that I'd like to draw the Court's  
14 attention to is Government's Exhibit 10, which is the search  
15 warrant that was issued out of the District of Columbia that  
16 was executed on December 30th, contemporaneous to the  
17 defendant's arrest at his home.

18 Now, at the time of the first detention hearing, this  
19 exhibit -- excuse me, this search warrant was under seal, and  
20 so it was not presented for the Court's consideration.

21 MR. SANSONE: Your Honor, I would just object at this  
22 time, that this is a document from September of 2021, and the  
23 government is presenting this as some type of new evidence that  
24 this Court needs to address at potentially reopening of a bond  
25 hearing. This is what started the entire case.

1 THE COURT: All right. Objection is overruled. You  
2 may continue.

3 MS. ASOKAN: Thank you, Your Honor.

4 Your Honor, please turn to Page 22 of the affidavit.  
5 And I'll just note for Your Honor's awareness, many of these  
6 facts were included in the criminal complaint for the  
7 defendant's arrest, so a lot of is repetitive. But the facts  
8 that are on Page 22, some of them are new.

9 Excuse me, it begins on Page 21 at Paragraph 58. And  
10 I'm just going to summarize that there is -- there are  
11 statements made by a Defendant 4 that are summarized here in  
12 the affidavit.

13 Now, Defendant 4 related information about certain  
14 conduct of other Oath Keepers, including the defendant, as to  
15 their conduct on January 6th, and leading up to January 6th, to  
16 the affiant. This Defendant 4 traveled to Mr. Brown's house  
17 before January 6th and traveled with Mr. Brown and others to  
18 D.C. for the January 6th events at the Capitol.

19 If you go to Paragraph 60, it says that Mr. Brown and  
20 other individuals associated with the Oath Keepers caravanned in  
21 a recreational vehicle, which we know the defendant has.

22 MR. SANSONE: Your Honor, I would like to object.  
23 And the reason is I understand this Court can normally have --  
24 hear hearsay in these types of hearings. But at this point,  
25 the government is relying on a Defendant 4. We have no idea

1 who that is. Hearsay from a person who we're not even sure who  
2 it is. So it makes it very difficult for us to respond to any  
3 type of allegation.

4 THE COURT: Objection is overruled. You may  
5 continue.

6 MS. ASOKAN: Mr. Brown and others caravanned in a  
7 recreational vehicle, the defendant's recreational vehicle.  
8 That according to this Defendant 4 was loaded with a cache of  
9 weapons, ammunition, and gas.

10 This Defendant 4 also went on to tell the affiant  
11 that another person who was involved in this caravan, who  
12 participated in this caravan, was Kelly Meggs, who's the leader  
13 of the Florida branch of the Oath Keepers and has also been  
14 indicted in his role in the January 6th events at the Capitol.  
15 Mr. Meggs informed Defendant 4 that, in his view, the defendant  
16 is a, quote, loose cannon and that the defendant had explosives  
17 inside the RV.

18 And this defendant, according to the affidavit --  
19 Defendant 4, rather, was able to positively identify our  
20 defendant, Mr. Brown, for the affiant before this information  
21 was included.

22 Your Honor, one of the defendant's associates who  
23 traveled with him to January 6th, referred to him as a, quote,  
24 loose cannon. That is an apt metaphor for the defendant based  
25 on all the evidence that the government has presented. And,

1 frankly, some of the evidence that his own witnesses presented  
2 yesterday. This is not someone who follows rules when they're  
3 imposed on him. He does things on his own terms, and he only  
4 obeys the law when he believes that the law is legal or  
5 constitutional.

6           Your Honor, the next evidence that the government  
7 relies on for purposes of this hearing is evidence about the  
8 grenades. Now, at the initial hearing, I believe that the  
9 government presented in evidence that there were two  
10 presumptive grenades that were found in the defendant's RV at  
11 the time of the search. At that time, the United States was  
12 not prepared to say affirmatively whether they were in fact  
13 grenades and hadn't had an opportunity to test them. I  
14 believe, Your Honor, we posed a question about there may be  
15 confusion about whether these were actual grenades or  
16 flash-bangs. Your Honor, since that hearing, these grenades  
17 have been assessed to be in fact grenades, specifically two  
18 live M67 military ordinance grenades.

19           Your Honor, yesterday, we heard testimony from two  
20 former Special Forces soldiers, one of them an officer about  
21 the lethal range of a grenade, the destruction that it can do.  
22 It's something that Special Forces soldiers are well versed  
23 with, familiar with, and understand. We also heard testimony  
24 yesterday that it is a serious problem if these grenades are  
25 taken out of authorized possession, placed in residential

1 areas, placed in a home, and an even more serious problem if a  
2 soldier walks off with these grenades and doesn't return them.

3 Your Honor, at Exhibit 11, we have a photo of one of  
4 the grenades that was found during the search. It's just for  
5 this Court's reference to see. It's at Government's  
6 Exhibit 11. This is what an M67 military ordinance grenade  
7 looks like. Your Honor, it's frankly the kind that you might  
8 see in television or even a cartoon when you think of a  
9 grenade. There is no doubt, even just looking at it, that this  
10 is a grenade, and if someone saw it, they would know exactly  
11 what it is.

12 But the United States has confirmed that this is in  
13 fact a grenade that contains explosive material. And that  
14 report is at Exhibit 12 in the government's exhibits, and  
15 that's an FBI lab report.

16 Again, Your Honor, of course, read the entirety of  
17 the report, it's been admitted into evidence, but there are  
18 just a few things that I'd like to point out for the Court's  
19 attention.

20 Now, this is an explosive device report conducted by  
21 FBI labs. And in this report, it's the final results of the  
22 examination performed by the explosive units. On Page 2 of the  
23 report, it states the conclusion that it is the opinion that  
24 the examiner that was presented with these items has assessed  
25 them to be two U.S. military M67 fragmentation grenades.

1           There's a section about destructive device  
2 determination. It says it is the opinion of this explosives  
3 and hazardous devices examiner that the two fragmentation hand  
4 grenades present in the submitted items are military high  
5 explosive ordinance designed as a weapon and therefore  
6 considered destructive devices.

7           And the next page, Your Honor, if you go to the top  
8 of the page, I just want to point out the sentence that begins  
9 with the M67. The M67 fragmentation grenade is designed to  
10 produce a uniform pattern of high velocity fragmentation  
11 resulting from the detonation of the high explosives contained  
12 within it. The killing radius for the M67 is five meters or  
13 16.4 feet, and the casualty producing radius is 15 meters or  
14 approximately 50 feet, although fragments can disperse as far  
15 as 230 meters or approximately 755 feet. The M67 contains  
16 six-and-a-half ounces of the military high explosive  
17 composition B or comp B. And then it goes into the chemistry  
18 of the explosive material.

19           Your Honor, yesterday, there was some testimony  
20 through the defendant's witness, suggesting perhaps that the  
21 defendant either didn't know about these grenades or that they  
22 weren't his or that he may have -- if they weren't his, perhaps  
23 he lawfully obtained them.

24           Your Honor, these grenades have since been traced  
25 back to DOD. These are military property. There's no question

1 about it. The grenades themselves bear lot numbers. That's  
2 how the FBI has been able to trace back to where they came  
3 from. And all of these are manufactured in the same batch, and  
4 we have confirmation that they came from DOD. There's no doubt  
5 about it.

6 Your Honor, I think the significance of this is  
7 obvious, but to just be perfectly clear, these grenades, with  
8 their level of destruction that they can present, were in the  
9 defendant's RV on the floor on side pockets in tactical vests.  
10 It's an RV, Your Honor. It's not a mansion. It's impossible  
11 not to see if these are laying on the ground. Agents found it  
12 almost immediately, as soon as they got into the RV. This is  
13 in a residential area. This is an area where people are  
14 frequenting, where the defendant's own friends are frequenting,  
15 children, we heard yesterday, come to the defendant's home, and  
16 these grenades are present.

17 Your Honor, I have one more call that I did not  
18 introduce yesterday, and it's because I only obtained it  
19 yesterday after the hearing. It would be Government's  
20 Exhibit 9. It's another jail call. It's from this past  
21 Sunday, December 12th, between the defendant and Mr. Olson,  
22 Mr. Scott Olson.

23 THE COURT: You already have a Government's  
24 Exhibit 9, do you not?

25 MS. ASOKAN: Sorry, 9I. It would be 9I.

1 THE COURT: Have you provided a copy of that  
2 recording to defense?

3 MS. ASOKAN: I have not yet, but I have a copy here  
4 to give today, and I will produce it promptly.

5 THE COURT: All right. Provide it to Mr. Sansone.  
6 Mr. Sansone, any objection to it being admitted into  
7 evidence at this time?

8 MR. SANSONE: Obviously, Your Honor, I have no idea  
9 what's on this, what's the context, been able to talk to  
10 Mr. Brown about it. It's hard for me to know what's on the  
11 disc.

12 THE COURT: Well, what I need to know is are you  
13 making an objection or not?

14 MR. SANSONE: I would like to review it first, Your  
15 Honor.

16 THE COURT: All right. So we're going to take a  
17 recess, and I'll give you an opportunity to review that  
18 recording, and then we'll proceed.

19 THE COURT SECURITY OFFICER: All rise.

20 (Recess from 9:36 a.m. to 9:43 a.m.)

21 THE COURT: You may be seated. We're back on the  
22 record. Mr. Sansone, during the recess, did you have an  
23 opportunity to review Government's Exhibit 9I?

24 MR. SANSONE: Yes, I did, Your Honor. Thank you.

25 THE COURT: Do you have an objection to Government's

1 Exhibit 9I being placed into evidence for this hearing?

2 MR. SANSONE: No, Your Honor.

3 THE COURT: All right. Government's Exhibit 9I has  
4 now been admitted.

5 (Government's Exhibit 9I admitted into evidence.)

6 THE COURT: You may proceed.

7 MS. ASOKAN: For the record, there's no accompanying  
8 transcript for this one. Apologies, Your Honor. I didn't have  
9 time to prepare one. But I have the clip ready to play. This  
10 is Government's Exhibit 9I, beginning at approximately four  
11 minutes, 19 seconds and going through six minutes, 36 seconds.  
12 And for clarity, I'm not sure if I've already mentioned this,  
13 this was a call from December 12th, 2021 between the defendant  
14 and Scott Olson, Mr. Olson, who testified yesterday.

15 (Audio played in open court; not reported.)

16 (Audio stopped in open court.)

17 MS. ASOKAN: Your Honor, the actual clip on the disc  
18 ends at six minutes, 36 seconds. Again, that's Government's  
19 Exhibit 9I.

20 Your Honor, to be clear, since there's no transcript  
21 to assist in the Court's consideration of that, a few things  
22 are worth noting from that call. In this conversation with  
23 Mr. Olson, who testified yesterday, who Mr. Brown is clearly  
24 very close to, they talk about dying on this hill. That hill  
25 being under no circumstances is Mr. Brown giving up his

1 firearms if this Court should release him. He believes that  
2 it's his Second Amendment right and that is an absolute right,  
3 which he is entitled to believe.

4           However, surrendering firearms is a common  
5 restriction for condition of release. And, Your Honor, there  
6 is no universe where the defendant, if he is released on bond,  
7 is allowed to keep his firearms, not after everything we know  
8 about the number of firearms in his possession, the grenades  
9 that were found.

10           Your Honor, he thinks that he's entitled to have  
11 these firearms, which he believes are legal under the illegal  
12 laws of the United States. Again, exactly what we heard in the  
13 other calls what he believes are constitutional laws and were  
14 unconstitutional laws, and, again, what we know about him and  
15 what he views and what his actions would be when he thinks  
16 something is unlawful and that he doesn't have to follow it.

17           Your Honor, at the end of that call, they talk about  
18 giving the Court assurance of safety for pretrial services  
19 coming to the house, that the solution to that is that he would  
20 keep his guns in the house and pretrial services would conduct  
21 its visits outside the house. That's not an option, Your  
22 Honor. Under no circumstances can there be any firearms in the  
23 house, even Ms. Aldridge's firearms, which he is correctly  
24 legally entitled to possess. But if the defendant is planning  
25 on spending his time on release at that home, there can be no

1 firearms in that home.

2 THE COURT: Ms. Asokan, sorry to interrupt your  
3 argument, but I'd like to hear that exhibit one more time,  
4 please.

5 MS. ASOKAN: Yes.

6 (Audio played in open court; not reported.)

7 (Audio stopped in open court.)

8 THE COURT: You may proceed.

9 MS. ASOKAN: Thank you, Your Honor. Your Honor, just  
10 two points on this. One, to clarify for the record, the  
11 defendant and Mr. Olson are talking about or relating a  
12 conversation that both the defendant had with defense counsel  
13 and, I guess, a follow-up conversation that Mr. Olson had with  
14 defense counsel. So that is the third person that's being  
15 referenced in the call.

16 Your Honor, you heard now twice this call and what  
17 the defendant's intentions are with respect to his firearms.  
18 The other thing to keep in mind, Your Honor, is the defendant  
19 knows people with firearms. Knowing what we know about his  
20 views and what he believes in his lack of compliance when he  
21 thinks he doesn't have to follow the law, the defendant is  
22 going to get his hands on firearms. That's just the simple  
23 reality. And if Your Honor is sending people to the  
24 defendant's house as part of his conditions of release, that is  
25 a serious concern for the United States.

1           Your Honor, the last thing I want to put into the  
2 record, which may already be there, in which case I won't  
3 repeat it, is the first exhibit, Government's Exhibit 9A, which  
4 I referenced at the very beginning of the proceedings  
5 yesterday, but we had not yet formally begun the evidentiary  
6 component.

7           And so at this time, I just want to make clear for  
8 the record that we are also relying on that consent. I'm happy  
9 to play that call for Your Honor, if you'd like to hear it. I  
10 believe I just read it yesterday.

11           THE COURT: However you'd like to proceed,  
12 Ms. Asokan.

13           MS. ASOKAN: I think it's sufficient that it had been  
14 read before, but just want to be clear that the government is  
15 also relying on the content of that call in support of its  
16 argument for detention today, Your Honor.

17           THE COURT: Thank you.

18           MS. ASOKAN: Your Honor, I have additional argument  
19 on the defendant's witnesses and on whether this detention  
20 hearing should have been reopened as to whether actual new  
21 evidence was presented and whether it was material. I'm not  
22 sure if you want to hear that at this time, but as far as the  
23 government's affirmative evidence, I believe I've covered all  
24 of our exhibits, and that's what we have.

25           THE COURT: All right. At this time, I'm going to

1 ask the defense whether there's any rebuttal evidence that  
2 they'd like to present at this time. Mr. Sansone.

3 MR. SANSONE: Your Honor, we have a direct rebuttal  
4 argument, but I'm not going to put on any witnesses or things  
5 like that.

6 THE COURT: All right. Well, you had mentioned  
7 yesterday that you wanted a continuance to prevent -- present  
8 more evidence and to review the government's exhibits, which I  
9 believe you had told me had not been produced to you, but  
10 Ms. Asokan has represented that all but one of them has been  
11 produced to you in their entirety.

12 Would you still like a continuance, sir, are you  
13 ready to proceed?

14 MR. SANSONE: No, Your Honor, we don't. After  
15 today's hearing, the marshals were gracious enough to keep  
16 Mr. Brown here, and I went down, though I didn't have the  
17 audio, I read through the transcripts with him. We talked  
18 about the context.

19 THE COURT: Is that correct, Mr. Brown, you don't  
20 want a continuance?

21 THE DEFENDANT: That is correct, Your Honor. I think  
22 we have enough information now to proceed with our rebuttal to  
23 the prosecution's arguments.

24 THE COURT: All right. Well, I'll hear from defense  
25 first.

1           And then, Ms. Asokan, I'll hear from you, and you're  
2 welcome, as part of your argument, to also argue whether this  
3 detention hearing should even be reopened, because as I said  
4 yesterday, I have taken that matter under advisement.

5           MS. ASOKAN: Thank you, Your Honor. Also, one last  
6 thing, I just want to be perfectly clear for the record, I  
7 believe there are now two calls that the defendant does not  
8 have that have not been produced in discovery yet, and it's  
9 because they were only obtained in the last couple days. But  
10 we will be complying with our discovery obligations in  
11 producing them promptly.

12           THE COURT: Mr. Sansone, are you aware of what those  
13 two calls are?

14           MR. SANSONE: I believe one they just played. And I  
15 think I have the exhibits, but I don't have -- I think that  
16 she's -- counsel is referring to the entire call that they'll  
17 be producing.

18           THE COURT: I believe it was 9C, according to my  
19 notes, that's not yet been produced in discovery. Is that  
20 correct?

21           MS. ASOKAN: Yes. Yes, Your Honor. I believe it's  
22 9C. Actually, Your Honor, looking at this, it's 9C, the full  
23 call that goes with 9C, the full call that goes with 9A, which  
24 is the one -- I actually never played that call. That's the  
25 transcript that I read. And then the last one, 9I, which is

1 the one that we received yesterday. So there are three calls  
2 that have not yet been produced in discovery, but will be.

3 THE COURT: All right. Mr. Sansone, after hearing  
4 that, is it still your client's position that he would -- he  
5 does not want a continuance and would like to conclude the  
6 hearing today?

7 MR. SANSONE: Yes, Your Honor.

8 THE COURT: All right. You may take a look at the  
9 time real quick. As I mentioned to the parties, I do have  
10 another hearing at ten o'clock, which is a change of plea. It  
11 should last 30, 40 minutes or so. So we'll be in recess, and  
12 we'll reconvene as soon as that hearing is over, and this will  
13 also provide counsel with an additional opportunity to get  
14 their cause together for argument. Thank you.

15 MR. SANSONE: Thank you, Your Honor.

16 MS. ASOKAN: Thank you, Your Honor.

17 THE COURT SECURITY OFFICER: All rise.

18 (Recess from 9:57 a.m. to 10:33 a.m.)

19 THE COURT SECURITY OFFICER: All rise.

20 THE COURT: Mr. Sansone, you may proceed.

21 MR. SANSONE: Thank you, Your Honor.

22 May it please the Court, counsel. Spend a little bit  
23 of time going through what the government had presented.

24 First, as to the classified material, I'm going to be referring  
25 to Exhibits 13 and 14. First of all, Judge, based on the

1 government's statements, I would argue that 13 is completely  
2 irrelevant at this point.

3           The government has said they still do not have  
4 definitive answer about whether anything is classified. All we  
5 have is a picture with a sticker that says secret, and that's  
6 it. They haven't made a final determination. Obviously, I've  
7 never seen any. I have not seen anything, been able to talk to  
8 my client. But the most important thing is, there's been no  
9 determination. There's been no charges.

10           So Exhibit 14 is the agreement that Mr. Brown's  
11 signed as to information. And I take it that the government's  
12 implication is Mr. Brown will not comply with this Court's  
13 order because he signed an agreement not to have classified  
14 material, but Exhibit 13 is classified material.

15           First of all, Judge, I would say that analogy, even  
16 if Mr. Brown did have something on that disc is a huge stretch  
17 to say that he would not comply directly with this Court's  
18 order because he signed an agreement in 1995. As I like to  
19 say, that would be a Rose Mary Stretch, judge. But I think  
20 it's irrelevant, because the government hasn't made a final  
21 determination whether he was holding classified materials. I  
22 don't think the Court should base any determination about  
23 whether he's a danger or will comply with the orders based on  
24 those documents.

25           Judge, I want to speak a little bit about the

1 grenades. And the government's position, I guess it's twofold.  
2 As, one, having those, assuming for the purposes of this  
3 hearing that they are actually grenades, and they were in his  
4 possession, let's assume that, that that causes him to be a  
5 danger, but there's been no allegations at all how long he had  
6 had those. Like, say, for example, he's been retired for  
7 years. He could have had those grenades for ten years. And  
8 obviously, there's nothing in his background that shows he's  
9 ever used them, he's ever blown anything up. I think as this  
10 Court knows, he has absolutely no criminal history.

11 And two is, the concern is alleviated because he  
12 doesn't have them anymore. They're in possession of the United  
13 States. So it seems like to me the government is making the  
14 same argument as the classified material, which I believe is a  
15 stretch, that because he had those grenades, assuming he did,  
16 and we're not sure even under the circumstances of whether he  
17 should have had them or not, that hasn't been litigated yet,  
18 that this Court should find that Mr. Brown will not follow any  
19 Court orders as to conditions of bond because he wasn't  
20 possibly following orders about having grenades.

21 I -- seems like they're trying to make that  
22 connection. I think that's extremely tenuous, considering we  
23 don't even know how long he'd have these, under what  
24 circumstances, and things like that.

25 The government also spent a lot of time essentially

1 with the same analogy, which is this -- Mr. Brown is not going  
2 to comply with this Court, if the Court decides -- I know we're  
3 not there yet, but if the Court decides there are conditions  
4 and you order him to do different things, that Mr. Brown has  
5 shown in his past he's not going to comply with that. And a  
6 lot of this has to do with the DNA.

7           Now, the first thing the government said is that  
8 Mr. Brown, knowing that there was an order to show cause and  
9 how serious that order is about contempt, he still didn't  
10 comply. Well, that's just not factually accurate, because the  
11 order to show cause was filed and signed by Judge Sneed.  
12 Mr. Brown hadn't seen a copy of that until he came into the  
13 courtroom yesterday, and at no interim time was he afforded the  
14 time to talk to me about the order to show cause, and he was  
15 not afforded the opportunity to submit.

16           Now, and this also goes to jail calls 9B and 9C,  
17 where he's talking about -- let me just grab those real quick,  
18 Your Honor. He talks about the process that was going on. And  
19 9C, Your Honor, where the government made a big deal about,  
20 especially on the second to the last page, I think at some  
21 point he does say it's not about complying. Because I had  
22 talked to him about complying, and I think you heard reference  
23 to me saying, I don't think that's going to be any grounds for  
24 you not to comply.

25           And he understood that, and he said it's not about

1 complying. He says we're not going to do anything until they  
2 do it the right way. And the right way was he -- he was  
3 approached in jail.

4 And he did get a talk to me. I think it did shock  
5 him when I said, "I'm at your house."

6 He said, "Why are you at my house?"

7 I said, "There's a warrant going on here," and he was  
8 shocked.

9 But he said there's an -- it's not full, because it  
10 says see attachment A. He said, "I just have a piece of  
11 paper," and he said, "Do you have that?"

12 I said, "No, I don't. I don't have that."

13 When he talks about delay, he talks about them,  
14 "Well, they need to do the procedure. My lawyer should at  
15 least have it."

16 Let me give you the context of what delay, delay  
17 tactics. Mr. Brown has been in jail for 77 days. He does not  
18 have any discovery. I have not provided him any discovery,  
19 because the government has sent me a proposed protective order.  
20 It was extremely restrictive, as in initially that he would  
21 have to be supervised even while he read the discovery.

22 I don't need to go through all the language of the  
23 protective order, but it was very, very restrictive as to it  
24 needed to be stored properly, and he's in jail. And I called  
25 the United States, and I promised the United States while we

1 were working on the language of the protective order I would  
2 not give him discovery. And I told Mr. Brown that. And he  
3 understood, but obviously wasn't happy about it.

4 So the government did a reply. They edited part of  
5 the protective order, and I talked about Mr. -- with Mr. Brown.  
6 And there's still lots of very restrictive language. The  
7 government thinks -- thinks to be restricted in the way he can  
8 even view the discovery, and then whether things can be  
9 possibly disseminated into the public or not, lots of different  
10 restrictions that we disagree on. So I told Mr. Brown.

11 He said, "Well, what's the process?"

12 I said, "Ultimately, sometime the government is going  
13 to have to file a motion for protective order, and then we're  
14 going to file the response, and then whether it's Your Honor or  
15 Judge Bucklew will set a hearing, and then we'll talk about the  
16 protective order."

17 Mr. Brown now understands that process of how a  
18 motion gets filed, and I think it initially had -- we talked  
19 about it in depth with giving the government the full time to  
20 respond, and then the Court sets a hearing date. He completely  
21 understands that.

22 And he asked me, "Have they filed the protective  
23 order with the Court?"

24 "No, they haven't."

25 So he's now very frustrated about the delay. And I

1 know the government said that this DNA collection is showing  
2 that he's obstructing, and that's a specific provision that  
3 this Court should find that bond conditions aren't reasonable.  
4 But, Your Honor, it's in the context of he's extremely  
5 frustrated about the delay from the government's side. He  
6 essentially feels, I'm putting words in his mouth, that if  
7 there's any obstruction, it's from the government's side. How  
8 am I in jail 77 days and I don't have discovery yet?

9           Why -- and we talked about one of the calls, if  
10 everyone, even the judge has had my -- all the information,  
11 what he means by that is there's been a motion and there's been  
12 a response, why hasn't there been a bond hearing? He's very,  
13 very frustrated about the delays, though he understands them  
14 and he understands the process, he's getting used to it, though  
15 he's not happy with it at all.

16           So in these calls when he says they're just delaying,  
17 and I'm going to make them go through procedures, and I'm going  
18 to use the same tactics, that, I'm trying to put in context, is  
19 a man frustrated. And when I talked to him about the -- he was  
20 talking to a friend at that point. I view that as he's venting  
21 to a friend.

22           Because when I talk to him about the warrant, it was  
23 a legal conversation. Why does my -- he wasn't talking about  
24 in the context of let's just delay that. And we don't have  
25 that call. I'm not sure -- I think -- I don't -- I was not

1 told it was being recorded, so I'm not sure there is a  
2 recording of it, but I'll just give you a quick proffer. It  
3 was more of the legal arguments about are you entitled to that  
4 attachment before the execution of the search warrant. And I  
5 told him that --

6 THE COURT: Mr. Sansone, I'm sorry to interrupt your  
7 argument. Are you open to discussing in open court a  
8 attorney-client discussion?

9 MR. SANSONE: For this limited purpose, Your Honor.

10 THE COURT: All right. You're aware, though, that  
11 you may be waiving the attorney-client privilege as to any  
12 discussion that you had during that call with Mr. Brown, if you  
13 state the contents of that conversation in open court?

14 MR. SANSONE: Well, I mean --

15 THE COURT: It's your call.

16 MR. SANSONE: Yeah. I mean, actually, I was going to  
17 try and look for it to see if it was actually recorded to enter  
18 it as evidence. I appreciate you stopping me, though, Your  
19 Honor.

20 THE COURT: You may continue.

21 MR. SANSONE: Overall, I'm just trying to put in  
22 context of the United States made a big thing when he says  
23 delay tactics when he's talking to a friend. When he's talking  
24 to me about it, it was in a legal context.

25 But I wanted to tell you his frustrations about --

1 the biggest one is 77 days in jail with nothing to do, and he  
2 doesn't have discovery. We can play the same game too. I  
3 don't think it goes so far that this Court should find that  
4 Mr. Brown is going to use every opportunity to try and get  
5 delay.

6 And I can say as an officer of the Court, I'm lead  
7 counsel, I would not do that either. I wanted to give you some  
8 context as to that.

9 And, Your Honor, you can read what happened yesterday  
10 both ways. The government wants you to read yesterday about  
11 the DNA collection, that he was still refusing. This was the  
12 first time he came in. He asked for the attachment A. You  
13 specifically told him that he is not entitled to the attachment  
14 A, and I am not entitled to attachment A. And you asked me if  
15 I saw anything wrong with the warrant itself? I said no. And  
16 he complied.

17 So you could look at it two ways. When Your Honor  
18 told him you are not entitled to that, and you were very clear,  
19 he complied. The government has a different spin on it, about  
20 how it was this delay, and he's not going to obey your orders.  
21 I think you could look at it as when I told him something  
22 direct, he complied right there in Court. And we were --  
23 called Judge Sneed and called off the hearing. You can also  
24 take it that he will comply with my orders, as he did when I  
25 directed him.

1           Now, there's been a lot of discussion about the jail  
2 calls and Mr. Brown talking about possible conditions of  
3 release. Again, I won't get into attorney-client privilege,  
4 but my name came up sometimes. Of course, all defendants ask,  
5 "Well, what possible conditions could happen if a court were to  
6 grant?" And we've talked about those.

7           Now, Mr. Brown, my understanding, and just knowing  
8 him and talking to him, as he's been sitting in jail, he's  
9 starting to think about different things. And he doesn't know  
10 what this Court is going to do. And we've -- he's had  
11 discussions, and he even said this the jail call, "Would I be  
12 willing to give up any constitutional right just to get out?"  
13 And he's a thinking man and started thinking about that.

14           And he's also -- he also made a reference in one of  
15 the calls that, to a friend, he might be the only person to  
16 refuse bond because he wouldn't accept a condition. I don't  
17 want this Court to think, and I'm not sure the United States  
18 was saying this, that Mr. Brown would ever come in and say he  
19 was going to comply with a condition just to get out and then  
20 not do it.

21           I even think his jail calls show that if he was -- if  
22 he had a problem with a condition, he would tell Your Honor,  
23 and then essentially, Your Honor, if you wanted to hold him to  
24 that, the condition, and if he says, "I can't do that  
25 condition," you would be ordering him back to jail, and he

1 would go to jail. So I don't think there's -- even he  
2 contemplates ever not complying with an order. The discussion  
3 would be in open court.

4 And what he's doing on those jail calls is  
5 discussing. And one of the -- 9I, he's talking to Mr. Olson.  
6 And Mr. Olson references a church reference. It was very  
7 quick. And that was a conversation that Mr. Brown had had  
8 about, you know, "If Judge Flynn told me I couldn't go to  
9 church. Technically, I don't care if I can go to church, but  
10 would I give up a First Amendment right for freedom of religion  
11 just to get out of jail? Let me think about that."

12 And in all of these, I view, based on the context, is  
13 he's ruminating with his friends on recorded calls. He knows  
14 it's being recorded. He's not hiding these. So when we went  
15 through yesterday, it wasn't surprise that these are, "Oh, my  
16 gosh, they were recording my conversations." He knows  
17 everything is being recorded. He's talking through things.

18 You hear him talk about Tylenol, just ruminating with  
19 does his girlfriend have to give up her Second Amendment  
20 constitutional rights because she lives with a man who's been  
21 charged with a crime and is still presumed innocent? He's a  
22 thinking man. And as this has gone on, he's just continued to  
23 think about all these things.

24 He talked about, you know, we -- the ankle monitor,  
25 "How far would that go? Would I be allowed to step on my front

1 porch?"

2 "I have no idea, Mr. Brown. I don't know what the  
3 judge would do."

4 "Well, at some point, it might impinge upon my  
5 freedom if I wasn't even allowed to step on my porch. But if  
6 it was further than that, I might not have any problem with an  
7 ankle monitor."

8 So we haven't gotten to conditions because Your Honor  
9 hasn't gone through any of them with him. But I think it's  
10 premature to say this Court shouldn't even find that there are  
11 conditions of -- that this Court should essentially exclude and  
12 find there are no conditions because Mr. Brown was talking with  
13 his friends, referencing his lawyer, that what are the  
14 parameters of these, and he talked about it in the context --  
15 he specifically said in one of the calls, questioning himself,  
16 "Would it be willing to give up constitutional rights just to  
17 get out?" And I -- he said, "I don't -- I don't like to be  
18 here, but would I do that?" He's talking about that.

19 And at this point, he hasn't been given any  
20 conditions. I think that would be a bridge that we talk about  
21 when we get there. And I think Mr. Brown -- I'm not putting  
22 words in his mouth. I think he's still kind of ruminating,  
23 because we don't know about what he would do.

24 But there's one thing that's clear. If there was a  
25 provision that Your Honor wanted that he wasn't okay with, he

1 would verbalize that for the Court, and he completely would  
2 understand that if that was a condition -- if that was a  
3 condition that this Court was not going to waiver on, he  
4 wouldn't be disobeying it. He would say, "I don't know if I  
5 can do that," knowing full well that Your Honor might order him  
6 back to jail. I don't want you to think that he would sit here  
7 and say, "I'm going to do these conditions," get out, and then  
8 not do them. He's been very clear on the recorded phone calls  
9 that that's not his intention.

10           The government, as to Exhibit 9G, said that this is  
11 the best evidence of what Mr. Brown means by Exhibit 1. Now,  
12 in Exhibit 9G, he's talking to his girlfriend, Ms. Tylene  
13 Aldridge, and he says, "The only reason he" -- he's referring  
14 to Your Honor -- "could deny me bond on that stupid sign is  
15 because in his opinion he felt I could -- it could possibly be  
16 a threat."

17           So he himself refers to it as a stupid sign. Then  
18 what he does, and the government makes a big deal about this,  
19 he essentially reads, I mean, kind of from memory, what the  
20 sign says. "If you violate the law, you better bring a bigger  
21 tactical package." That's it. The government wants -- he  
22 essentially just read what the sign says.

23           The government essentially wants you to discount what  
24 all of these people who have stellar military records have  
25 talked what about they think that Mr. -- what they, knowing

1 Mr. Brown, have interpreted that sign, and wants you to look at  
2 9G and say that Mr. Brown, just essentially saying "you better  
3 bring a bigger tactical package," that's it, somehow means that  
4 he's referring to violence. He's just reading it. I don't  
5 think he gives any more context at all.

6           And I think it's telling that he calls it a stupid  
7 sign. And here's what I mean by that. Meredith Jones said she  
8 thought the sign was childish and immature and referred to male  
9 anatomy. Mr. Brown called it a stupid sign. Mr. Scott Olson  
10 also referred to the humorous conversation about that sign. I  
11 think it's consistent with what Mr. Brown is saying on this  
12 call. He seems to be in disbelief that he's being held in jail  
13 on a stupid sign. I think it's consistent with what the  
14 witnesses have testified in front of Your Honor about their  
15 interpretation of that sign.

16           Very briefly, Your Honor, and I will not go into any  
17 specifics about 9H, which is what we had a sidebar on,  
18 essentially what happens in 9H is Mr. Brown's girlfriend is  
19 looking on a public website as to somebody's address, and  
20 starts -- as they're talking, gets information about it. And  
21 Mr. Brown's response to his girlfriend going on a website to  
22 find somebody's address is, "All right, I don't give an F about  
23 that person's house." He's essentially telling his girlfriend,  
24 "I don't care about that."

25           So the whole -- the government makes this thing that

1 somehow if you let him out, he's going to be tracking people  
2 down. His girlfriend is looking at a public website, and his  
3 response is, "I don't even care -- I don't care about what  
4 you're talking about. It doesn't mean anything." That's his  
5 response. I don't think this rises to a level that if you let  
6 Mr. Brown out, there's going to be a tactical something to  
7 track people down. She's looking at a website, and he says, "I  
8 don't care about what you're looking at."

9 THE COURT: Mr. Sansone, is that what Exhibit 9H  
10 says, or was that reference made by your client to his  
11 girlfriend as to the size of the government witness' house?

12 MR. SANSONE: Well, if you look before, it says that  
13 the person lives at a certain address and gives a number and  
14 what road. And he says, "I don't give a F about that person's  
15 house." There's nothing in there that would say that he is  
16 participating, is happy about that information, or thanks for  
17 getting me that, nothing. He says, "I don't give -- I don't  
18 care about that." Right before that, she essentially gives him  
19 the address, the street, area, and the actual street name. The  
20 next sentence is, "I don't give an F about that house."

21 There's nothing in there to say that when Mr. Brown  
22 gets out, he's going to be involved in some type of -- he's  
23 looking at a public website that he's going to be involved in  
24 tracking people down and intimidating them. That is a massive  
25 stretch from this to say that Mr. Brown is going to be involved

1 in intimidating witnesses, because his girlfriend chose on her  
2 own to look at a public website. And he doesn't say -- he's  
3 just responding to her and at the end says, "I don't care about  
4 that."

5 Nothing in this that would say he's going to be  
6 involved in some type of witness tampering. I don't see how  
7 you could stretch that from this at all.

8 THE COURT: All right. So just so we're clear, your  
9 argument is that in a recorded jail call, your client is having  
10 a conversation with his girlfriend where she takes it upon  
11 herself -- we're going to presume takes it upon herself to look  
12 up the address of a government witness and goes a step further  
13 and tries to find further information about any relatives of  
14 that government witness, all right, and then has further  
15 discussions regarding specifics of that government witness'  
16 house, you're telling me that that in no way indicates that  
17 your client is trying to tamper with a government witness?

18 MR. SANSONE: Yes.

19 THE COURT: By looking up where the government  
20 witness lives and trying to find further information about that  
21 government witness' family members?

22 MR. SANSONE: Yes. That is consistent with what  
23 Ms. Jones told the Court. Ms. Aldridge, on her own, asked  
24 Ms. Jones, "Could you look up this person," and she said, "How  
25 is that relevant?" It went nowhere. Essentially Jeremy Brown

1 said the exact same thing.

2 THE COURT: Where? Where does he say the exact same  
3 thing?

4 MR. SANSONE: "I don't give an F about that person's  
5 house." She's looking up, giving him this information on the  
6 phone, and at the end, he says, "I don't care about it."  
7 There's nothing in there to say she's -- she's telling him.  
8 He's not saying, "And where, and what, and give me more  
9 information." He doesn't say anything. She just keeps giving  
10 him information. And he finally says, "I don't care."

11 And then as to if she's trying to get somebody else,  
12 that's Ms. Aldridge on her own, and Mrs. Jones said, "Yes, she  
13 asked me," and I said, "That's not even relevant, and I didn't  
14 do anything." I don't think Mr. Jeremy Brown is -- can be  
15 construed in this as engaging in witness tampering.

16 THE COURT: All right. Following what you've  
17 selectively quoted your client saying that he doesn't care, it  
18 was an expletive about the witness' house, he says, "Yes, the  
19 government rapes and steals from us, and then they all live on  
20 the high hog. I get it. I already know that. I don't need to  
21 have it rubbed in my face. I'm sure Agents Frick and Frack  
22 probably live in nicer houses than us too." Correct?

23 MR. SANSONE: Correct.

24 THE COURT: All right. Move on.

25 MR. SANSONE: I think that all that's saying is,

1 "Okay. You want to -- you're telling me she lives in a nice  
2 neighborhood, I don't care about that."

3 Exhibit 10, Your Honor, which is the application for  
4 the search warrant in the district court, the government read  
5 you Paragraph 60, which specifically says, "According to  
6 Defendant 4, Brown and other individuals associated with the  
7 Oath Keepers coordinated their activities via a signal chat of  
8 the Oath Keepers. They caravaned in a recreational vehicle,  
9 that was, according to Defendant 4, loaded with a cache of  
10 weapons and ammunition and gas."

11 Okay. And if you go to Paragraph 64, it says halfway  
12 through that, first of all, there's no restriction on Mr. Brown  
13 at that time having weapons in an RV, traveling across the  
14 country. There's nothing inherently wrong with that.  
15 Paragraph 64 says that, "Prior to the riots, he, Mr. Brown,  
16 deposited the guns with the Oath Keepers in Virginia and  
17 retrieved them after the riots."

18 So according to this, Mr. Brown, let's say he had  
19 weapons in his RV, when he goes into Washington, D.C. for the  
20 January 6th, he leaves those weapons in another state, goes to  
21 the Capitol, and then when he leaves the Capitol and goes back  
22 to that state, he retrieves them. They have footage of  
23 Mr. Brown. They have absolutely no evidence that he had any  
24 guns, any weapons on him at all.

25 So essentially the government was pointing out to you

1 legal activity, trying to insinuate that he's a danger, or if  
2 you go four paragraphs later, it says he never -- he left those  
3 weapons in another state when he actually went to the rally.

4 THE COURT: So you believe the explosives that are  
5 referenced in that paragraph were legal as well?

6 MR. SANSONE: I haven't had a chance, Your Honor. I  
7 don't know. And I don't know who Defendant 4 is. But there's  
8 no evidence that they were in D.C.

9 Your Honor, essentially what the government is asking  
10 the Court to do, the main thing we came back here, because it  
11 was one of the Court's biggest concerns was Exhibit 1, is to  
12 essentially discount -- the government does not know -- these  
13 prosecutors do not know Mr. Brown. And they want this Court to  
14 discount what people have known him for almost his entire adult  
15 life have to say about him and their reaction to Exhibit 1 and  
16 supplant the government's. These prosecutors don't know him.

17 Who does know him is Scott Olson, who is a 27 years  
18 in the military, retired Special Forces, five bronze stars, war  
19 hero. Been deployed all over the world. He came in here and  
20 he told the judge that he's been close friends with Mr. Brown  
21 for many, many years, for 27 years. They had a humorous  
22 conversation about that sign and what a tactical package was,  
23 referring to a male anatomy. And later Mr. Brown on a jail  
24 call calls it a stupid sign.

25 The most important thing he said is, "If you know who

1 the author is, that sign is not a threat." He actually went to  
2 Mr. Brown's house many times after that conversation, never saw  
3 it in the window. There was nothing after that sign at all.

4 Meredith Jones who is Mr. Olson's wife, she's known  
5 him for ten years. She immediately thought, knowing Special  
6 Forces people, that when she heard this humorous conversations,  
7 that the tactical package, she thought it was childish, talking  
8 about male anatomy, and essentially Mr. Brown was, quote,  
9 roasting law enforcement, because he had been in conversations  
10 with them before, and he was jabbing at them. Most  
11 importantly, she said, "If you know Jeremy, you would not take  
12 that sign as a threat."

13 Keith Pecha is another war hero, retired Special  
14 Forces, been deployed all over the world, just as Mr. Brown  
15 has. He had not seen Exhibit 1 until after the initial  
16 detention hearing. He viewed it as what he said was smack  
17 talking with federal law enforcement or kind of the brother of  
18 law enforcement. He testified that, "If you know Jeremy Brown,  
19 which is the critical piece, he did not view that as a threat."

20 I even asked him, "Even assuming Mr. Brown had  
21 grenades somewhere on his property, would you view that as a  
22 threat?"

23 He said, "No."

24 Brian Ferraccio, he's known Mr. Brown for over 35  
25 years. He's been in law enforcement for 26 years. He said he

1 actually has personal knowledge that Mr. Brown is pro law  
2 enforcement. Mr. Ferraccio, whom I understand doesn't know  
3 these other people, said he thought Mr. Brown was being a  
4 smart-ass and sarcastic and taking a jab at law enforcement.  
5 All these people are essentially saying the same thing.

6           The government prosecutors, who don't know him, want  
7 you to discount that all and say that one call that he was  
8 talking with Ms. Aldridge when he said -- he called it a stupid  
9 sign, and then he read the sign, shows his true intent, and you  
10 should view it as a threat, discount all these people.

11           And to the extent the government said in training  
12 that these people are willing to throw themselves on the line  
13 for their fellow -- for their federal -- for their fellow  
14 soldier, I think I only asked one witness, Your Honor, but --  
15 about whether they would lie to a federal judge for Mr. Brown,  
16 and I think their record speaks for themselves, that these  
17 people are not going to come into court and lie to a federal  
18 judge for Mr. Brown.

19           Cathi Chamberlain was called on a very limited basis,  
20 very limited. Your Honor had made a reference to --  
21 understandably so, and I didn't know the full scope of the  
22 first detention hearing, that law enforcement -- the difference  
23 of pretrial services coming to his house is because Mr. Brown  
24 would be aware of that. And when he was arrested, there was an  
25 element of surprise, so he wasn't prepared for that, and that

1 could be a big difference.

2 I'd have to look at the transcript. I don't know if  
3 I had that good of an answer at that point. It was a good  
4 point that Your Honor raised.

5 So I called Ms. Chamberlain on a very limited basis.  
6 She hasn't known Mr. Brown very long, but I wasn't asking about  
7 his character. It was that she was there the morning he was  
8 arrested to pick up items from a garage sale, which I think  
9 came up about why he had all this cash. He had just had garage  
10 sale.

11 And she said there was some type of conversation  
12 about Mr. Brown did say he had been contacted by law  
13 enforcement that day. She doesn't remember the exact words,  
14 but she came away with he would not be surprised if they  
15 arrived at any time, because they were asking where are you  
16 going. Because at the time, they were selling their house.  
17 Ms. Aldridge has since pulled that sale. It was supposed to  
18 close two days later. She's since pulled that sale.

19 She even said when she was later informed on  
20 September 30th that Mr. Brown was arrested, she hadn't even  
21 been surprised. That just goes along with the videos, which  
22 show the interaction. Now, these officers clearly know who  
23 Mr. Brown is. They've been in contact with them. They know  
24 he's Special Forces.

25 He's been trained in -- people could use the term

1 guerilla warfare, but he's been trained in it and been in  
2 combat all over the world. They knew who they were dealing  
3 with. And these gentlemen showed up in golf shirts, and  
4 Mr. Brown was completely compliant, even said, "I got a firearm  
5 on me," and went into custody.

6           So when the government says you should view Mr. Brown  
7 by his actions, I agree with that. Obviously, when he was  
8 being arrested, he did not think that -- obviously the  
9 circumstances of arrest in being charged are fair or lawful.  
10 But when he was presented with law enforcement who were  
11 executing an arrest warrant, which he clearly -- I think  
12 everyone knows enough about Mr. Brown to know he was not happy  
13 with this case and thinks it's unlawful, his response was put  
14 his hands behind his back, and he went in -- and he went into  
15 custody, and he was -- absolutely showed no problem.

16           So the government has made a big deal about Mr. Brown  
17 gets to choose when things are lawful and when things are not  
18 lawful. But when faced, I submit, with the most, you would  
19 think, unlawful thing in arresting him for crimes that don't  
20 exist, he was completely compliant and allowed them to arrest  
21 him, and he was taken into custody.

22           So, Your Honor, based on the new evidence, and we do  
23 submit -- I know Your Honor is still considering whether to  
24 reopen that. I tried to keep it limited to new evidence. And  
25 it was really -- a lot was to -- was to Exhibit 1, which was

1 Exhibit 8, and that we clearly -- these people have known him  
2 for a long time. And they weren't here just as character  
3 references.

4 I had to establish a foundation of character -- of  
5 how well they know him in order to talk about how they view  
6 that sign. But how they viewed that sign in relation to how  
7 the Court viewed it was new evidence that we didn't know or  
8 couldn't have known until after the Court, responding as to  
9 especially that PS at the end of the hearing, because, again, I  
10 was given all -- everything the night before, and I don't  
11 know -- I didn't have a chance to go through that with  
12 Mr. Brown.

13 But -- and at the time, I think it was at the very  
14 end of the hearing, Your Honor said this is what troubles me  
15 most, and so at that point, there really wasn't a time to ask  
16 for a continuance at that juncture.

17 So we believe that the witnesses we called here today  
18 were presenting new evidence, which is different than some of  
19 the case law. A lot of the case law that was provided by the  
20 government, these were merely character witnesses. They didn't  
21 like the result and brought character witnesses. And the Court  
22 said, clearly, they knew these people. The distinguishing  
23 factor here is we brought in witnesses to specifically comment  
24 on a piece of evidence that the Court had a very specific  
25 reading of to essentially, I don't mean this the wrong way, but

1 to rebut the Court or to give the Court more information about  
2 that sign. That was new evidence that I couldn't have known or  
3 anticipated at the time.

4 So we think we met the standard for reopening. And  
5 then what we've put on, we believe, does -- should leave this  
6 Court with the conclusion that there are, and we could go  
7 through them, but there are conditions, short of incarceration,  
8 that would just do two things, assure his presence -- I even  
9 think at the first hearing, you were not concerned that he was  
10 going to flee, and he obviously wants to litigate this case.  
11 But then is a danger to either the public or law enforcement.

12 And I think we put on enough evidence to rebut that  
13 detention is the only solution, and that this Court could  
14 fashion conditions that would secure those two items.

15 Now, I do -- can I take a moment? I think he's been  
16 waving at me.

17 THE COURT: Yes.

18 (Discussion off the record in the courtroom.)

19 MR. SANSONE: Your Honor, there's a couple things  
20 Mr. Brown wanted to say. He wanted to read a statement. He  
21 did say to me before and Your Honor that he didn't want a  
22 continuance. But if there's more time needed for this hearing,  
23 he's fine with that, knowing -- he's very concerned that I have  
24 to leave in 15 minutes. So there's some things that he wanted  
25 to address the Court about.

1 THE COURT: All right. Mr. Brown.

2 THE DEFENDANT: Thank you, Your Honor. First I'd  
3 like to address three points, a couple that you made, and then  
4 a couple that haven't been made yet, because, again, I feel  
5 like the prosecution has had much more time to espouse their  
6 side than I have, but I'm prepared to go as long as it needs in  
7 order for the truth to come out.

8 THE COURT: Hold on. Mr. Brown, let me interrupt  
9 you. What do you mean by that? How have I given the  
10 government more time than I've given you?

11 THE DEFENDANT: Well, I think the fact that we  
12 received evidence late, and we have to burn time that we could  
13 have been making cases to you, reviewing evidence that we  
14 should have received prior on requests that -- in this last  
15 episode, my attorney requested that information eight days ago,  
16 and then only received it three minute before the hearing. So  
17 time -- I mean, time is finite. And any time we spend in  
18 confidence with each other preparing our case that could have  
19 been spent prior to, if we would have been given the  
20 information, certainly eats into my time to be able to plead my  
21 case.

22 It wasn't meant to be derogatory to you, Your Honor,  
23 but, obviously, the prosecution is exercising delay tactics,  
24 and I think it has affected my ability to address many, many  
25 statements that they've made from my standpoint. And that's

1 all I was making.

2 THE COURT: Okay.

3 THE DEFENDANT: First one, Your Honor, is about my  
4 girlfriend Tylene. The research that she chose to do on her  
5 own certainly was not from an understanding that the person  
6 mentioned is a witness. My girlfriend is not a legal-savvy  
7 individual, nor technically savvy, but she's not legally savvy.  
8 She sees that individual as somebody who has been in her home,  
9 who is assigned to a role of authority, and that was the  
10 context in which she was conducting research. By no means as a  
11 witness.

12 If I would have ever told her that individual is a  
13 witness, you cannot do anything, she would probably not be able  
14 to sleep for three days. So I wanted the Court to understand  
15 that, even I am -- I didn't realize that that -- that that  
16 individual was considered a witness, because I see that  
17 individual's name on all of my documents. That individual has  
18 been in my house. That individual has addressed my girlfriend  
19 in what I've been told is a quite unprofessional manner.

20 So I don't want that to be held against her. I just  
21 wanted to make that statement. I do understand your concern,  
22 though, because if she did see that as a witness, that would  
23 create some concern. So I wanted to make that point.

24 Second, I would like to make the statement clear that  
25 the M67 grenades that are claimed to have been found in my RV

1 are not mine. That has not been said to this point because,  
2 again, I have a consummate attorney, and he has not made that  
3 point. But I would like it to be known by the Court that that  
4 has not been proven by the government. And we will provide  
5 evidence, so maybe it will be circumstantial, but as Sergeant  
6 Major Olson said yesterday, Special Forces guys don't carry M67  
7 grenades in almost any operation. That's an infantry tool.  
8 And I believe that the lack of knowledge about our tactical  
9 package has led the government to make a grave mistake to their  
10 case.

11 Third is the only benefit of delay for me in this  
12 case, which the government seems to think that I play delay  
13 tactics, is that I'm holding the government accountable to my  
14 due process. That is it. I have been in jail for 77 days in  
15 the country that I love and gave my life to. My body is broken  
16 because of this country. I have lost my children to a judge  
17 that said because I was a Green Beret, he suspected I could  
18 possibly kidnap my children.

19 And so it is very insulting to me that I am even in  
20 jail. It is not hard. I'm actually bringing benefit to those  
21 inmates. I've had inmates sentence reduced because of my  
22 counsel. And so it's not hard. It's not even the hardest --  
23 it's not as hard as my military deployments, which speaks  
24 volumes to how we treat our service members.

25 But the 77 days isn't the point. It's why I'm in

1 there is what disturbs me. And so when I mention due process,  
2 when I mention principles, constitutional principles,  
3 principles that Ms. Asokan has also taken the exact same oath  
4 to uphold, that is not derogatory.

5 I welcome those audio clips that were played, because  
6 I feel like that they allowed my voice to be heard by Your  
7 Honor on the principles that I'm standing on, not benefits for  
8 myself, but benefits to the Constitution and this nation as it  
9 was founded, not as the way it's operating now.

10 So with that in mind, this is a statement that I  
11 prepared on December 10th. It was meant to be read after Your  
12 Honor had made a decision, one that I anticipate was going to  
13 be made, but I don't know. The reason I want to read it now  
14 and possibly jeopardize the fact that it might influence a  
15 decision in a negative manner is because the government has  
16 claimed that I'm planning to do something shocking, like trick  
17 you into giving me bond, which is guaranteed by the Eighth  
18 Amendment of the Constitution, I might add, and then violate  
19 these conditions. And so this statement that I'm about to read  
20 will 100 percent debunk that, I will say, disingenuous argument  
21 on behalf of the government.

22 So if you will allow me, Your Honor.

23 THE COURT: You may.

24 THE DEFENDANT: Your Honor, at approximately  
25 7:30 a.m. on December 10th, I woke up in tears, knowing in my

1 heart I would be faced with a circumstance, and I wrote this  
2 prepared statement, something I rarely do. Thank you for  
3 allowing me the opportunity to address the Court and the  
4 American people.

5 I did not know my father until I was 45 years old,  
6 after I had fathered five wonderful daughters, become the  
7 fastest firefighter to be promoted to lieutenant in the busiest  
8 fire station in the state of Kentucky. I honorably retired  
9 from 20 years of Special Forces career as a Green Beret combat  
10 veteran. I started a transportation company from scratch that  
11 generated \$1.5 million and numerous jobs in five years. I was  
12 awarded the heros at work award by the Tampa Bay Business  
13 Journal and the citizen of the year by the Clearwater Fraternal  
14 Order of Police. I received the most important honor in all  
15 sports, the academic state championship, as a volunteer  
16 wrestling coach for Plant High School. And I ran for  
17 federal-elected office as a candidate for the United States  
18 House of Representatives.

19 I reached out to him not to seek a relationship or  
20 be -- or bestow honor on him, but to show him the man I have  
21 become. Not because of him, but because of my grandfather,  
22 Jack Kenneth Brown. My grandfather lied about his age at 17  
23 years old in order to join the U.S. Navy during World War II.  
24 He served in the Pacific campaign. And in one of only two  
25 stories I ever remember him telling about his wartime

1 experience, he spoke about how he and other sailors floated in  
2 the ocean, clinging to debris after his ship had been sunk by  
3 the Japanese.

4 He recounted the numerous strafing runs that Japanese  
5 Zeros made on them, yet he survived to return home. At the end  
6 of that war, he went back to high school and graduated. My  
7 grandfather hated violence and war. He taught me how to hunt.  
8 But he told me that he never hunted deer because he once looked  
9 into the eyes of a doe who was with her fawn and was unable to  
10 kill her. I graduated Special Forces Sniper School in 1998,  
11 and to this day, I have never killed a deer.

12 When the first Gulf War erupted in the early 1990s, I  
13 once proclaimed while watching the Nightly News with Tom  
14 Brokaw, "I'm going to quit high school and go to war."

15 You see, at five years old, I knew I was going to be  
16 an American soldier, defending freedom and liberty for the  
17 greatest country on earth and the United States of America.

18 He sprang out of his trusty La-Z-Boy and severely  
19 reprimanded me. Out of respect for the Court, I will not  
20 directly quote him, but he said to me in no uncertain terms and  
21 in a volume that left no excuse for me not hearing or  
22 misunderstanding him that I was to never let him hear me ever  
23 wish for war again.

24 I have no response or rebuttal, but almost 20 years  
25 later, as a father of three little girls and a Special Forces

1 team sergeant responsible for leading some of the world's most  
2 elite men who actually hunt and capture real terrorists, I  
3 remembered those words, but more importantly, I understood  
4 them.

5 My grandfather was not against fighting for what was  
6 right. He just knew that fighting should never be sought out,  
7 but when necessary, it should be run -- it should never be run  
8 from either. He told me that you must fight -- if you must  
9 fight, you had better win.

10 As a young boy, I was once beat up by a group of  
11 older boys. I came home crying and feeling sorry for myself.  
12 After he asked for the details, he looked me in the eyes and he  
13 said, "Son, if you ever get in a fight and come home crying  
14 because you lost, I'm going to beat you."

15 He taught me if you're going to fight, you better  
16 win; and if you lose, you didn't fight hard enough, and no one  
17 is going to have sympathy on you.

18 When I left for the Army in 1992, bound for the elite  
19 75th Ranger Regiment, my grandfather told me, "Never volunteer  
20 for anything, except to come home."

21 From that day forward, we never departed each other's  
22 companies without me -- without him repeating those words,  
23 "Never volunteer for anything, except to come home."

24 Today, after 20 years in special operations, serving  
25 on five of the seven continents, I faced the most dangerous

1 fight of my entire life. This fight is not against Colombian  
2 drug cartel backed insurgents or radical Islamic extremists  
3 intent on killing all who refuse to convert. This fight is  
4 against the rulers, against the authorities, against the powers  
5 of darkness, against the evil that seeks to deprive humanity of  
6 its God-given liberties, liberties that I swore to God and the  
7 American people at age 17 I would support and defend, liberties  
8 that were enshrined by our founding fathers in the Constitution  
9 of this great nation, liberties that have protected against  
10 tyranny, or have been protected against tyranny by  
11 two-century-long American legal tradition of innocent until  
12 proven guilty. This concept is derived from the ancient  
13 Proverbs of King Solomon and King David and found in Proverbs  
14 Chapter 18, Verse 17, "The first to states his case seems right  
15 until another comes and cross-examines him."

16           Innocent until proven guilty has its foundation in  
17 the principle that it is better to free 1,000 guilty men than  
18 it is to imprison one single innocent man. Those concepts and  
19 principles are the foundation of our Constitution and the Bill  
20 of Rights, a contract between we the people and the federal  
21 government. This contract has been granted by the consent of  
22 the government not to grant us rights by the government, but to  
23 protect the rights bestowed on us by our Creator from the  
24 government.

25           The first president, George Washington, said about

1 government, "Government is not reason, it is not eloquence - it  
2 is force! Like fire it is a dangerous servant and a fearful  
3 master." The founders gave us the Constitution as a clear  
4 restraint on government. I am bound by an oath to support and  
5 defend that Constitution, and my covenant with God has no  
6 expiration date.

7 Pursuant to Article 6, Paragraph 2, "This  
8 Constitution is a supreme law of the land, and judges in every  
9 state shall be bound thereby." This is supported by the  
10 judicial precedence that states, "All laws which are repugnant  
11 to the Constitution are null and void," Marbury v. Madison,  
12 1803.

13 "Where rights secured by the Constitution are  
14 involved, there can be no rulemaking or legislation, which  
15 abrogate them," Miranda v. Arizona, 1996.

16 Title 18 of the U.S. Code Section 242 criminalizes  
17 the deprivation of rights under color of law with a sentence  
18 that can range from less than one year to the death penalty,  
19 depending on the damage caused by the deprivation.

20 This applies to, and I quote, "Whoever, under color  
21 of law, statute, ordinance, regulation, or custom willfully  
22 subjects any person to the deprivation of any rights,  
23 privileges, or immunity secured or protected by the  
24 Constitution or laws of the United States."

25 Even the Bible makes it clear in Isaiah Chapter 10,

1 Verses 1 and 2, "Woe to those who decree unjust statutes and to  
2 those who continually record unjust decisions, to deprive the  
3 needy of justice and to rob the poor of my people of their  
4 rights."

5           These God-given rights have no waivers, no  
6 exemptions, no national security, or pending investigation  
7 clauses, and certainly has no clause that can be found to  
8 contrive that -- or contrive that waives the rights based on  
9 the feelings, beliefs, or opinions of men, nor because of the  
10 fool or any other pestilence or world event.

11           In the past 77 days, the government -- the U.S.  
12 government has violated and attempted to violate my First, my  
13 Second, my Fourth, my Fifth, my Sixth, my Eighth, my Ninth, my  
14 Tenth, and my Fourteenth Amendment rights. They're not only  
15 violating my rights, but the rights of over 600 other political  
16 prisoners and every American citizen, because a right violated  
17 against one man is a violation against all men.

18           As an American soldier I am bound by a code of  
19 conduct that states, "If I am captured, I will continue to  
20 resist by all means available. I will accept neither parole  
21 nor special favors. I will keep faith with my fellow  
22 prisoners. I will not take part in any action which might be  
23 harmful to my comrades, the American people."

24           I will never forget that I am an American, fighting  
25 for freedom, responsible for my actions, and dedicated to the

1 principles which made my country free. I will trust my God and  
2 in the United States of America.

3 Thomas Jefferson said, "When the people fear the  
4 government, there is tyranny. But when the government fears  
5 the people, there is liberty."

6 The government is 100 percent justified in its fear  
7 of me, but not for the long list of false claims it has made  
8 before this Court. I hate war because I have fought in it. I  
9 detest violence because I have had to use it against my fellow  
10 man on behalf of this very government.

11 In this fight for liberty, I have no need for  
12 violence because I have God, the law, and the truth on my side.  
13 And I am prepared to rot in prison or even face death to win.  
14 That is why the government fears me, because I am a citizen  
15 that knows his rights, and I actually still believe in justice,  
16 the Constitution, and the United States of America.

17 So, Your Honor, as an innocent-until-proven-guilty  
18 American citizen, I will not accept any conditions of release  
19 that violate any of my constitutional rights. While it saddens  
20 me to have to face this choice, it is my hope and prayer that  
21 you will search your heart, act on your knowledge of the  
22 supreme law of the land, and uphold your oath by granting me  
23 conditions of release that are in accordance with my  
24 constitutional rights. The very future of the greatest nation  
25 the world has ever known and the fate of the longest lasting

1 republic based on self-governance and liberty is at stake in  
2 the case.

3           Let me be perfectly clear, while the Second Amendment  
4 is part of this case, and I believe has been enunciated quite  
5 eloquently by the prosecution, it is not the only amendment at  
6 stake here. If you were to say, "Mr. Brown, I will grant you  
7 bond, but you must allow Agent Lindsey to sleep in your house,"  
8 I would make the argument that that is a violation of my Third  
9 Amendment rights. See, this is not strictly about the Second  
10 Amendment, although I do find it odd that the government seems  
11 to be fascinated with always taking weapons away from the  
12 American people.

13           While I am ignoring my grandfather's repeated request  
14 to never volunteer for anything except to come home, I cannot  
15 ignore the same call God made in Isaiah Chapter 6, Verse 8,  
16 "Then I heard the voice of the Lord say, asking, 'Who should I  
17 send, who will go for us?' I have said, 'Send me.'"

18           I know Jack Brown is looking on with pride and likely  
19 saying something I cannot repeat in this courtroom. I know the  
20 pain my decision will cause for my love, Tylene, and my friends  
21 that are fighting so hard to secure my release and freedom by  
22 peacefully rallying at the jail and other locations of public  
23 access. But I cannot compromise in this fight. In the spirit  
24 of the world's greatest warriors, the Spartans, I will return  
25 with my shield or on it.

1           Your Honor, I am an innocent man until this  
2 government proves to a jury of my peers beyond a reasonable  
3 doubt that I am guilty. I pray you will hear my plea for  
4 justice and rule accordingly to that American standard. May  
5 God hear our cries for liberty and restore this republic you  
6 oppressively bear. Thank you.

7           THE COURT: Thank you, Mr. Brown.

8           I have a question for -- a couple questions for you  
9 based on that. When you indicate that you will not accept  
10 conditions that you believe will violate your constitutional  
11 rights, if the Court were to set a condition that you shall not  
12 use or possess any firearms, dangerous weapons, or destructive  
13 devices, and that you shall surrender any of those weapons or  
14 destructive devices and refrain from using or possessing any  
15 firearm, destructive device, or dangerous weapon, you consider  
16 that to violate your constitutional rights, and therefore you  
17 would not comply with that condition?

18           THE DEFENDANT: Your Honor, I would consider that to  
19 be a violation of my constitutional right. However, it's not  
20 that I would not comply with it. I would refuse to accept bond  
21 and remain in jail. Of course, I would consult with my  
22 attorney, and we would be filing an appeal that I was being  
23 harmed as a deprivation of my Second Amendment right.

24           But under no circumstances will I ever knowingly  
25 violate a condition that I agree to. Just like with the search

1 warrant for the DNA, it was my understanding, without the  
2 advice of counsel, that those two agents had not provided me  
3 with the full search warrant. I simply requested to consult  
4 with counsel, and I stopped speaking in accordance with my  
5 Fifth Amendment right. Once I conferred with counsel, and he  
6 confirmed he had seen it, which did not occur until yesterday,  
7 that is when I said I'm satisfied to surrender my DNA.

8           Again, I made the point to you, Your Honor, that they  
9 already had my DNA. It's not that I'm against giving it up.  
10 It's that due process in the Fourth Amendment states that they  
11 must have a viable search warrant. And until my attorney and  
12 myself can review that search warrant, which means the applied  
13 task is that they must present it to us, we cannot make that  
14 decision, and therefore I'm not willing to simply surrender  
15 something just because some guy with a slick haircut comes in  
16 and says I'm with the Joint Terrorism Task Force. That doesn't  
17 work on me. I understand what my rights are. And all I did  
18 was exercise those rights.

19           And the reference to the delay tactic, I think we've  
20 already addressed. The delay is that there is a process and a  
21 procedure to do things the right way. I'm okay staying in jail  
22 a couple days longer in order for that process to play out.  
23 But under no circumstances, if I agree with Your Honor and the  
24 Court -- and I give my word that I'm not going to violate a  
25 condition, I'm not going to violate that condition. But if I

1 refuse that condition is -- if I believe that condition is  
2 nonconstitutional, I will simply stay in jail. I've done it  
3 for 77 days. I served 20 years in the military. Obviously, I  
4 have persistence.

5 So that would be -- that would be the answer to your  
6 question, Your Honor.

7 MR. SANSONE: Your Honor, if I could just say  
8 something about that. He -- Mr. -- Mr. Brown had asked me  
9 something yesterday that a client had never asked me before, as  
10 to the Second Amendment, what -- the provision Your Honor just  
11 read. The question was, if I agree to comply with that  
12 100 percent and go out on bond, am I able to appeal it while  
13 I'm under that condition?

14 And let's just play it out. Goes to, say, Judge  
15 Bucklew, and if Judge Bucklew affirmed this Court, and he was  
16 not happy with the result and decided that, say, we weren't  
17 going to go anywhere else, that he wasn't going to now comply  
18 with it, come back to the Court, and tell the Court, "I've  
19 exhausted my appeal. I don't like that, and I can't do it,"  
20 and then go back to jail. He asked if that is a procedural  
21 possibility.

22 A client has actually never asked me that of whether  
23 he could comply with the conditions while they were on appeal,  
24 and if he didn't like the results of appeal, come back to the  
25 Court and say, "I know that's now a condition that I have to

1 do, I'm not willing to do it, my appeal is over," and if Your  
2 Honor said, "That's it, you got to do it," go back to jail.

3 He asked me if that was procedural possibility. And  
4 I said I can raise to it Your Honor. I just never been faced  
5 with that. I just wanted to let Your Honor know we had that  
6 discussion.

7 THE COURT: Thank you, Mr. Sansone.

8 So, Mr. Brown, I understand you're not saying that  
9 you wouldn't comply with a condition of release with respect to  
10 owning or possessing firearms or destructive devices, but you  
11 would reject any conditions of release that would include that  
12 restriction. Is that correct?

13 THE DEFENDANT: In that circumstance. In the  
14 circumstance Mr. Sansone just referenced, our decision would be  
15 made as to whether accepting that condition could mean appeal  
16 wouldn't harm my standing for the appeal. That's my -- that  
17 would be my main concern, because I don't -- I would not want  
18 that to damage my standing based on, well, you haven't been  
19 harmed, even though I've been in jail for 77 days, when we  
20 could make that argument. Certainly, I'm still currently in  
21 jail. I'm definitely being harmed, because I had to deny the  
22 bond that was offered to me based on constitutional grounds.

23 So because that discussion has not taken place yet,  
24 we haven't made any decision. But my commitment to you and the  
25 American people is that if I agree to adhere to a bond

1 situation, regardless of what the other outlying circumstances  
2 are, I'm going to adhere to it.

3 I think I said this in the very beginning, I don't  
4 see this as me defending myself against the government. I see  
5 this as me going after the government. My trial will expose  
6 the government's actions to the American people. That is how I  
7 see this trial. This is not a defense of Jeremy Brown for  
8 having this, that, or the other thing. This is a -- this is a  
9 defense of the American people against the FBI, who I have  
10 firsthand knowledge has violated numerous laws in this entire  
11 January 6th false narrative.

12 And I'm accepting the fact that I allowed the  
13 government to arrest me at my house without incident, just like  
14 there's not been a single incident of violence in any of the  
15 arrests in this case. Why? Because we're not violent people.

16 And so the only way, because the media ignores me,  
17 the only way for me to get this message out and to hold the  
18 government accountable is to allow them to try me for whatever  
19 charges they may come up with.

20 And I think Mr. Sansone will agree, that we've had  
21 many discussions, I said, "They're going to do this, they're  
22 going to do this," and he said, "No, no, no, they're not going  
23 to do that." And every time, I've been right. I think  
24 yesterday you said 99 percent I'm at.

25 Your Honor, I understand what's going on here. I've

1 worked with the JTTF. I probably know some of their policies  
2 and procedures better than some of the agents in this case.  
3 But the tactics that they're using are tactics that have been  
4 developed over three decades of combat overseas, and now  
5 they're applying those tactics to the American people. They're  
6 even using them against you. That's why they played those  
7 calls, hoping to influence your decision, because you heard me  
8 refer to the fact that you might be playing golf.

9 Well, as a republican candidate for U.S. Congress, I  
10 played golf with judges. There's nothing wrong with that.  
11 Some of them might have moved their schedule to make that round  
12 of golf available, and that's it.

13 But they want you to think that I don't respect you  
14 so that you won't grant me bond, because they see you as an  
15 asset against me. This is a human intelligence tactic. I've  
16 used it many times, just like I've arrested assets that refuse  
17 to work with me and made their life a living hell, another  
18 tactic that's being used in this case.

19 So it is my desire to expose all of this, and whether  
20 or not Agent Lindsey knows that these tactics are being used,  
21 he's just doing his job. This is a compartmentalized effort.  
22 This is how we do things under the American people's nose  
23 without them knowing about it. I understand it because I was a  
24 noncommissioned office in charge of the Special Access Program  
25 control center, as has been pointed out, the J3X, the Special

1 Activities branch.

2 I know what's going on. I know my calls are  
3 monitored. I know I put information out that I hope that the  
4 government uses so that I can verify and confirm that they're  
5 listening to my private conversations with my attorney, which I  
6 believe, based on circumstantial evidence. And I think they've  
7 exposed themselves by playing calls that simply just are me  
8 referring to the fact that I'm going to stand on the  
9 constitutional grounds, that I believe in the principles of the  
10 constitution. How dare I.

11 And so I'm not afraid of this trial. If I was, I'd  
12 be seeking a plea agreement. If they want to convict me of  
13 jaywalking, that is the only charge I would plead guilty to.  
14 Anything other than that, they're going to go to trial and the  
15 American people are going to learn what I know about how the  
16 government operates.

17 So I have no desire to violate any conditions. I  
18 have no desire to flee. I have no desire to plea. My desire  
19 is that I get put on the stand against the government of the  
20 United States, and that they are held accountable before the  
21 American people, because right now, they're doing everything in  
22 their power to keep the American people in the dark about  
23 information concerning January 6th and what led up to it. And  
24 in their own words, they referred to it as jeopardizing the  
25 government's investigations.

1 Well, of course it jeopardizes their case. Their  
2 case is against me. Anything I do in my defense jeopardizes  
3 their case. So they want to limit my ability to, one, even  
4 know what they have. I know who Defendant 4 is. He's somebody  
5 that they coerced into a plea deal already, a 19-year-old kid  
6 who worked in a restaurant. Not to demean that profession, but  
7 I'm a 20 year Green Beret.

8 Who has more standing to say that they know what's  
9 proper when it comes to defending the Constitution? Me or a  
10 19-year-old kid? Who's more equipped to spend -- I believe he  
11 spent -- I think he was arrested in April. He spent months in  
12 jail pretrial in violation of his Eighth Amendment rights. So  
13 of course I would expect a 19-year-old kid to be offered 50  
14 years in prison, or whatever the hell they offered him, or time  
15 served, or whatever sentence he pled to for something that he  
16 probably doesn't even understand, conspiracy, which you notice  
17 they haven't even charged me with, because the FBI released a  
18 document saying -- claiming that they have no evidence of  
19 conspiracy.

20 Your Honor, I have never been questioned once by  
21 these so-called investigators in this case, and yet I've  
22 interviewed the founder of the Oath Keepers. I've had phone  
23 conversations. If the Oath Keepers were this evil organization  
24 that they will, let's say, bring a RICO case on, wouldn't I be  
25 somebody that I might have some information they might want to

1 ask me about? And yet not one time has anybody questioned me  
2 about anything, except will you submit to a DNA test?

3 That should be very disturbing. In fact, the very  
4 prosecutor told my attorney that the only reason I shouldn't be  
5 allowed bond is because I disrespect the government. I spent  
6 20 years fighting communism and socialism around the world on  
7 behalf of the American people. And that statement, which I  
8 hope makes it into the record, should send chills down the  
9 spine of everyone in this courtroom, even the tyrant that said  
10 it.

11 So, Your Honor, I have no desire to violate any bond.  
12 I will gladly sit in jail for as long as this Court says I need  
13 to sit in jail, because there's nothing that the government is  
14 going to be able to do, short of something that I don't want to  
15 discuss in this courtroom, that's going to prevent me from  
16 going on the stand in this trial.

17 THE COURT: All right. Mr. Brown, so recognizing  
18 that you want to preserve your appellate rights and that you  
19 want to be able to appeal any order in which I enter in this  
20 case, if the Court were to set conditions of release to include  
21 that you would not own or possess any firearms, and that  
22 condition of release was affirmed on appeal to the district  
23 judge, Susan Bucklew, you would not agree with those conditions  
24 of release.

25 That's what I'm hearing from you. Is that correct?

1 THE DEFENDANT: That is correct. Like my attorney  
2 said, if we exhaust our legal remedies, which means we no  
3 longer have any appeals to that, we will gladly come back, and  
4 I will formally, I guess turn myself in would be the  
5 appropriate legal term.

6 THE COURT: Okay. And then as far as a home --  
7 excuse me, a location restriction program, which could include,  
8 for example, home detention where you'd be restricted to your  
9 residence with certain exceptions, including perhaps an  
10 employment or consulting with your attorney or religious  
11 services, medical appointments, do you believe that that  
12 condition would, again, violate your constitutional rights, and  
13 therefore you would not agree to accept those conditions, if  
14 such conditions were offered to you and affirmed by the  
15 district judge?

16 THE DEFENDANT: Well, due process defined by the  
17 constitution is my right to life, liberty, or property. The  
18 definition of liberty in the Merriam dictionary --  
19 Merriam-Webster dictionary is the lack of confinement.

20 So if I was not restricted, saying you can't go  
21 there, and this GPS monitoring device is meant to enforce that  
22 restriction, I would not agree with that. I would say that is  
23 restricting my liberty as an innocent man, and I would not want  
24 to accept that condition.

25 However, the wearing of an ankle monitor, I do not

1 personally see as a restriction on my liberty. It is merely an  
2 accountability device, of which I already stated to the Court I  
3 have no desire to violate accountability. And so therefore if  
4 the condition was all you have to do is let us know where  
5 you're going, and the GPS monitor confirms that, and I would  
6 provide -- being a former communications guy, I would provide  
7 there be an exclusion that if the device fails, of which I've  
8 heard horror stories in jail, so there are benefits to being in  
9 jail, that some people have been violated simply because the  
10 battery died. And so therefore, they live their life in  
11 paranoia that this electronic device is now going to fail.  
12 That inclusion, I would have no problem with that, because I  
13 understand that there has to be some level of accountability.

14 I mean I don't want to speak for my attorney, but if  
15 you said, "Mr. Sansone, if Mr. Brown violates any of these  
16 conditions, you're going to go to jail," I think he would  
17 probably accept that condition, because I think he has learned  
18 through this process the type of man that I am.

19 Now, I don't want to have that condition put on  
20 Mr. Sansone, but that is my point, Your Honor.

21 THE COURT: I'm sure Mr. Sansone appreciates that,  
22 Mr. Brown.

23 Just so we're clear, you would agree to a stand-alone  
24 GPS monitoring, meaning you would wear a  
25 GPS-location-monitoring equipment, typically an ankle monitor,

1 as you referenced, which would just keep track of where you go,  
2 but that you would reject any conditions of release that would  
3 actually restrict your location to your house or to certain  
4 exceptions -- as I mentioned, you would reject my type of  
5 location restriction program, but you would be willing to  
6 accept to a stand-alone GPS monitoring, which just keeps track  
7 of where you go.

8 Is that correct, sir?

9 THE DEFENDANT: That's correct, Your Honor. I have  
10 no problem checking in, asking, or advising the Court of where  
11 I'm going, because if you knew anything about my real life, not  
12 the one the government likes to create, I don't really leave  
13 home that often, unless I go to friends and help them with  
14 projects or things like that. I sit at home, and I think about  
15 how I can improve my efforts to preserve this republic, because  
16 I think we are in definite, definite trouble.

17 If you listen to the probably a hundred hours now  
18 worth of public interviews that I've done on this matter, since  
19 March 5th when I originally released a recording of the FBI  
20 attempting to recruit me to provide information on law-abiding  
21 citizens, they're all public. I don't want you to have to  
22 endure that, but, I mean, it's out there for you to listen and  
23 to hear what I believe is going on and what I think the  
24 remedies are. And while we all sit in this courtroom as free  
25 men and women, none of us without the use of violence -- that

1 is by absolutely the absolute last means.

2           And so the government wants to convince this Court  
3 I'm somehow a danger because of my capabilities, the  
4 capabilities they gave me. I am absolutely not a physical  
5 threat, especially not now, because I have them right where I  
6 want them. I am completely surrounded. I can theoretically  
7 and figuratively fire in all directions. And that is my  
8 stance, Your Honor.

9           THE COURT: Thank you, Mr. Brown.

10           Mr. Brown, is there any other evidence or statement  
11 you would like to make to the Court at this time?

12           THE DEFENDANT: I would like to reference the General  
13 Officer Memorandum of Reprimand. The only reason the language  
14 barred from the enlistment was in there because I was already  
15 scheduled to retire, and so I didn't fight it. That GOMOR was  
16 given to me as retaliation for the contents of the document,  
17 the draft document that the government claims that they have,  
18 that I wrote. I know exactly what's on it. I don't need to  
19 see it. I wrote it. There's an American citizen that is  
20 walking around free from captivity --

21           MS. ASOKAN: Your Honor, this goes into the  
22 classified information.

23           THE DEFENDANT: Exactly.

24           THE COURT: All right.

25           THE DEFENDANT: That was -- I will not discuss the

1 content of the document. I will say it was retribution.

2 THE COURT: One second, Mr. Brown. Let me rule on  
3 the objection.

4 The objection is sustained to the extent that you're  
5 about to reveal classified information, which you know would  
6 violate the law.

7 THE DEFENDANT: Correct.

8 THE COURT: So I'm going to grant the objection as to  
9 the classified information. Other than revealing classified  
10 information, you may proceed.

11 THE DEFENDANT: Correct. The GOMOR was retaliation  
12 for exposing something. And it was basically they found dirty  
13 jokes that had went around SOCCENT, stored on my unclassified  
14 computer. And so they read me my rights and threatened to  
15 terminate my service prior to retirement, thus denying me  
16 benefits, or the same tactic that the government uses, or  
17 accept the General Officer Memorandum of Reprimand.

18 But they did deprive me of my retirement award, which  
19 does get under my skin. Because after a 20-year special  
20 operations career, I should have received a Legion of Merit,  
21 which is one of the highest peacetime awards in the military.  
22 Instead, I received not even a thank you. But I'm okay with  
23 that. That's why my hair is long, and I sit on my couch and  
24 enjoy my freedom.

25 So I would like the context of that General Officer

1 Memorandum of Reprimand to be known by the Court. It was not  
2 misuse of classified material.

3 THE COURT: All right. I accept that proffer.

4 Mr. Brown, anything further?

5 THE DEFENDANT: I believe that's it, Your Honor.

6 THE COURT: Mr. Brown, it's very important for me  
7 that you understand you've had enough time to present evidence  
8 to the Court and to present any argument. So I want to make  
9 sure that you feel you've had enough time. Have you had enough  
10 time, sir?

11 THE DEFENDANT: As far as it pertains to the bond  
12 hearing, Your Honor, I believe that, you know, while we've set  
13 back Mr. Sansone on his schedule, I believe that you have  
14 enough information to make a determination on whether or not  
15 I'm entitled to my Eighth Amendment right, that the government  
16 not issue excessive bail in this case. And so, yes, I would  
17 like to continue or allow you to proceed.

18 THE COURT: All right. Mr. Brown, I just want to  
19 make sure -- I know you're trying to accommodate Mr. Sansone,  
20 and so am I, and we will let Mr. Sansone leave here in a  
21 second, and we'll conclude the hearing for today. But if you  
22 would like more time, you feel like I've deprived you of an  
23 opportunity to present evidence to me, now is the time for you  
24 to tell me, and we can continue this hearing.

25 THE DEFENDANT: Your Honor, it's my belief that most

1 of the things that the prosecution has presented that I would  
2 respond to, like the fact that we sold our house to become  
3 all-time -- full-time RVers, I don't think that that -- I  
4 respect you as somebody that understands the law, and so I  
5 don't feel the need to nitpick every little thing. While, in  
6 trial, we will.

7 In this case, this is a bond hearing. Mr. Brown has  
8 been charged with seven counts of violations of the law. What  
9 would strip Mr. Brown of his Eighth Amendment right to bond?  
10 In that context, while I would love to go on and on about every  
11 little thing that the federal government has incorrectly stated  
12 to the Court, I do feel at this time, you have enough  
13 information to make your decision as to whether or not I  
14 deserve bond in this case to prepare my defense against the  
15 government.

16 THE COURT: All right. Thank you, Mr. Brown.

17 Ms. Asokan, Mr. Sansone does have another obligation  
18 that I must conclude the hearing for today. But I presume the  
19 government would like to present further argument?

20 MS. ASOKAN: Yes, Your Honor.

21 THE COURT: All right. Is the government available  
22 tomorrow morning?

23 MS. ASOKAN: Your Honor, I have court at 10:00 a.m.  
24 before Judge Sneed, but otherwise I can make it work.

25 THE COURT: When will that conclude, do you believe,

1 like 11, 10:30?

2 MS. ASOKAN: At the latest. Excuse me. At the  
3 latest.

4 THE COURT: Mr. Sansone, what's your calendar look  
5 like for tomorrow?

6 MR. SANSONE: I'm sorry. I didn't hear the last  
7 thing she said. What time?

8 THE COURT: She believes the hearing will conclude by  
9 11, but obviously there's no guarantees the way judges conduct  
10 hearings.

11 MR. SANSONE: I'll say after 11. The only thing I  
12 had is I have a date-certain trial in front of Judge Honeywell.  
13 We had that hearing yesterday. We've been granted -- there's  
14 three defendants. We've been granted the opportunity --  
15 they're Spanish-speaking -- to meet with the three of them.

16 THE COURT: I just need to know if you're available.

17 MR. SANSONE: It's at one o'clock. I mean, I can --  
18 I can go from 11 to 12:45.

19 THE COURT: All right. Is that enough time,  
20 Ms. Asokan?

21 MS. ASOKAN: Yes, Your Honor.

22 THE COURT: All right. We will continue this hearing  
23 until 11:00 a.m. tomorrow, and we will conclude the hearing no  
24 later than 12:45. We're adjourned.

25 (Proceedings recessed at 11:58 a.m.)

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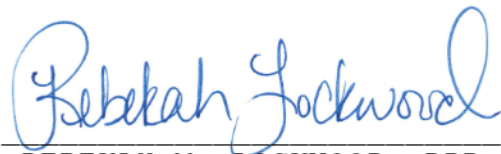
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Rebekah M. Lockwood, RDR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Tampa, Hillsborough County, Florida, this 10th day of January 2022.



REBEKAH M. LOCKWOOD, RDR, CRR  
Official Court Reporter  
United States District Court  
Middle District of Florida