

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case: 1:21-cr-00437  
Judge Amit Mehta

Against

MARK GRODS, Defendant  
MARK MARVIN, Petitioner

PETITION FOR A WRIT OF HABEAS CORPUS  
PETITION TO ARREST JUDGMENT OF CONVICTION

This is a Someone petition for a Writ of Habeas Corpus to determine the legality of the criminal charges against the defendants who were charged with crimes in connection with a mostly peaceful Freedomfest assembly in Washington D.C. on January 6, 2021 intended “to peacefully assemble, and to petition the Government for redress of grievances.” (U.S. Const. Amend. I)

1, Petitioner MARK MARVIN, has standing as “someone” (28 U.S.C.A. 2242, Darr v. Birford, 339 U.S. 200, 203, 70 S.Ct. 587, 590) And further, Petitioner has standing in that this prosecution is intended, through “equal protection” to *a priori* deny him access to Washington, D.C., and he further says:

2, He has previously filed a petition on behalf of Roberto Minuta, and others. He has also filed for habeas relief for the defendants listed in the Minuta complaint. This petition seeks habeas relief for MARK GRODS, who for all intents and purposes is a co-defendant of the above but appears to be being prosecuted separately. (Unlawfully) GRODS upon viewing his probable picture appears blind in his left eye. This petition follows, and concerns the arrest/detention of the other co-defendants charged in this indictment, and same Complaint (Roberto Minuta), and relies on “open source” evidence” which is prohibited, and inherently unreliable, if not prejudicial. (see Paragraph 5, below)

3, The MARK GRODS INFORMATION is dated: 06/28/21. The Justice Department reports that on 06/30/2021 Mark Grods pleaded guilty to vaguely stated: conspiracy and obstruction of an official proceeding and aiding and abetting. “Grods entered his guilty plea in the District of Columbia on June 30.” The plea was irrational and involuntary. He is apparently subject to 51 to 63 months in prison for visiting the “open” Capitol, and a fine of \$20K to 250K, and \$2,000 restitution for the cost of pepper balls (?).

4, The (template) Complaint alleges that “The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. (p. 1) Not true.

In fact:

during visiting hours. “The Capitol Visitor Center, the main entrance to the U.S. Capitol at First Street and East Capitol Street .... is open to visitors from 8:30 a.m. to 4:30 p.m. Monday through Saturday except for Thanksgiving Day, Christmas Day, New Year’s Day and on Inauguration Day.... Admission is free. However passes are required for tours of the historic Capitol and may be needed for other special events.” ([https://www.visit the capitol.gov./plan-visit/visitor-hours-inf ?](https://www.visitthecapitol.gov/plan-visit/visitor-hours-inf)) The complaint alleges that there were “Capitol Police Barricades.” (Indictment paragraph 7) Actually the “barricades were light weight “safety fence” . (See: Weather Channel, “Weather Goes Viral” Episode 65 , about 15 minutes into show a flimsy identical fence is used on the beach, and is called “safety fence” not functional as a “barricade”)

5, The Complaint relies on “ news media platforms”, etc. (page 2 )

Because of unreliability:

“open source materials” are prohibited by the Justice Department . The Complaint relies on “news coverage” or “open source” evidence, which is unlawful, as the government cannot use the First Amendment to deny citizens their First Amendment rights. The government relies on “open source research” which is inadmissible and particularly unreliable, and “The Department of Justice does not consider the press ‘an investigative arm of the government’.” (Branzburg, 408 U.S. at 707, fn. 41) (Note exception for war crimes)

(“Open Source Evidence on Trial, Keith Hiatt, [yalelawjournal.org/forum/open-source-evidence-on-trial](http://yalelawjournal.org/forum/open-source-evidence-on-trial)) (Note: War Crimes exception)

6,

At Minuta petition, paragraph 10,

At paragraph 98, the indictment charges that .... And the others (all the defendants ) (doing a Conga Line) “each individual keeping at least one hand on the shoulder of the other in front of them” (para. 95) “forcibly entered the Capitol building” (during visitation hours. That is: “2:40 p.m. ... having “breached the doors” . (para. 97) (See Exhibit’s A. B. C. )

At Minuta paragraph 8, Further allegations from paragraph 95 complain of clothing

similarities and some sort of a Conga Line (really) (para. 95) “each individual keeping at least one hand on the shoulder of the other in front of them.” Imagine that: The government thinks a Conga Line is evidence of a criminal conspiracy to overthrow the government.”

7, At Grods paragraph 23: “While walking through the restricted area (there was no restricted area) toward the Capitol building, GRODS and others known and unknown (actually they are known and include those named with Minuta) moved together in a military stack formation with hands on the shoulders of those in front of them to communicate and effectively move toward the Capitol. Actually this formation describes a Conga Line, which the government seems to think is a Conga-line-Coup. Note: annexed are “open source photos of a real “Stack Formation” with real U.S. Paratroopers on maneuvers in Spain. (A) Note the real troopers do not have hands on the man in front. Their hands are full of real assault weapons. Note: photograph B with a real Conga Line. Note that the free dance participants do have hands on the person in front. Note: there are no assault weapons, real or fake. Note photo C with six Conga Line participants. Note that none have assault weapons (real or fake) Conclusion: the characterization of persons with hands on person in front as a military “Stack Formation” is dishonest. This reflects the bad faith of the government and discredit’s the entirety of the Information”. The government alleges that the Oath Keepers used a Conga Line to forcefully enter the Capitol, and that this formation was a military assault without military weapons.

8, See paragraph Grods 24: At 3:21 p.m. GRODS and others (Conga Line Coup) entered the Capitol building (open for visiting) . At paragraph 25 GRODS, “At 3:25 p.m. GRODS exited the Capitol as law enforcement officers deployed pepper balls at the wall near GRODS. He was apparently lucky as they killed Ashley Babbitt. So GRODS and the Conga Line coup attempted to overthrow the government in 3:25 minus 3:21 equals four (4) minutes. That is a quick coup.

9, The Complaint against LISA MARIE EISENHART (Banzai Grandma) and ERIC GAVELEK MUNCHEL (1:21-mj-00071, RCL) describes the officers at the Senate, not shooting pepper balls, but running away from Grandma. (See Marvin petition: paragraphs 9-10, etc.)

10, The Complaint against Joshua and Jessica BUSTLE describes how the defendants “we were let in ... like literally my husband and I just WALKED right in with tons of other people.” (Bustle Complaint page 3)

11, In the BISSEY, MORGAN-LLOYD case (1:21-cr-054, (RCL) the Complaint relates:

“6, BISSEY reportedly wrote on Facebook: “Police stood with arms crossed. No force. Some even opened doors and fences. Seen it with my own eyes.” (paragraph 10) BISSEY is

therefore revealed as a material witness by the F.B.I. deponent that the Capitol police were respecting the visitation policy at the U.S. Capitol. Grandma MORGAN-LLOYD writes "... we were in the first 50 people in" during visitation at the Capitol (para. 14) ( as police opened doors)"

12, GRODS is accused: "GRODS entered the Capitol building with a large stick" (Information, para. 24) The "stick" is described elsewhere as a flag on a flagpole. Thomas Webster (1:21-cr-mj-00244) is accused of having a U.S.M.C. flag on a deadly weapon flagpole (imagine having a flag on a flagpole?)

13, MICHAEL JOSEPH FOY ((21-5123) is accused of using a hockey stick (with a Trump flag coincidentally attached) as a deadly weapon. See petition:

"10, The Complaint apparently alleges and implies that a "hockey stick" is a type of deadly weapon. In fact, hockey sticks are used to play hockey. Hockey is a game in which professionals, university persons, high school people, and pee wee types swing "hockey sticks" at hockey pucks and each other without a murder ever having happened. There has apparently never been a murder committed by people swinging hockey sticks during a game at each other deliberately or accidentally, and probably never, ever will be. There are fouls for "high sticking" and "icing the puck" but no penalty for murder using a hockey stick. Under the worst circumstances, the offending player is penalized by a minute or two in the penalty box (and not allowed to play for that minute or two). High sticking does not require a penalty of solitary confinement for months, which is cruel and unusual punishment for a hockey violation."

14, The Complaint against Richard Barnett alleges that he unlawfully entered the office of Speaker Nancy Pelosi. However the Complaint clearly states that the office was locked, and then an unidentified person pushed the door open. This apparently means that that person had a key and opened the office for Barnett who needed shelter as he was blinded by tear gas. (unnumbered pp. 3-4 of Complaint) GRODS appears blind in one eye.

15, The Complaint against Paul Allard Hodgkins alleges that he was praying and preaching and leading the crowd in the Capitol, without being asked to leave. His image is nearly identical to the image of Jesus Christ on a mock driver's license, and his alleged behavior seems Christlike. Hummm. Maybe open source materials are subject to misinterpretation and should not be allowed.

16, To review: the crime is that GRODS actually discussed with others is the trip to Washington D.C. to exercise his first Amendment rights including freedom of speech, assembly and for the redress of grievances. He visited with the Conga Line, the "open for visits" Capitol with no restrictions on entry. He carried a "large stick" flagpole, and left after 4 minutes, when nonexistent capitol police fired pepper balls at the wall (\$2,000 worth?), even though others who

were there, just left without the pepper balls(?) being fired, by the welcoming Capitol police, except whoever killed Ashley Babbitt.

17, GRODS was reportedly in Washington to exercise his First Amendment rights. It is well-established law that The First Amendment cannot be abridged except by the least restrictive means.

18, It is bizarre that GRODS was charged by Information 06/28/21 then pled guilty on June 30, 2021. The government cannot get a straight story about the events of January 6, 2021 and presents conflicting complaints, when the only consistent feature is that the government is unconstitutionally abridging the First Amendment rights of grandmothers, Conga Line dancers, Marine Corps veterans and persons who happened to visit the Capitol for a few minutes during open hours. The severed proceeding serves to deny all defendants due process as there are multiple conflicting scenarios which are prejudicial.

19, Complaint and Indictments are jurisdictionally defective and facially predicated on bad faith, as the government failed to properly investigate this incident, and falsely represented incidents of January 6, 2021. The false representation of events discredit's the criminal charges against the defendants.

20, Solitary confinement for political protest is a violation of the Geneva Convention.

21, Clearly counsel was ineffective in failing to assert that the government's criminal charges are unfounded, and based on false claims, and unacceptable "evidence". Counsel failed to protect GRODS from being coerced into an irrational and involuntary plea.

WHEREFORE, the indictments are defective and deprive this court of jurisdiction. This court should grant habeas relief, dismiss the indictments, arrest judgments of conviction and release defendant from custody immediately, and grant such other and further relief as is just and proper.

Affirmed as true on information and belief



Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586  
July 4, 2021

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case: 1:21-cr-00437

Against

MARK GRODS, Defendant  
MARK MARVIN, Petitioner

MEMORANDUM OF LAW

THIS INDICTMENT AND THE UNDERLYING PROSECUTION VIOLATE DUE PROCESS AND CANNOT BE USED TO DENY FIRST AMENDMENT RIGHTS.

Preliminary hearing and the grand jury both determine whether there is probable cause with regard to the suspect. (Coleman v. Alabama, 1957, 339 U.S. 1) “Its historic office has been to provide a shield against arbitrary or oppressive action, by ensuring that serious criminal accusations will be brought only upon the considered judgment of a representative body of citizens acting under oath and under judicial instruction and guidance.” (U.S. v. Mandujano, 1976, 425 U.S. 564, 571) Judicial supervision is properly exercised in such (First Amendment) cases to prevent the wrong before it occurs.” (United States v. Calandra, 1974, 414 U.S. 338, 346) The government has failed to meet the high burden in obstructing First Amendment rights. (U.S. v. Alvarez, 2012, 132 S.Ct. 2537, 567 U.S. 709, Brown v. Entertainment Merchants Assoc. 2011, 131 S.Ct. 2729, 564 U.S. 786) (July 1, 2021: Americans For Prosperity v. Bonta, 19-251, 594 U.S. \_\_\_\_ (2021))

Grand juries must operate within the limits of the First Amendment and may not harass the exercise of speech and press rights. (Branzburg v. Hayes, 1972, 408 U.S. 665, 707-08) “(G)rand jury investigations if instituted or conducted other than in good faith, would pose wholly different issues for resolution under the First Amendment.”

“The Department of Justice does not consider the press ‘an investigative arm of the government’.” (Branzburg, Id. p. 707, fn. 41)

This indictment is defective and deprives this Court of subject matter jurisdiction over the prosecution. (United States v. Cotton, 2002, 535 U.S. 625)

A joint trial serves to elicit a more complete version of the facts. (Zafiro v. U.S. , 506 U.S. 534, 539, 113 S.Ct. 933, 938, 1993) In this case, there is the possibility that guilt by one of the defendants will rub off on the other (U.S. v. Mardian, DC Cir. 1976, 546 F.2d 973, 977) “ a

subtle bond is likely to be created between the several defendants though they have never met nor acted in unison; prejudice within the meaning of Rule 14 is implicit.” (Shaffer v. U.S. , 1960, 362 U.S. 511, 532)

CONCLUSION

The court lacks evidence and jurisdiction.

Mark Marvin  
135 Mills Road  
Walden, N.Y. 12586  
July 4, 2021

EXHIBIT

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Criminal 21-cr-28-APM

Magistrate No. 21-mj-cr-260, 21-mj-284

v.

ROBERTO MINUTA,

THOMAS CALDWELL,  
DONOVAN CROWL,  
JESSICA WATKINS,  
SANDRA PARKER,  
BENNIE PARKER,  
GRAYSDON YOUNG,  
LAURA STEELE,  
KELLY MEGGS,  
CONNIE MEGGS,  
KENNETH HARRELSON,

Defendants

MARK MARVIN, Petitioner

PETITION FOR A WRIT OF HABEAS CORPUS

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The above are represented as being part of a "military stack formation" (Conga Line)

(http://www.defense.gov/)



(https://media.defense.gov/2016/Mar/07/2001472174/-1/-1/0/160229-A-MM054-068A.JPG)

## Stack Formation

Paratroopers move along a wall in a stack formation before preparing to clear a building during Exercise Sky Soldier 16 at Chinchilla training area in Albacete, Spain, Feb. 29, 2016. Army photo by Staff Sgt. Opal Vaughn

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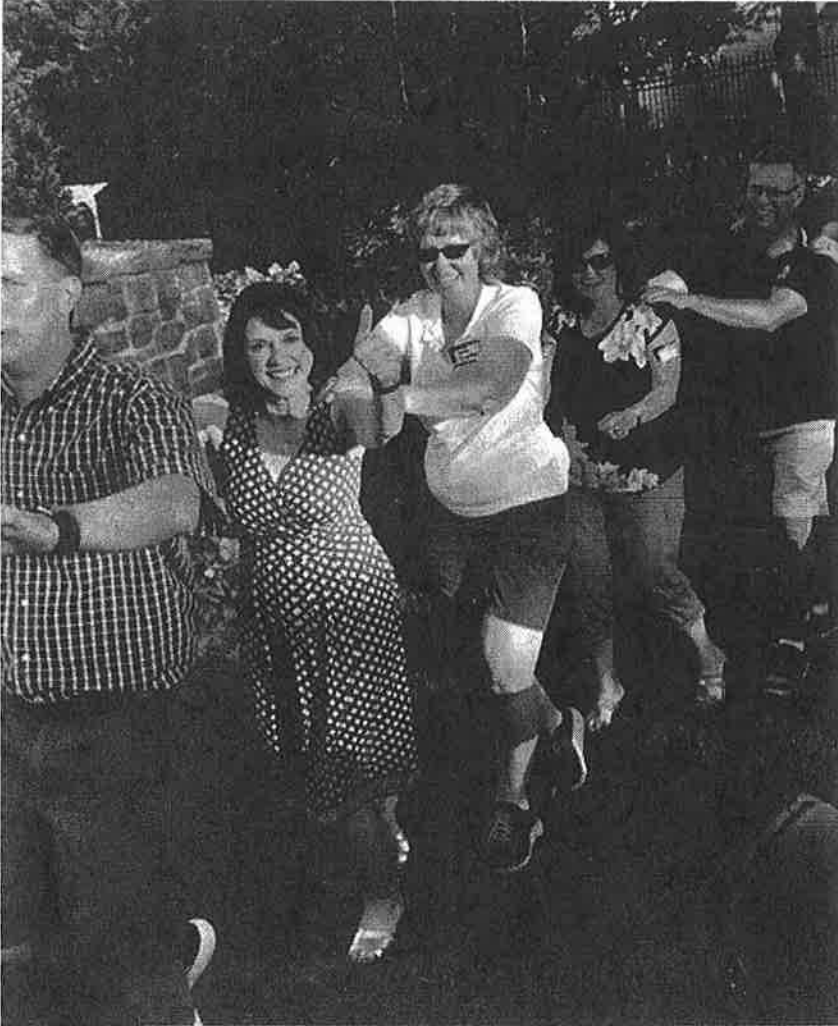
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www.youtube.com

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X



C (b/w)

July 4, 2021

U.S. District Court,  
United States Courthouse,  
333 Constitution Ave. NW,  
Washington, D.C. 20001

**LET THIS BE FILED**  
Signature *Angela D. Caesar*  
Date 8/25/21

Re: U.S. v. GRODS, Case: 1:21-cr-00437

To the Court:

Enclosed please find my enclosed habeas petition.

Thanking you for your kind attention, I am  
very truly yours,



Mark Marvin

Enc.

