

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

UNITED STATES OF AMERICA,	:	
	:	
	:	
v.	:	Case No.: 22-MJ-20 (RMM)
	:	
MATTHEW JASON BEDDINGFIELD,	:	
	:	
Defendant.	:	

**UNITED STATES’ MOTION REQUESTING
ORDER OF PRETRIAL DETENTION OF DEFENDANT**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully requests that this Court issue an Order detaining defendant Matthew Jason Beddingfield pending trial. Following the defendant’s arrest and initial appearance in the Eastern District of North Carolina, the defendant filed a waiver of his right to “an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing” to which he may have been entitled in the Eastern District of North Carolina. ECF No. 6, p. 34. In that same waiver, he requested that his preliminary hearing and detention hearing “be held in the prosecuting district, at a time set by that court.” *Id.* During the defendant’s initial appearance in the District of Columbia on February 24, 2022, the Court set his detention hearing for March 3, 2022, at 3:00 PM. Yesterday, the Court reset the detention/preliminary hearings for March 10, 2022, at 3:30 PM. In support of the government’s request for an Order of Pretrial Detention, the government relies on the following factual and legal authorities, as well as any that may be offered at the hearing on the motion.

The government believes that this Court should enter an Order of Detention Pending Trial because Beddingfield was on release for a violent shooting at the time of his crimes on January 6, he assaulted officers with the American flag, after January 6, he was arrested for another crime in

which he endangered members of the public—reckless driving, during his commission of the violent acts at the Capitol, he publicly displayed a gesture that has strong associations with white supremacy and the Holocaust, and his other violent rhetoric establishes his penchant for matching violent words with violent acts.

I. PROCEDURAL BACKGROUND

On February 2, 2022, Magistrate Judge Robin M. Meriweather signed a Criminal Complaint and Statement of Facts and issued an Arrest Warrant for Matthew Jason Beddingfield, finding probable cause to believe that Beddingfield committed at least the following nine offenses. ECF Nos. 1, 5.

1. 18 U.S.C. §§ 111(a)(1) and (b)—Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon or Inflicting Bodily Injury
2. 18 U.S.C. § 231(a)(3)—Civil Disorder
3. 18 U.S.C. § 1752(a)(1) and (b)(1)(A)—Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon
4. 18 U.S.C. § 1752(a)(2)—Disorderly and Disruptive Conduct in a Restricted Building or Grounds
5. 18 U.S.C. § 1752(a)(4)—Engaging in Physical Violence in a Restricted Building or Grounds
6. 40 U.S.C. § 5104(e)(2)(D)—Disorderly Conduct in a Capitol Building
7. 40 U.S.C. § 5104(e)(2)(E)—Impeding Passage Through the Capitol Grounds or Buildings
8. 40 U.S.C. § 5104(e)(2)(F)—Act of Physical Violence in the Capitol Grounds or Buildings
9. 40 U.S.C. § 5104(e)(2)(G)—Parading, Demonstrating, or Picketing in a Capitol Building

These charges stem from Beddingfield's involvement in the attack on and riot at the United States Capitol in Washington, D.C., on January 6, 2021.

On February 7, 2022, agents of the Federal Bureau of Investigation arrested Beddingfield at a regularly scheduled visit with his probation officer from the North Carolina Department of

Public Safety. On that same date, a search warrant was executed at his residence and an inventory search was performed on the car he drove to the probation appointment. On February 9, 2022, U.S. Marshals brought the defendant before a Magistrate Judge in the Eastern District of North Carolina for an initial appearance and set the preliminary and detention hearings for February 14, 2022. As stated above, defendant waived his right to those hearings pending arrival in the District of Columbia. The government now requests that this Court issue an Order of Detention so that Beddingfield remains detained pending trial.

II. FACTUAL BACKGROUND

A. The 2020 United States Presidential Election and the Official Proceeding on January 6, 2021

The 2020 United States Presidential Election occurred on Tuesday, November 3, 2020. The United States Electoral College is a group required by the Constitution to form every four years for the sole purpose of electing the president and vice president, with each state appointing its own electors in a number equal to the size of that state's Congressional delegation.

On December 14, 2020, the presidential electors of the Electoral College met in the state capital of each state and in the District of Columbia and formalized the result of the 2020 U.S. Presidential Election: Joseph R. Biden Jr. and Kamala D. Harris won sufficient votes to be elected the next president and vice president of the United States.

On January 6, 2021, a Joint Session of the United States House of Representatives and the United States Senate convened in the United States Capitol building. The purpose of the Joint Session was to open, count, and resolve any objections to the Electoral College vote of the 2020 Presidential Election, and to certify the results of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

B. The Attack at the Capitol on January 6, 2021

The Capitol is secured 24 hours a day by United States Capitol Police. The Capitol Police maintain permanent and temporary barriers to restrict access to the Capitol exterior, and only authorized individuals with appropriate identification are allowed inside the Capitol building.

On January 6, 2021, the exterior plaza of the Capitol was closed to members of the public.

On January 6, 2021, at approximately 1:00 PM, the Joint Session convened in the Capitol building for the Certification of the Electoral College vote. Vice President Michael R. Pence presided, first in the Joint Session and then in the Senate chamber.

A large crowd began to gather outside the Capitol perimeter as the Joint Session got underway. Crowd members eventually forced their way through, up, and over Capitol Police barricades onto the Capitol grounds and advanced to the building's exterior façade. Capitol Police officers attempted to maintain order and stop the crowd from entering the Capitol building, to which the doors and windows were locked or otherwise secured. Nonetheless, shortly after 2:00 PM, crowd members forced entry into the Capitol building by breaking windows, ramming open doors, and assaulting Capitol Police officers. Other crowd members encouraged and otherwise assisted the forced entry. The crowd was not lawfully authorized to enter or remain inside the Capitol building or grounds, and no crowd member submitted to security screenings or weapons checks by Capitol Police or other security officials.

Shortly thereafter, at approximately 2:20 p.m., members of the House and Senate (including Vice President Pence) were evacuated from their respective chambers. The Joint Session was halted while Capitol Police and other law-enforcement officers worked to restore order and clear the Capitol building and grounds of the unlawful occupants.

Later that night, law enforcement regained control of the Capitol building and grounds. At approximately 8:00 PM, the Joint Session reconvened, presided over by Vice President Pence.

C. Beddingfield's Criminal History

Local authorities in Johnston County, North Carolina arrested Beddingfield in December 2019 as the main suspect in a shooting that took place in a Walmart parking lot. While initially held on \$1 million bail, Beddingfield's bond was lowered to \$100,000, allowing him to be on pretrial release on January 6, 2021.¹ On August 17, 2021, Beddingfield pled guilty to felonious assault with deadly weapon with intent to kill or inflicting serious injury.² Beddingfield received a sentence of twenty-four months' probation.³ From publicly available interviews given by Beddingfield's father, it seems that from the beginning, there was no dispute that Beddingfield shot his victim, a 17 year-old Hispanic male.⁴ The claim appears to be that Beddingfield shot the victim after Beddingfield was robbed.

After pleading guilty to assault with a deadly weapon inflicting serious injury and being sentenced, Beddingfield was again arrested on January 28, 2022, this time on allegations of reckless driving. The criminal docket shows that Wake County Sheriff's Office alleges that Beddingfield was driving "approximately 110 MPH on I-40 East, a roadway on which the posted speed limit is 65 MPH." Defendant appears to have been released after paying a \$500 cash secured bond.

¹ Court documents show the modified terms of Matthew Beddingfield's release as:

\$100,000 secured bond; curfew 6 PM-6 AM; no contact with victim or victim's family; defendant is allowed to work with dad; dad is to know where Matthew is at all times; defendant is to remain living with parents only; defendant is not to have any access to any social media; defendant is not to have any access to any firearms in the home.

² N.C. Gen. Stat. § 14-32

³ <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=1665786&searchLastName=Beddingfield&searchFirstName=Matthew&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1>

⁴ <https://www.wral.com/father-of-accused-shooter-at-smithfield-walmart-this-wouldn-t-have-happened-if-he-hadn-t-been-robbed/18832057/>.

D. Beddingfield's Actions on January 6, 2021

As previously stated, on January 6, 2021, Beddingfield was out of jail, having been granted pretrial conditions of release in a case where he was facing a top charge of attempted murder. It is the government's understanding that due to unavailability of resources, there was no electronic monitoring of Beddingfield, nor did he have an assigned pretrial officer.

To avoid unnecessary duplication, the government incorporates and adopts all text and pictures from the Statement of Facts in this case, signed by both the FBI Special Agent and Magistrate Judge Meriweather on February 2, 2022. ECF No. 1-1, pp. 7-26.

E. Beddingfield's Actions Post-January 6, 2021

A search warrant was sought and granted for Beddingfield's telephone, and while the dates on the files and messages appear to stretch back to 2019 or earlier, there is a noticeable gap in files present on the phone between late 2020 and early 2021, even though the phone appears to be visually identical to and bears the same IMEI as the phone Beddingfield had on Capitol grounds and inside the Capitol on January 6, 2021. In the publicly available videos of Beddingfield and in USCP CCV recordings, Beddingfield often appears to be recording or taking pictures on his phone.

F. Beddingfield's History and Characteristics

As mentioned, Beddingfield's cellphone was recovered. There are noticeable gaps in the content contained on the cellphone during and around January 6, 2021, but there is at least one image indicating that Beddingfield was aware that he had been identified as a violent participant in the Capitol siege. The image found on Beddingfield's phone appears to be from a video produced by HuffPost in which the HuffPost identifies Beddingfield.⁵

⁵ https://www.huffpost.com/entry/facial-recognition-may-have-idd-this-rioter_n_605e2b8bc5b67ad3871f7887



IMAGE 1—An image recovered from Beddingfield's phone showing what appears to be a screenshot of a video put out by the HuffPost featuring Beddingfield.

Many of the rest of the images—which will not be included at this time but may be provided in a separate filing upon request of the Court—contain highly offensive and deeply troubling hate symbols and hate speech.⁶ Beddingfield appears to harbor deep resentment towards the Black, Hispanic, Native American, and LGBTQ+ communities while glorifying white supremacist figures, beliefs, language, and ideologies. In some of the messages and exchanges below, Beddingfield unabashedly expresses his wish that members of those groups meet a violent end and in others he expresses a desire to inflict said violence or death on the same. Some of the images found on Beddingfield's cell phone include, but are not limited to images of SS Bolts, swastikas (sometimes with hate language superimposed over the swastika's four arms), numerous images and memes featuring Hitler, and other anti-Semitic, anti-Black, and anti-LGBTQ+ memes and caricatures.

As such, this section includes several excerpts and examples of messages that Beddingfield sent to other social media. In these messages, Beddingfield builds a house using a framework of

⁶ The government used the Anti-Defamation League's Hate on Display™ Hate Symbols Database to identify and describe the images found on Beddingfield's phone. See <https://www.adl.org/hate-symbols>.

white supremacy and the finishing work of a craving to see violence befall members of minority groups and marginalized communities topped with the urge to cause that pain and death himself. While much of Beddingfield's speech is vile, the government is not arguing that the defendant should be punished for his social or political views, for as the Supreme Court has reasoned, "Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful; but the proudest boast of our free speech jurisprudence is that we protect the freedom to express the thought that we hate." *Matal v. Tam*, 137 S. Ct. 1744, 1764 (2017) (internal quotation omitted). The government is not arguing that Beddingfield should be punished for his political or social views. The government believes that Beddingfield should be detained because Beddingfield was on release for a violent shooting at the time of his crimes on January 6, he assaulted officers with the American flag, he was arrested for another crime in which he endangered members of the public (reckless driving) after January 6, during his commission of the violent acts at the Capitol, he publicly displayed a gesture that has strong associations with white supremacy and the Holocaust, and his other violent rhetoric establishes his penchant for matching violent words with violent acts.

Despite the conditions of his release indicating that Beddingfield was to have no access to any social media, Beddingfield took advantage of his lack of supervision to establish an Instagram account with the handle @rightwing.dissident and a Snapchat account under the handle @sirwetemup. Also, while under those same conditions of release prohibiting access to social media, Beddingfield often attempted to engage with and enrage other members of the community with his hate speech, or to illegally sell them THC cartridges.

On November 17, 2020,⁷ while on conditions of pretrial release prohibiting him from accessing any social media, Beddingfield used his Instagram account with the handle @rightwing.dissident to engage in the following exchange:

Beddingfield: Fuck them bitches they knew they were coming to start shit at a trump rally. I was there 😊

IG User: They wernt at a trump rally but ok. It's funny how much of a hypocrite you are

Beddingfield: Yes they were lol that happened in dc. They were with the violent antifa crowd that was beating up elderly people after 99% of Trump supporters left Anyone who is in antifa deserves a slow death. They are literally communists.

On April 3, 2021,⁸ while on conditions of pretrial release prohibiting him from accessing any social media, Beddingfield used his Instagram account with the handle @rightwing.dissident to engage in the following exchange:

Beddingfield: Kill yourself n***** loving whore

IG User: Hello there I've told all you trolls that I didn't doxx that kid I just commented on a tiktok about it I'd never want to doxx him or ruin his life. I don't know why I'm being targeted. I woke up to a shitload of racist kids like your embarrassing ass in my dms. Stop wasting ur time on me

Beddingfield: Heil Hitler, you're a n***** lover that's why you have monkey lives matter in your bio

On May 1, 2020, while on conditions of pretrial release, Beddingfield used his Instagram account with the handle @rightwing.dissident to send the message: This a Cart⁹ plug my names

⁷ This is perhaps in reference to the violence that broke out between Trump supporters and counter protestors on November 14-15, 2020, following the so-called Million MAGA March.

⁸ The HuffPost article and video compilation publicly identifying Beddingfield as a participant in the Capitol siege and as someone who assaulted law enforcement were first published March 26, 2021—just eight days before this exchange.

⁹ Cannabis cartridges, also called vape cartridges, vape carts, or simply carts, are a way to inhale marijuana and other cannabis products. Most commonly, they are pre-filled with cannabis that contains THC. This is consistent with a message Beddingfield sent on September 11, 2019, “Hmu if you need carts or weed,” giving his “snap” as “Mfjfb”

Matthew I been serving people at ECU¹⁰ but I got locked up in December and had to delete my snap so Im back in business my username is sirwetemup

On January 19, 2022, Beddingfield used his Instagram account with the handle @rightwing.dissident to send the message: I'd like to reclaim America and it is fine if a few of my peoples enemies are "hurt" in the process.

On February 3, 2022, Beddingfield used his Instagram account to send the message: I almost thought you were based then I saw the quote at the bottom of the first part of your story and realized you were an idiot. Now I see that you're Hispanic as well 🤔

On February 4, 2022, Beddingfield used his Instagram account with the handle @rightwing.dissident to send the message: Looked at your VSCO and saw you're with a n*****. I hope he rapes and kills you just so you learn your lesson.

On February 5, 2022, Beddingfield used an Instagram to engage in the following exchange:

Beddingfield: Well the main problem is that daily wire is controlled opposition and ben Shapiro is a Jew. Then the post you shared on your story had something to the effect of a degenerate holding up a sign claiming "trans women are women and trans men are men" that is a delusion and completely false. Common sense used to be a thing but mental illness has taken over so much apparently that it's apart of the mainstream culture. You are what you were born as if anyone tries to tell you otherwise they're more than likely mentally handicapped as well

IG User: oh!! so it sounds like you don't identify with the LGBTQ+ community, nor are you an ally! which means the post on my story was not for you. the difference in the post on my page and the one on the YAF page, is that mine generates support for freedom in the United States while theirs, as a lot of what Ben Shapiro's says, was intended to destroy that freedom. Out of the hundreds of students posting things very similar to mine, im not sure why you decided to have this conversation with me, unless it was to communicate that you are open to being educated as an ally of the LGBTQ+ community! unless you're looking for any further info or have anymore questions, have a great night

¹⁰ Possibly East Carolina University in Greenville, North Carolina.

Beddingfield: Don't be duped into the belief that this is normal. If everyone's ancestors ended up as a delusional tranny there would be no people populating the earth. Things like this usually signify the fall of an empire and a decline in morality. The last place these things happened at was in Weimar Germany then you know what came next

IG User: if you want to have a conversation with me, at least pretend you know how to be respectful, first of all.

secondly, it's bold of you to try to bring any kind of historical tragedies without first acknowledging who created it. i don't have any intention of swaying on my values, im not sure why you're trying to convince me to

and third it is wildly beyond my power to be able to control the identity any other person for them. if you're not apart of the community, and you're not supporting it, why're you talking about it?

Beddingfield: You have no values and the the only tragedy that happened was that Hitler didn't finish the job

On February 5, 2022, Beddingfield used his Instagram account with the handle @rightwing.dissident to engage in the following exchange:

Beddingfield: Shut your n***** loving ass up and get off my page

IG User: Awe someone's mad GO CRY ABOUT IT CRACKER

Beddingfield: Yeah if this was a serious country I'd be allowed to hang you myself

Through legal process, the government found that the defendant's Apple account Game Center Nickname is *Bullet Slinging Slasher*. During an inventory search of the car the defendant was driving to the regularly scheduled appointment with his probation officer, FBI agents saw three books with the titles *Hitler: The Path to Power*, by Charles Bracelen Flood; *The Third Reich at War: The Full Story of the Rise and Fall of the Most Awesome Military Machine the World Had Ever Known*, edited by Michael Veranov; and *The Hitler Book: The Secret Dossier Prepared for Stalin From the Interrogations of Hitler's Personal Aides*, edited by Henrik Eberle and Matthias Uhl.

During a search warrant executed at the defendant's residence, FBI agents found thousands of rounds of .22 caliber ammunition in Beddingfield's bedroom closet, even though he was a convicted felon at the time the ammunition was recovered. There were four additional long guns (including two AK-style rifles), four handguns, and ammunition found inside the home that Beddingfield shares with his parents and a minor sibling.

G. Government's Evidence

As shown by the Statement of Facts, the government has a significant body of evidence assembled against the defendant that includes opensource video from multiple angles and USCP CCV that tracks Beddingfield during much of his time on restricted grounds and throughout his time in the Capitol.

Additionally, during the search warrant executed at Beddingfield's residence, the FBI recovered a pair of Nike shoes with a large iridescent backwards Swoosh on the midsole that appear to match the shoes that Beddingfield wore during his trips to Washington, D.C., in November 2020 and on January 6, 2021. Compare Image 2 below to Images 13, 14, and 16 from the Statement of Facts. ECF No. 1-1, pp. 7-8.

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IMAGE 2—A photograph of a pair of what appear to be Nike Zoom Freak 1 shoes that match the shoes that Beddingfield wore in Washington, D.C., in November 2020 and January 2021.

III. LEGAL AUTHORITIES

A. Statute

Statute requires that once a defendant appears before a judicial officer,

the judicial officer shall issue an order that, pending trial, the person be—

- 1) Released on personal recognizance or upon execution of an unsecured appearance bond, under subsection (b) of this section;
- 2) released on a condition or combination of conditions under subsection (c) of this section;
- 3) temporarily detained to permit revocation of conditional release, deportation, or exclusion under subsection (d) of this section; or
- 4) detained under subsection (e) of this section.

18 U.S.C. § 3142(a).

If the government moves for detention and the defendant is charged with “a crime of violence,” the Magistrate Judge “shall hold a hearing to determine whether any condition or combination of conditions set forth in subsection (c) of this section will reasonably assure the appearance of the person as required and the safety of any other person and the community.” 18

U.S.C. § 3142(f)(1)(A). The factors to be considered by the Magistrate Judge include the nature and circumstances of the offense charged, including whether the offense is a crime of violence, the weight of the evidence; the history and characteristics of the defendant; and the nature and seriousness of the danger to any person or the community that would be posed by the person's release. 18 U.S.C. § 3142(g).

B. Relevant Caselaw

In one of the most recent detention appeals of a January 6 defendant to the Court of Appeals for the D.C. Circuit, in a *per curiam* decision, the court upheld the detention of Edward Jacob Lang. *United States v. Lang*, No. 21-3066, 2022 U.S. App. LEXIS 990 (D.C. Cir. Jan. 12, 2022). That defendant, like Beddingfield, is alleged to have assaulted police officers. In affirming Lang's order of detention, the court quoted its ruling in *Munchel*, reiterating, "those who actually assaulted police officers . . . are in a different category of dangerousness than those who cheered on the violence or entered the Capitol after others cleared the way." *Id.* at *2 (quoting *United States v. Munchel*, 991 F.3d 1273, 1284, 451 U.S. App. D.C. 294 (D.C. Cir. 2021)). After January 6, Lang is said to have "boasted about his conduct, advocated taking up arms against the government, and attempted to organize militias for future acts of violence." *Lang*, 2022 U.S. App. LEXIS 990, at *2. In mitigation, Lang argued that he has a "limited criminal history" and he occasionally attempted "to aid others on January 6." *Id.* The District Court concluded that Lang "would pose a danger to the community if released given his risk of committing or advocating violence in support of his political beliefs," a decision in which the Circuit Court found no clear error. *Id.*

Another instructive case is that of *United States v. Emanuel Jackson*, 21-CR-395 (TJK). As outlined in Magistrate Judge Harvey's Order of Detention Pending Trial in that case, Jackson is also alleged to have assaulted "law enforcement officers with his fist and a baseball bat." *Id.* at ECF No. 13, p. 3. The fact that he engaged in two distinct acts of violence "shows that his conduct

at the Capitol was not a momentary lapse of judgment, but instead, was an ongoing act of violence that disrupted Congressional functions.” *Id.* Jackson is “young and has no criminal history” and “struggles with mental health issues.” *Id.* at 4. Jackson emphasized to the court that he does not possess a cellphone, lives in a homeless shelter, and turned himself in to law enforcement.” *Id.* at 2. Nonetheless, Magistrate Judge Harvey found that “no conditions or combination of conditions of release would reasonably assure the safety of the community or law enforcement if he were released.” *Id.* at 4.

IV. THE GOVERNMENT’S REQUEST FOR AN ORDER OF DETENTION PENDING TRIAL

All the facts and circumstances, history and characteristics, and legal authorities and caselaw surrounding Matthew Jason Beddingfield and the allegations against him establish by clear and convincing evidence that this Court should grant the government’s request for an Order of Detention Pending Trial. As shown below, nearly every factor points towards the defendant being a danger to the community.

The weight of the evidence against Beddingfield is strong. The government has numerous videos and photographs showing that Beddingfield advanced with the mob towards the Capitol and arrived at the West Plaza barricades as one of the first rioters. He was one of the first to jump the barricades and at the front line of rioters confronting law enforcement. Beddingfield wore uniquely identifiable clothing (to include his two-tone hooded jacket, a red undershirt, and distinctively designed Nike shoes), and he carried an identifiable metal pole with black tape around the middle and the American flag attached. Video evidence shows that Beddingfield actively participated in and was present for much of the violence that initiated the Capitol siege and emboldened the mob. Beddingfield used a pole bearing the American flag to attack law enforcement attempting to hold back the mob and protect Congress as it attempted to carried out

its sacred duties regarding our nation's historically peaceful transfer of power. Beddingfield threw a metal rod of unknown provenance at law enforcement.

Beddingfield also made the unique gesture of facing the Capitol and extending his arm so that it was straight, held at an upward angle, with his hand outstretched and his palm down. After reviewing the books that were found in Beddingfield's car and the messages the Beddingfield sent, often unsolicited, to other contacts and social media users, it appears that not only does Beddingfield harbor white supremacist views and engage in all manner of hate speech, but he is willing to act on it and express it while carrying out violent acts.

It is significant that Beddingfield took the time to make what is likely a Nazi gesture towards the Capitol after violently assaulting and confronting law enforcement. There is a connection in Beddingfield's white supremacist views and the physical manifestations thereof and his violent acts. As stated above, there are messages in which Beddingfield states that any member of Antifa "deserves a slow death," that Beddingfield would "like to reclaim America and it is fine if a few of my peoples enemies are 'hurt' in the process," and that "if this was a serious country I'd be allowed to hang you myself." These messages should be considered carefully by the Court when considering whether conditions may be crafted that adequately protect the safety of the community. As noted by the dates of those messages, it appears that they were escalating in frequency and severity as time went on. All this establishes by clear and convincing evidence that this Court should issue an Order of Pretrial Detention for Beddingfield.

On January 6, 2021, Beddingfield made his way up to the Capitol, entered through the Upper West Terrace door, and proceeded directly to the Capitol's Great Rotunda. While inside the Great Rotunda, Beddingfield marched around, proudly waving the flag attached to the same flagpole that he had just used to jab at and assault law enforcement. Beddingfield then joined the

mob as they attempted to overwhelm a line of law enforcement who were keeping the rioters out of the hallways surrounding the Senate Chamber. As he pushed his way to the front of that line, Beddingfield held his flagpole up above the heads of the rioters and thrust it into a USCP riot shield.

Beddingfield and the others left and retreated from the hallway that led directly to the Senate Chamber only after the deployment of a chemical irritant. Beddingfield did not, however, leave the Capitol. He continued walking around and exploring, at one point entering an office and coming out with several water bottles. He only left the Capitol after USCP appeared to directly indicate that he needed to leave.

Beddingfield is subject to a lengthy period of incarceration if convicted, he has a prior criminal history involving a firearm that he used inflict non-fatal serious cranial injury on a seventeen-year-old Hispanic victim. Beddingfield participated in the Capitol siege while on conditions of pretrial release in a case where he was facing allegations of attempted murder. He later plead guilty to the lesser charge of assault with a deadly weapon. Further, it appears from his messages that he may have been engaged in the illegal possession and sale of THC cartridges or “Carts” while on conditions of pretrial release, and he defied the order to not access any social media. While he was never officially violated for his participation in the Capitol siege or for his defiance of the conditions of his release, the government has a substantial body of evidence showing that he should have been.

Jackson, the Capitol siege defendant mentioned above who was ordered detained pending trial, had no criminal history and he turned himself in. Beddingfield has a felony conviction for a crime of violence, he had thousands of rounds of ammunition in his room as a convicted felon, and

even though he was aware of the HuffPost video purporting to show his identity and role in the Capitol siege, he did not turn himself in to the FBI or attempt to reach out to law enforcement.

As to the nature and circumstances of the offense, those are outlined in detail above and in the Statement of Facts, as are the representations of the strength of the government's evidence. As the District Court did in the cases of Capitol rioters Lang and Munchel, this Court should view Beddingfield as "in a different category of dangerousness than those who cheered on the violence or entered the Capitol after others cleared the way." Beddingfield sought out and assaulted law enforcement using the American flag. This Court should order him detained pending trial.

As to dangerousness, many reasons have already been laid out that should convince this Court that Beddingfield is dangerous. Not only does he hold extremist views and give voice to hateful and vile speech, but he has shown a willingness to engage in violence when it aligns with his beliefs. Beyond that, and as stated by Magistrate Judge Harvey in support of Jackson's pretrial detention, "Defendant's alleged conduct was a direct and violent attack against law enforcement officers in particular, and the democratic process in general." ECF No. 13, p. 4, 21-CR-396 (TJK). Beddingfield possesses many of the aggravating factors that have led Magistrate and District Judges to order that January 6 defendants be detained, and none of the mitigating factors that would allow this Court to have "confidence that Defendant would comply with any release conditions set by this Court." *Id.*

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V. CONCLUSION

For all these reasons, the government believes that there is clear and convincing evidence that no condition or combination of conditions may be crafted by this Court that would reasonably ensure the safety of the community as Beddingfield awaits trial. The government therefore respectfully requests that this Court issue an Order of Detention Pending Trial.

Respectfully submitted,

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