

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

UNITED STATES OF AMERICA

v.

MATTHEW LELAND KLEIN,

Defendant.

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Case No. 1:21-CR-00237-RDM-2

**GOVERNMENT’S REPLY TO
DEFENDANT’S RESPONSE TO ORDER OF COURT**

The United States of America respectfully submits its Reply to Defendant’s Response to Order of Court (Dkt. 19). In support of his Motion for Institution of Conditions of Pretrial Release (Dkt. 13), defendant Matthew Leland Klein proposes that his mother and father “are prepared to act as third-party custodians through the duration of the proceedings.” Dkt. 19 at 2. For the reasons set forth below, the defendant’s parents are ill-suited to be responsible for either ensuring defendant’s compliance with any conditions of pretrial release imposed by the Court or notifying the Court should the defendant violate such conditions.

1. The defendant’s co-conspirator, co-defendant, and brother is Jonathanpeter Allen Klein (“J. Klein”).

2. Through a search of one of J. Klein’s cellular telephones, law enforcement recovered the follow messages between J. Klein and his “mom” and “dad” (i.e., the defendant’s mother and father), which indicate that: (i) the defendant’s parents were aware if not supportive of at least J. Klein’s unlawful entry to the U.S. Capitol Building on January 6, 2021, and warned J. Klein to not discuss such conduct with anyone to avoid being “caught”; and (ii) the defendant’s mother advised J. Klein to delete his phone’s data (i.e., destroy potential evidence) and warned J. Klein to be careful with what he said on his phone because it was not “encrypted.” Specifically:

a. On or about January 7, 2021, the defendant's mother and J. Klein exchanged the following messages:¹

From: [REDACTED] Mom
Remember braggers get caught..
Status: Read
1/7/2021 12:33:14 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom
I wouldn't tell people you were in the capital
Status: Read
1/7/2021 12:33:50 AM(UTC+0)

Source Extraction:
Advanced Logical

To: [REDACTED] Mom
Yep I only told proud boys

Participant	Delivered	Read	Played
[REDACTED] mom			

Status: Sent
1/7/2021 12:40:09 AM(UTC+0)

Source Extraction:
Advanced Logical

¹ The government has provided the defendant's counsel with unredacted copies of these messages.

b. On or about January 17, 2021, the defendant's mother and J. Klein exchanged the following messages:

From: [REDACTED] Mom

Try here

Status: Read

1/17/2021 2:21:24 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

Your phone is not encrypted

Status: Read

1/17/2021 2:21:33 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

Be careful what you say

Status: Read

1/17/2021 2:21:41 AM(UTC+0)

Source Extraction:
Advanced Logical

To: [REDACTED] Mom
I will send the \$ after work

Participant	Delivered	Read	Played
[REDACTED] mom			

Status: Sent

1/17/2021 2:23:27 AM(UTC+0)

Source Extraction:
Advanced Logical

To: [REDACTED] Mom
Thats weird

Participant	Delivered	Read	Played
[REDACTED] mom			

Status: Sent

1/17/2021 2:23:39 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom
Great..no hurry
Status: Read

1/17/2021 2:23:52 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

Wonder what changed on your phone.. Signal is very private and your phone pinged it..

Status: Read

1/17/2021 2:24:28 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

I would clear your phone

Status: Read

1/17/2021 2:24:55 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

Pull a Hillary and use a hammer

Status: Read

1/17/2021 2:25:22 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

And bleach

Status: Read

1/17/2021 2:27:15 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

[REDACTED] ex was thrown in jail because he deleted underage girl photos instead of throwing the phone in a lake.. Nothing is ever deleted..

Status: Read

1/17/2021 2:31:31 AM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Mom

He should have been in jail but it showed the few hundred for the phone was a high price to pay

Status: Read

1/17/2021 2:32:17 AM(UTC+0)

Source Extraction:
Advanced Logical

c. On or about January 6, 2021, the defendant's father sent J. Klein the following messages:²

From: [REDACTED] Dad

Remember baggers get caught

Status: Read

1/6/2021 11:07:44 PM(UTC+0)

Source Extraction:
Advanced Logical

From: [REDACTED] Dad

Safe travels

Status: Read

1/6/2021 11:10:04 PM(UTC+0)

Source Extraction:
Advanced Logical

² Given the context of this message, as well as the defendant's mother's reference to "braggers" in her January 7, 2021 message, it appears the defendant's father's reference to "baggers" likely was a typo and intended to reference "braggers."

3. The defendant's parents' advice to J. Klein on avoiding being "caught" and the defendant's mother's recommendation that J. Klein destroy potential evidence (i.e., his phone's data) demonstrate that they are not suitable candidates to serve as a third-party custodian for defendant in this matter.

For the reasons set forth above and in the Government's Memorandum in Opposition to Defendant's Motion for Institution of Conditions of Pretrial Release (Dkt. 14), defendant should remain in pretrial custody as there are no conditions or combination of conditions that can reasonable assure his appearance as required and the safety of any other person and the community for purposes of 18 U.S.C. § 3142(e)(1).

Respectfully submitted,

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