

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

/

v.

/ CASE NO: 21-CR-392-RCL

RONALD MELE

/

Defendant.

/

**DEFENDANT'S REPLY TO GOVERNMENTS OPPOSITION TO DEFENDANT'S MOTION
TO DISMISS COUNTS FIVE AND SIX**

Defendant Ronald Mele's (Mele) takes issue with the government's opposition motion to Mele's motion to dismiss counts Five and Six.

Introduction

1. The government alleges in its facts that Mele brought "firearms and other weapons," into Washington D.C. Mele takes issue with this fact. If Mele did bring weapons into Washington, D.C., this does not constitute a crime or even evidence of a crime. The lawful transport of firearms, if done consistent with relevant state and federal law is not a crime. The facts show that Mele was not in possession on January 6th of firearms or other deadly or dangerous weapons on restricted government property.
2. In its opposition the government alleges the fact that Mele was wearing a camouflage plate carrier vest. Wearing a vest is not a crime. Having a vest does not convey fact that would show the intent to engage in criminal acts. Moreover, a plate carrier is intended to carry a metal plate. Mele did not have a plate in the carrier and the most dangerous object in the vest was a can of hard cider.

3. The government alleges that Mele said that “he stormed the Capital.” Mele takes issue with this. Mele denies saying that “he” stormed the Capital, and further, the government has not provided any evidence that Mele did say at any time “he” stormed the Capital. While the government can have its spin on the facts, the government can not make the facts up from thin air.
4. Mele’s Indictment alleges that Mele’s wrongful acts listed in the Indictment (to name a few – walking on the Capital grounds, wearing a camouflaged vest while walking on the Capital grounds, and saying that “he” stormed the Capital) are all corrupt acts under 1512(c). Besides the governments stated facts being completely “false and misleading” the “facts” do not support the alleged crime under §1512 (c).
5. The government alleges Mele engaged in disorderly and disruptive conduct yet provides no evidentiary support. Walking over from the President’s speech on the Mall is not disorderly or disruptive. While other individuals conduct could be deemed disorderly or disruptive, Mele’s conduct and demeanor was not so.
6. Mele’s Indictment alleges that Mele was in a restricted area. The Government never established a restricted area around the Capital. The government has not produced any evidence that any law enforcement arm, including but not limited to the capital police, held any proceedings, took any vote, issued any decree, issued any press release or held a press conference, wrote any letter, followed, wrote, or applied any policy manual, made any public announcements, or took any other administrative action to establish the "restricted" area that the government now claims. While the government claims the "closed area" had signs or other instruments where Mele entered the Capitol grounds. From the evidence provided by the government, there were radio calls between the Capital police early on January 6 saying joggers had moved the barricades and asking cops to move them back "if they got the chance." (No suggestion whatsoever by the Government that moving the barricades was considered by the Capital police to be any type of crime or infraction).

7. The government never alleges that Mele entered any building or was with any person who did enter a building. Mele was milling in the crowd a considerable distance from any door to the Capitol. The suggestion that Mele entered into the Capitol building or assisted any other person to enter is unfounded.

CONCLUSION

For the above reasons Ronald Mele asks the Court to grant his motion to dismiss counts five and six of the Second Superseding Indictment.

Dated: June 30, 2023

Respectfully Submitted,

ls/Steven C. Bailey

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CERTIFICATE OF SERVICE

I, Steven C. Bailey, hereby certify that on June 30, 2023, I caused a copy of this Reply to the Governments Opposition to Defendants Motion to Dismiss Counts 1 and 2 to be delivered to the parties of record by filing it electronically.

/s/ Steven C. Bailey

Steven C. Bailey

