

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

UNITED STATES

*

vs.

* Case No.: 21-CR-28-APM

THOMAS EDWARD CALDWELL

*

* * * * *

DEFENDANT’S REPLY REGARDING RECONSIDERATION OF DETENTION

COMES NOW, Thomas E. Caldwell, the Defendant, by and through counsel, David W. Fischer, Esq., and sets forth the below memorandum in reply to the Government on the issue of reconsideration of detention.

The Government is in Full Retreat

In his reconsideration filing, Caldwell practically “double-dog dared” the Government to set forth its evidence “lay[ing] out, in detail, the specific ‘plan’ to ‘invade’ the Capitol” by Caldwell and his alleged conspirators. ECF No. 53, pp. 6-7. Caldwell likewise challenged the Government to provide the Court with witness statements, confessions, or other evidence of the “detailed planning and execution” and the “logistics” of the premeditated, specific plan to breach the Capitol. Id. Instead of proffering such evidence in its reply, the Government tacitly concedes it has no such evidence (see infra), and then retreats to a new, dubious legal theory of the case:

Caldwell's focus on whether or when those with whom he was communicating *intended* to force his way inside the Capitol *is beside the point*. He is alleged to have conspired with others to 'stop, delay, and hinder Congress's certification of the Electoral College vote.' *He is not charged with conspiring to storm the Capitol*. The fact that he and others forced entry into the Capitol building or the restricted grounds outside are overt acts in furtherance of the conspiracy *regardless of when they formed the intent to take these actions*.

ECF No. 66, pp. 9-10 (emphasis added). First, for purposes of detention, Caldwell was absolutely "charged with conspiring to storm the Capitol." The entire "conspiracy" count (Count One) Caldwell is charged with is based on his alleged, weeks-long plot to forcibly enter the Capitol. The Government's lengthy "speaking" indictment, in fact, sets forth numerous "overt acts" committed by Caldwell dating back to the November election, specifically alleging that:

As described more fully herein, CALDWELL, CROWL, WATKINS, SANDRA PARKER, BENNIE PARKER, YOUNG, STEELE, KELLY MEGGS, and CONNIE MEGGS, *planned with each other*, and with others known and unknown, *to forcibly enter the Capitol on January 6, 2021*, and to stop, delay, and hinder the Congressional proceeding occurring that day.

(Indictment, ¶22) (emphasis added). The indictment alleges a specific conspiracy centered around "the Oath Keepers," and references their alleged recruitment, planning, military training, and communications, all for the specific purpose of coming to the District to stop the January 6th electoral certification process by "forcibly entering the Capitol."

The entire *raison d'etre* for the indictment is premised upon allegations that the Oath Keepers methodically premeditated a plan, developed over weeks, to forcibly enter

the Capitol in an attempt to stop the electoral certification process. Through its filing, however, the Government has effectively admitted that it does not possess one piece of “smoking gun” evidence that the “overt acts” that occurred before January 6th had anything to do specifically with a plot to invade the Capitol. The Government’s tacit admission to lacking evidence of pre-January 6th plotting to invade the Capitol is substantial as it relates to Caldwell’s detention status. That is, at Caldwell’s prior detention hearing, the Court largely justified Caldwell’s detention on the (now debunked) grounds that Caldwell and others were conspiring, “as early as November,” to “plot an insurrection against the government of the United States.”¹ (Det. Hrg. Transcript, pg. 60) (Feb. 12, 2021). As such, the Government’s acknowledgment as to their lack of evidence vis-à-vis premeditation constitutes substantial grounds for the Court to reconsider and release Caldwell.

The Government’s claim that the “fact that [Caldwell] and others forced entry into the Capitol or the restricted grounds outside are overt acts of in furtherance of the conspiracy *regardless of when they formed the intent to take these actions*” is quite simply wrong. Overt acts in furtherance of a conspiracy presuppose that Caldwell agreed to join the conspiracy and was aware of its criminal objective. The Government has not

¹ In weighing the “nature and circumstances” of Caldwell’s offense, the Court also opined that “the concern with Mr. Caldwell is less what he specifically did on January 6th . . . [b]ut what he did prior to January 6th, [which wa]s clearly [to] engage in planning and preparation for . . . the incursion that took place at the Capitol[.]” (Transcript, pg. 64). In short, the Court’s detention decision was predicated on the Government’s claim that Caldwell engaged in a lengthy, weeks-long, sophisticated plot to invade the Capitol. Obviously, the Court was misinformed on this issue.

set forth evidence that Caldwell was aware of any conspiracy to forcibly enter the Capitol to stop electoral certification before January 6th. As such, it absolutely is not “beyond the point” as to when Caldwell “formed the intent” to storm the Capitol and stop certification.

Caldwell, for example, can’t be on the “conspiracy hook” for an Oath Keeper “stack” entering the Capitol if he a) was unaware of their plan to enter the Capitol to stop certification and, b) never agreed to join their conspiracy. The facts supporting Caldwell’s assertion that he had no intent on January 6th to join a conspiracy to stop the electoral process are strong. First, the Government, as more fully explained infra, has not set forth one piece of smoking gun evidence that shows that Caldwell or the Oath Keepers had a premeditated plan, prior to January 6th, to enter the Capitol and stop the electoral process. Second, Caldwell never entered the Capitol and did not damage any property. Third, Caldwell did not, as the Government admits, utilize Zello on his phone that day and, thus, was incommunicado with Oath Keepers. Fourth, Facebook messages and pictures prove that Caldwell and his wife were separate and apart from the Oath Keepers after President Trump gave his speech at the White House. Fifth, as the Government’s filing unwittingly admits, while the commotion at the Capitol took place, Caldwell was taking selfies of himself and his wife and sending Facebook messages to far-away friends, giving them a play-by-play as to what was occurring. In short, whether Caldwell is guilty of a conspiracy (or other crimes charged in the indictment) greatly depends on when the Oath Keepers “formed the intent” to force entry into the Capitol. If

the Oath Keeper stack “formed the intent” to enter the Capitol and disrupt the proceedings spontaneously in the afternoon of January 6th, Caldwell’s claim of innocence is powerful.

Interestingly, the Government and Caldwell cite the same messages to support their arguments. To the defense, Caldwell’s “post-game analysis” of the events of January 6th clearly shows that there was no premeditated plan to charge the Capitol, and that the crowd reacted to a variety of factors on the ground to spontaneously move toward the Capitol. By contrast, the Government reads the messages literally to mean that Caldwell was charging at the Capitol. Unfortunately, the Government doesn’t seem to get the joke. Caldwell is 65 years old, has had multiple spinal fusions, is a 100% disabled veteran, was using the staff of an American flag to ambulate with on January 6th, and, as the Government’s own exhibit shows, self-describes himself as an “old cripple.”² ECF No. 66-1, pg. 3. Comically, the Government takes Caldwell’s social media Walter Mitty-isms literally, as if this “old cripple” was going to rip his shirt off, grab an American flag, jump through barricades, run the Capitol stairs, and lead the charge of the peasants. Caldwell’s somewhat contemporaneous Facebook messages completely back up his claim that the breach of the Capitol was a spontaneous event.

² Ironically, the 4-page Government exhibit is highly exculpatory for Caldwell, especially when read in the context of his significant physical limitations.

The Government tacitly admits it has no evidence of a conspiracy prior to Jan. 6th

In a bombshell it dropped in its filing regarding a Signal chat called “DC OP: Jan 6 21,” the Government effectively concedes that it has no evidence to back up its claim that the Capitol breach was a long-planned, premeditated operation. This encrypted chat room counted as its participants a veritable Who’s Who of the Oath Keeper leaders and members from around the country, including co-defendants in the instant case. To its credit, the Government concedes that “there is no evidence that Caldwell participated in the chat[.]” The Government also concedes that the chatter among Oath Keepers on Signal was a plan to come to the District “to provide security to speakers and VIPs at the events.” Most damning, however, is the Government’s concession that the Signal chat contained “no discussion of forcibly entering the Capitol until January 6, 2021.”³ ECF No. 66, pg. 10. In other words, the Government has now interviewed hundreds of witnesses and reviewed tens of thousands of text messages, Facebook messages, tweets, emails, and, most recently, encrypted messages among Oath Keeper leaders and members, but still can produce no concrete, smoking gun evidence that anyone had a pre-planned, premeditated plan to storm inside the Capitol. In terms of reconsideration of Caldwell’s detention, again the Court’s prior decision to detain Caldwell was based substantially on the Government’s (now debunked) claim that Caldwell and others were engaged in a sophisticated, lengthy plot to take the Capitol.

³ The Government’s argument that Caldwell has not presented “information that was not known to the movant at the time of the hearing and that has a material bearing” on the Court’s detention decision is blown out of the water by the exculpatory Signal evidence.

The Government attempts to spin this damning Signal evidence, ominously pointing out that the Signal chat had “talk about being prepared for violence,” and noting that the national leader of the Oath Keepers encouraged those planning to attend the January 6th rally to consider bringing batons, hard gloves, goggles, and helmets, but to “[l]eave outside DC” any weapon “that can get you arrested.” The Government’s claim that “being prepared for violence” is the equivalent of a coordinated attack to forcibly enter the Capitol to stop certification is ludicrous. Actually, the recommendations from the “national leader” of the Oath Keepers seems fairly straight forward: Do everything to protect your physical safety with defensive equipment but obey Washington, D.C.’s strict weapons laws. Most importantly, buried in the Government’s rendition of the Signal evidence is the national leader’s purpose for recommending that his members be prepared: “Bring something to put on your noggin. Antifa likes brikes [(bricks)].” ECF No. 66, pg. 10.

This Signal evidence is highly exculpatory for Caldwell. It verifies everything that Caldwell and other defendants have told this Court. There was no premeditated “plan” to invade the Capitol. The purpose of Oath Keepers coming to the District, moreover, was to perform security for the Trump rally and march, not to invade the Capitol. And all of the social media chatter about “operations,” “hunting,” “reconnaissance,” “QRFs,”⁴ and the like was in reference to protecting rally supporters

⁴ The Court’s concerns regarding chatter about a “Quick Reaction Force” were predicated upon the Government’s proffer that such a force was part of an overall strategy to lay siege on the Capitol. Thanks to Signal evidence, however, the Court now understands

from Antifa. As Caldwell was not a party to the Signal chat, his claim of having no knowledge that the Oath Keeper stack would enter the Capitol seems very plausible. It also confirms the obvious: Recommending a nice hotel (with an AARP discount) to out-of-state rally-goers is not evidence of a conspiracy to storm the Capitol and stop an election certification.⁵

A Recently Discovered Message Further Debunks the Government's Case

The Government's claim that Caldwell, Watkins, and Crowl -- the original defendants indicted -- conspired to overtake the Capitol was questionable from the beginning. When originally charged, the Government described this triumvirate's actions as such: "According to the indictment, the three defendants *initiated their communications and coordination in November 2020* and continued through on or about January 19, 2021, when Caldwell was arrested." (Dept. of Justice Pr. Rel., January 27, 2021) (emphasis added). Contrary to the Government's indictment, however, Facebook

that the "QRF" was nothing but a contingency plan hatched up by retired military guys strategizing in the event that Antifa launched a coordinated attack against rally-goers. Most importantly, Caldwell and others were steadfast in making sure that any such plan was done in accordance with the law, otherwise the QRF would have been stationed in D.C., not Virginia. Ironically, had the U.S. Capitol Police leadership engaged in the level of strategic planning that Caldwell and others did, the Capitol would have never been breached.

⁵ In a Facebook message dated December 24, 2020, Caldwell explained to a contact the reason why he recommended a particular hotel: "Be careful if your hotel is in D.C. Antifa maggots troll the lobbies and sidewalks looking [f]or people to assault . . . I would recommend a motel/hotel in Virginia." Once again, the Government overlooks the clear concern from Caldwell and others about Antifa attacking Trump supporters.

evidence recently obtained proves that as late as December 29th, co-defendants Watkins and Crowl were not involved in a conspiracy to storm the Capitol. In a Facebook message on December 29th, Watkins, a.k.a. “Jolly Roger,” messaged Crowl as follows:

Author Jolly Roger (Facebook: [number redacted])

Sent 2020-12-29 22:45:31 UTC

Body Are you planning on going to Illinois still? I'm thinking we are gonna go to D.C. on Jan 6th.

In this message, Watkins asks Crowl whether he is “still” planning on “going to Illinois” (on January 6th) and states that she is “thinking” about going to the District on January 6th. In other words, nine days before the Capitol was breached, neither Crowl nor Watkins had firm plans to be in Washington on January 6th. Again, the Government’s bold claims of a grand, premeditated conspiracy to invade the Capitol is debunked by evidence it possesses. The Government’s blind loyalty to its rushed conclusion that the Capitol breach was premediated flies in the face of the evidence.⁶

⁶ Apparently, the Government’s auditory functions have also been affected by a desire to match its evidence to a pre-drawn conclusion. A separate prosecution team handling the detention hearing of “Proud Boy” defendant Ethan Norton, for example, grossly mischaracterized one of Your Honor’s rulings in Ms. Watkins’s detention hearing, writing in court filings:

Defendant [(Nordean)] also contends that Destruction of Property is not a “crime of violence” such that it qualifies for detention pursuant to 18 U.S.C. § 3142(f)(1)(A). Def. Motion, at 7-10. Defendant is, again, incorrect.

“Faced with an identical argument posed by another Capitol rioter—albeit one affiliated with the Oath Keepers, rather than the Proud Boys—*Judge Mehta ruled from the Bench* that Destruction of Property, in violation of 18 U.S.C. § 1361, *is a crime of violence*. United States v. Watkins, Case No. 21-cr-28-3 (J. Mehta February 26, 2021).

Caldwell Does Not Pose a Danger to the Community

Citing private, off-color jokes where Caldwell discussed “hanging the traitors” and going after politicians, the Government attempts to characterize the defendant as a danger to the community. Caldwell’s “locker room” talk and male bravado, however, was not intended for public consumption, was likely done under the influence of prescription painkillers,⁷ and didn’t result in him committing one act of violence—on January 6th or before. Caldwell’s physical condition is very poor. According to appointment calendars shared by Caldwell’s wife, Caldwell had 41 medical appointments in 2019 and 22 medical appointments in a COVID-affected 2020. Of the appointments, 55 were for his neck and spine issues. Caldwell cannot walk for more than 100 feet without taking a break. In reality, Caldwell is a beaten-down man who is suffering in pain and agony in

United States v. Nordean, 21-MJ-195 (ZMF), ECF No. 17, Govt. Det. Memo., pg. 3-4 (emphasis added). After being called out on this significant inaccuracy, the prosecution team in that case retracted its mischaracterization of the Court’s ruling, which actually expressed significant skepticism that Destruction of Property constituted a crime of violence. The Proud Boy prosecution team also inaccurately claimed that Nordean was engaging in encrypted communications via his cell phone during the events of January 6th, but had to retract this claim when challenged on the grounds that Nordean’s cell phone had died hours before the Capitol riot. U.S. v. Nordean, MJ-21-195, (Tr. at 38). To be clear, undersigned counsel firmly believes that agents and lawyers for the Government are upstanding and honest people. However, the pattern of significant inaccurate information being provided to the Court clearly shows that the Government has rushed this investigation, which has resulted in multiple mistakes.

⁷ Both Caldwell and his wife indicate that after standing up for more than 14 hours on January 6th, Caldwell had to be heavily medicated with his prescription painkillers because of excruciating back pain. The text and Facebook messages that both sides have referenced occurred in the evening of January 6th, while Caldwell lay in bed “doped up” on painkillers.

his solitary cell, unable to be treated and medicated by his orthopedic doctor, and surrounded by COVID-infected inmates. Caldwell poses zero danger to the public. He now sits in a wheelchair, in excruciating pain because of his inability to receive proper medical care.

While Caldwell's harmless (and unfortunate), private rhetoric resulted in no danger to others, the Government's filings, ironically, have caused a clear danger to the community. First, the Government has slandered Caldwell by inaccurately portraying the Oath Keepers as a "hate group,"⁸ then inaccurately claiming that he was a member and Commander (or leader)⁹ in this "hate group" who planned for two months to storm

⁸ The Government cites left-leaning organizations like the SPLC and the ADL for the proposition that the Oath Keepers organization is a "hate group." The Government's reliance on these groups is akin to citing the *National Review* for the claim that the Sierra Club is a "radical Leftist group of socialist tree-huggers that wants to shut down the economy and make America a land of hunters and gatherers." Tellingly, after reviewing discovery, undersigned counsel did not locate one example of racial, ethnic, or other prejudice in Caldwell's phone downloads and social media history. Yet the Government's filings, aided by an uncritical media, has slandered this man as a "white supremacist."

⁹ The Government's suggestion that undersigned counsel mischaracterized its affidavit regarding allegations that Caldwell had a "leadership role" in the Oath Keepers is without merit. The thin strand that FBI agents used to assert Caldwell's "leadership role" were messages referring to Caldwell as "Commander Tom." FBI agents obviously believed that Caldwell was a "Commander" in the Oath Keepers and, in fact, were quite surprised to find out that Caldwell was a real-life Navy Commander (retired). Major mistakes like this occur when the Government emphasizes quantity (in terms of arrests) instead of quality (in terms of getting it right).

“inside” the Capitol on January 6th.¹⁰ The Government’s inaccurate claims have led to death threats against the Caldwell family.

Additionally, the Government’s selective editing and inaccurate claims have misinformed the public and caused unnecessary panic in the District. Most troubling was the Government’s incendiary—and highly inaccurate-- suggestion in previous charging documents that Caldwell and Oath Keepers were chasing down Members of Congress, trying to trap and kill them in the hallways of the Capitol. The Government charged:

On January 6, 2021, while at the Capitol, CALDWELL received the following Facebook message: “All members are in the tunnels under capital seal them in. Turn on gas”. When CALDWELL posted a Facebook message that read, “Inside,” he received the following messages, among others: “Tom take that bitch over”; “Tom all legislators are down in the Tunnels 3floors down”; “Do like we had to do when I was in the cor[ps] start tearing o[u]t flo[o]rs go from top to bottom”; and “Go through back house chamber doors facing N left down hallway down steps.

See, e.g., ZMF--1:21-mj-00119 (Amend. Crim. Comp. Jan. 19, 2021). As a result of the Government’s charging document, the media blared alarmist headlines and stories, including the following representative sample from the Associated Press:

Authorities say *the Oath Keepers communicated* during the attack about where lawmakers were. At one point during the siege, Caldwell received a message that said “all members are in the tunnels under the capital,” according to court documents. “Seal them in turn on gas,” it said. Other messages read: ‘Tom all legislators are down in the Tunnels 3floors down.’

¹⁰ Since Caldwell is screaming from the jail that he never entered (or attempted to enter) the inside of the Capitol, and the Government has examined more than 100,000 photos and videos in and around the Capitol, respectfully, at this point it is a fact that Caldwell never entered the Capitol. The Government obviously misinterpreted private Facebook communications.

and "go through back house chamber doors facing N left down hallway down steps," according to court documents."

The Politico (via the AP), *Man charged in Capitol riot worked for FBI, lawyer says* (Feb. 9, 2021) (emphasis added).¹¹ These stories sent shockwaves through the District, but were based on misinformation provided by the Government.

This week, undersigned counsel was contacted by members of the national media who asked: Why has the Government dropped from its latest indictment the above-referenced, incendiary claim? Accordingly, undersigned counsel reviewed the relevant Facebook messages. The Government, lamentably, took the Facebook messages completely out of context. The messages show Caldwell engaged in a "group chat" with two men, both of whom were unmistakably messaging Caldwell from locations more than 60 miles from the District.¹² When Caldwell messaged, like a football play-by-play

¹¹ See also Devlin Barrett, "Self-styled militia members planned on storming the U.S. Capitol days in advance of Jan. 6th attack, court documents say," *Washington Post* (Jan. 19, 2021) (repeating inaccurate claim that Caldwell was in the Capitol seeking out Members of Congress).

¹² Caldwell, for example, sent the following message out to both men at 1:44 p.m.:

Author Tom Caldwell (Facebook: [number redacted])

Sent 2021-01-06 18:44:32 UTC

Body You should be here[.]

At 2:54 p.m., one of the men clearly stated that he was "right here in Berryville, Va.," which is a two-hour drive from Washington. Not only do the Facebook messages clearly show that the men were far away from D.C., undersigned counsel has independently verified that both men were situated in rural Virginia at the time the messages were sent. Neither men have any connection to the Oath Keepers.

announcer, his first-hand account of the events from outside the Capitol, the men sent four messages between 2:51 p.m. and 3:09 p.m., joking about sealing Members of Congress in and offered, satirically, directions as to how to navigate the basement of the Capitol. The likely reason the Government has quietly removed its incendiary language from the newest charging document is because it was premised on obvious joking banter, to which Caldwell never responded. While tasteless, these private, unsolicited messages were obviously said in jest by individuals 60 plus miles from the Capitol.¹³ Nonetheless, as a result of the Government's inaccurate, scare-mongering filing, the Caldwell family has received threats, and District residents to this day believe that Caldwell and others were seeking out innocent people in the basement of the Capitol.

Caldwell's Possession of Firearms Should not Deter the Court from Releasing Him

At Caldwell's first detention hearing, the Government and Court raised concerns about Caldwell's possession of firearms and ammunition, including a firearm that was designed to look like a cell phone. The Court should not be concerned about Caldwell's access to weapons for several reasons. First, Caldwell has a pristine record with no history of violence or misuse of weapons. In fact, Caldwell once held a top-secret

¹³ In a similar vein, the Government's reference to a Zello communication among Oath Keepers on January 6th, wherein a male voice can be heard saying, "You are executing a citizen's arrest. Arrest this assembly, we have probable cause for acts of treason, election fraud," is highly misleading. The person making this statement, according to the NPR podcast (at time-stamps 7:20 through 7:55), was not in Washington, D.C., but rather was someone "at home cheering them on." Again, the Government has presented a manifestly inaccurate claim to the Court and public, suggesting that Oath Keepers at the Capitol were executing a citizen's arrest of lawmakers as part of a "plan."

security clearance. Second, Caldwell's wife, at undersigned counsel's suggestion, has removed all guns and ammunition from their home. Third, Caldwell never received the "cell phone" gun, which was on back-order. After his arrest, Mrs. Caldwell canceled the order.

The Court, respectfully, was misinformed about the purpose of the "cell phone" gun. This gun is a legal firearm under the Gun Control Act, and can be bought like any other firearm. It is a surprisingly popular gun among individuals, like Caldwell, who have concealed carry permits.¹⁴ It is colloquially known as the anti-"Karen" gun, a reference to citizens with a predisposition to quickly dial 911 at the drop of a hat. In other words, the purpose of the gun is to avoid having police unnecessarily called by concerned citizens who are unaccustomed to concealed permit holders (lawfully) carrying a firearm, which is quite common in rural areas like Caldwell's area of residence. In fact, the inventor of this particular gun has publicly stated that his motivation for creating this firearm stemmed from an incident where hypersensitive citizens freaked out upon noticing his concealed firearm.¹⁵ In short, Caldwell's "cell phone" gun, which he never

¹⁴ According to Professor John R. Lott, president of the Crime Prevention Research Center, who has studied the effects of states allowing concealed carry permits to be issued to the general, law-abiding public, concealed carry permit holders are substantially less likely to commit violent crime than the general population. Dr. Lott found that the "average male is 7.7 times more likely to get arrested for a violent crime" than the average concealed carry permit holder. See Dr. John R. Lott, "More Guns, Less Crime," Chap. 10. (University of Chicago Press, 2010).

¹⁵ Joanna Allhands, *Arizona Republic* (reprinted in the *Detroit Free Press*), "What a gun that looks like a cell phone says about us" (March 31, 2016) ("The guy who created it said he did so after a boy spotted his (legal) concealed-carry pistol in a restaurant and everyone freaked out.").

received, is designed to prevent police from having to respond to frivolous 911 calls, which in turn can create both a danger for the police and the permit holder.¹⁶ Caldwell, if released, will abide by all rules and regulations set forth by the Court, including keeping weapons out of his house.

The Government's Evidence Tampering Claims are Unsubstantiated

The Government's Facebook "evidence tampering" allegations are, to put it mildly, weak. Tellingly, the Government made no attempt to rebut Caldwell's lengthy refutation vis-à-vis his innocent behavior in pulling down Facebook photos. ECF No. 53, Def. Memo., pp. 28-29. Specifically, the Government did not dispute Caldwell's claim that none of the pictures Caldwell took down from Facebook were from the January 6th rally, id., a fact the Government could have easily debunked. Since this allegation is one of two specifically listed tampering "acts" in Count 5 of the Indictment, the Government's silence suggests Caldwell is right and the Government's indictment is wrong on this issue.

As to the issue of an "unsent" Facebook message, the Government's allegation of tampering amounts to speculation. As an initial matter, the Government has never proffered the contents of the purported unsent "video" in question.¹⁷ Second, Caldwell is

¹⁶ By now, the Court is undoubtedly noticing a pattern of hysterical Government claims that, when unpacked, actually show that Caldwell is a law-abiding citizen with great respect for law enforcement and the Rule of Law.

¹⁷ If this video depicted something of substantial evidentiary value, Caldwell is confident that the Government would have trumpeted its contents to the Court.

fairly confident that he never deleted any January 6th-related videos or photos he took from his phone, which means that investigators have access to all of the videos the Government complains about. Third, instead of deleting videos and photos from January 6th, Caldwell actually saved copies to his computer, and subsequently gave the password for that device to the FBI. Fourth, as undersigned counsel previously noted, Facebook Messenger only allows “senders” of messages to “unsend” the messages to third parties for up to 10 minutes, at least according to Facebook, Inc.,¹⁸ two tech blogs,¹⁹ and private testing.²⁰ Undersigned counsel reviewed Caldwell’s Facebook Messenger records in depth. There are literally dozens of messages (over a one month period) that were marked “unsent,” many of which predated January 6th, i.e., the date the questioned video

¹⁸ Facebook, Inc., *MessengerNews Blog*, Anna Isikian, Product Manager (Feb. 5, 2019), <https://messengernews.fb.com/2019/02/05/new-messenger-feature-gives-you-ability-to-remove-messages-for-everyone/> (“You will have up to 10 minutes to remove a message after it is sent.”).

¹⁹ See, e.g., <https://www.lifewire.com/unsend-facebook-message-4570987> (“You can unsend a Facebook message up to 10 minutes after sending it.”); Pocket-lint (tech blog), Maggie Tillman, *How to Delete a Sent Message on Facebook Messenger*, (Feb. 1, 2021) <https://www.pocket-lint.com/apps/news/facebook/146032-this-is-how-facebook-messenger-s-unsend-feature-looks-and-works> (noting that Facebook Messenger users have 10 minutes to “unsend” messages to third parties).

²⁰ Undersigned counsel requested that three associates who are regular Facebook Messenger users test the “unsend” feature on their service by sending messages to third parties and then attempting to “unsend,” i.e., recall them, later. All three confirmed that the “unsend” feature only works for about 10 minutes or so after sending the message.

was taken, and didn't involve co-defendants. Accordingly, at a minimum, this suggests that whatever actions Caldwell was taking on Facebook were not specific to January 6th-related videos and photos.

Caldwell is adamant that he never “destroyed” any evidence or did anything to conceal evidence from authorities. The Government recovered every photo and video taken on January 6th from both Caldwell’s phone and computer. Why would Caldwell keep (alleged) incriminating information on his phone and then copy it to his computer if he was trying to destroy evidence? The Government has no confession, no admission, and no witnesses to back up their “destruction of evidence” slander, and has yet to tell the Court what the video in question depicts. And after making serial inaccurate representations regarding Caldwell’s alleged Oath Keeper membership, his non-existent “leadership role” in that organization, his mythical charge “inside” the Capitol, his alleged “fugitive” from justice status, and Zello and Facebook evidence, the Government now expects the Court to trust its speculation that Caldwell destroyed evidence?²¹

²¹ The Government, unfortunately, again suggests that Caldwell encouraged co-defendants Crawl and Watkins to avoid law enforcement detection and to hide evidence. Again, discovery materials reveal overwhelming evidence that Crawl and Watkins were “on the run” from the media. Caldwell did not want a media circus at his farm, and encouraged the pair to make sure that the paparazzi were not following them. In fact, Watkins and Crawl were not charged until 3 days after they left their Ohio homes. At her detention hearing, the Court opined that Ms. Watkins was not a flight risk. If Ms. Watkins did not “flee” law enforcement, how can Caldwell be credited with helping her to flee? Finally, discovery proves that neither Watkins nor Crawl brought “battle rattle” or their uniforms to Caldwell’s farm.

Since He is Neither a Danger nor Flight Risk, Caldwell Requests to be Released

The Court, now having been more fully informed about the evidence against Caldwell and the defendant's background, has multiple grounds upon which to reconsider and release Caldwell. First, the Court (and defendant) is now aware of recently disclosed evidence, including Signal chat data and Facebook messages, which not only cast doubt on the strength of the Government's case against Caldwell, but also calls into question whether the alleged conspiracy was a months-long plot, in contradistinction to a spontaneous event. Second, and related, the Court specifically emphasized Caldwell's lengthy and substantial planning to invade the Capitol—as proffered by the Government—as grounds to detain Caldwell. The Court now, having been more fully informed, understands that the Government has no concrete evidence to back up its claim of a sophisticated conspiracy that began in November. Third, the Court now has been fully informed that Caldwell, instead of obstructing justice, fully cooperated with law enforcement, including giving a multi-hour interview with the FBI, signing consent to search forms, and voluntarily turning over his computer password. Caldwell has also debunked the Government's tampering with evidence claims, and has not been contradicted on his claim that he never destroyed videos or photos.

In closing, the Government has presented its view of the strength of its case against Caldwell. Respectfully, undersigned counsel has an opinion as well. In 25 years of criminal law practice, and having represented thousands of clients in state and federal courts (mostly in Maryland), and after having interviewed the Defendant for more than

15 hours and reviewing voluminous discovery, Retired Lt. Commander Thomas E. Caldwell has been highly truthful in his interactions with the undersigned, his answers to questions have all “checked out,” the evidence that he joined a conspiracy to subvert the election is thin, and the undersigned has no hesitation in joining in Caldwell’s assertion that, with the possible exception of trespassing, he is innocent of what he’s been charged with.

It is respectfully requested that Caldwell be released on conditions as deemed appropriate by the Court.

/s/

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Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March, 2021, a copy of the foregoing Defendant's Reply Regarding Reconsideration of Detention Status was electronically filed with the Clerk of the United States District Court using CM/ECF, with a notice of said filing to the following:

Counsel for the Government:

Office of the United States Attorney
555 4th Street, NW
Washington, DC 20001
(Attn: Kathryn Rakoczy, AUSA)

/s/
David W. Fischer, Esq.

My neighbor, my friend, my brother!! I met Tom Caldwell late 2019

through Clarke County Republican Committee, we both served as 10th Delegates .

Tom is a neighbor whom lives less than 2000 yards away. Tom and I helped with several Republican rallies, and with our shared disabilities, I must say we did a good job helping to get the community involved and out to vote.

I helped Tom with most of his daily chores because he was in very poor health, and was in lots of pain , most days he could not walk from his house to the barn. Tom spend most of his time explaining to me how he wanted things fixed or repaired and I would do my best to get it done for him. Knowing he was unable to do it.

In the short time I have known Tom we became friends and campaign pals . When Tom was left, unfortunately, with the task of repairing his late fathers home to sell. I introduced Tom and his wife Sharon, to our son Joe, to help with the repairs to get the house ready to sell.

My myself and my son, worked diligently with Tom, while he explained to us what needed to be done to make the house ready for the new buyers., since he physically was unable to do any of the work.

Tom was a caring, honest, and generous man and loved people. Tom was a farm boy at heart, kind, a fun loving guy with a huge heart for all . He loves his country and has served his country honorably. Knowing Toms poor health and his love for his country, he would not nor was he able to participate in any attack or do any damage to anyone.

His words are sharp but his blades are dull.

Tom shall always remain my friend,

Dennis Godbold Berryville, VA

MaryJane Godbold

Tom Caldwell Character Reference

mdtedwards <[REDACTED]@gmail.com>

Sat 3/6/2021 6:42 PM

To: [REDACTED]

Cc: [REDACTED]

Mr. Fisher,

I have know Tom Caldwell for 35 years. We were both career Naval Intelligence officers and met in Washington DC in 1986 while we were assigned to the Navy Operation Intelligence Center (NOIC), Suitland, MD.

I served in the Navy for 31+ years and retired in 2009 at the rank of Captain. My last 5 years were on the staff of the Secretary of Defence (Secretary Donald Rumsfeld and Secretary Robert Gates).

Tom's NOIC assignment, as well as all assignments for career Naval Intelligence officers, required a Top Secret (TS) clearance based on a comprehensive Special Background Investigation (SBI). An adjudicated SBI is required for access to Sensitive Compartmented Information (SCI) which is the highest security clearance/access within the Department of Defense and federal government.

A TS clearance is revalidated every 5 years for all intelligence personnel, military or civilian.

Tom Caldwell held a TS/SBI with access to SCI for his entire naval career. Based on his access to SCI programs, Tom was also subjected to random invasive "lifestyle" polygraphs which he always passed.

Upon retiring from the United States Navy, Tom held a civilian position with the Federal Bureau of Investigations which also required a TS/SCI clearance.

Tom Caldwell could not have maintained his clearance or access if he had been associated with any nefarious organizations, had a lifestyle above his means, or made questionable ideology statements.

Before Tom retired from the Navy he was put on "medical hold" for several months due to chronic back issues and pain. His back issues were well documented. In addition he suffers from sleep apnea which the Veterans Affairs has assigned him a disability rating.

Surgical attempts (post navy), to alleviate debilitating mobility and pain were unsuccessful, resulting in Tom's inability to work.

Due to Tom's current health condition and resulting physical limits it is difficult to believe that he was in Washington DC to do anything other than attend/listen to the President speak. Simply walking and standing for any extended period is taxing and uncomfortable for him.

Lastly, Tom Caldwell was a groomsman in my wedding. Throughout my career I sought his council. I trust him completely. I highly value his opinion and know him to be a person of unquestionable integrity and loyalty.

As a commissioned naval officer Tom Caldwell swore an oath to uphold and defend the US Constitution. He reaffirmed that oath with every successive promotion in rank.

The Tom Caldwell I know would not, could not participate in any activity that would break any law or result in the willful destruction of property.

If you have any questions or if I can be of further assistance, please don't hesitate to contact me.

Respectfully,

Michael Edwards
Boerne, Texas
Sent from my iPad

Thomas Caldwell

patty saville <[REDACTED]>

Sat 3/6/2021 5:57 PM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

Dear Sir,

I have known Tom for over 20yrs, he is an honorable man. He has a big heart and always willing to help. Tom's health in the passed few year have kept him from things he loves. He and I talk about our back pain, kicking ideas around from walking to sleeping or lack there of.

He is the most patriotic person I have ever known. He would never do or say anything against this country he loves and fought to persuade.

Thank you

Mrs.Patty Graves RN.

Sent from Yahoo Mail on Android

Tom Caldwell character reference

Greg Hart [REDACTED]

Sat 3/6/2021 3:47 PM

To: [REDACTED] >

Dear Mr. Fischer – I would like to take this opportunity to provide a character reference for Mr. Thomas Caldwell.

I have known Tom and his wife Sharon for about 12 years – I rent their farm and graze cattle there and cut hay from their fields. When the cattle are there during the spring, summer, and fall, I visit the farm every two or three days; and when I am cutting, raking, baling or hauling hay I am there many days in a row. They always wave when I am there on a tractor but we seldom get to have a real conversation. I rely on Tom and Sharon to watch the cattle and calves when I am not there. They are always as excited as I am to report a new born calf. Tom often offered to help with farming and fencing, but because of his back injury, there is not much he can do physically. He even has to hire someone to cut his lawn. They love seeing the calves, they feed the birds, and they refuse to let anyone hunt deer or anything else on their farm because they like seeing the fawns each spring.

The Tom I know is a proud Navy veteran who was discharged due to shrapnel in or near his spine. I know he has had surgery and at one time went somewhere for a pain management treatment. Even after that treatment, he could do no farm work or physical labor. He even gave me his garden tiller because he said it hurt his back too much to use it.

Tom and Sharon were proud Trump supporters and went to one of the inauguration events in 2017. Tom wanted to wear his Navy uniform and had to have it tailored to fit and have all his insignia and medals put back on. He showed me a picture, and compared it to when he served. He commented that his father (who used to live next door) was also a veteran. Tom officiated at his father's funeral last winter and proudly stated that both he and his father had served our Country and were veterans. Tom posted a sign by his gate that said "Trump Country" for all to see. Most of the people who live in this County are also Trump supporters and like the fact that a disabled Navy veteran still loved his country enough to put up a sign for all to see.

While Tom and Sharon have no children, Tom's parents lived next door and his sister and her late husband lived on the other side. Tom and Sharon took in Sharon's parents and built a room on their house for them to live in until they died. They bought a restored Thunderbird convertible and Tom and his dad would go for rides for the fun of it with the top down and usually stopped somewhere for lunch. Tom's wife Sharon had a stroke a few years back, but had recently started working for Clarke County implying to me that the medical expenses for the entire family were pretty high.

Tom loves his country and was vocal about how much progress Trump had made making America great again. While I believe he may have gone to a rally to see Trump and hear him speak, I don't believe he would plan any sort of attack, and with his physical condition I know he could not participate in much more than walking a few blocks.

Respectfully submitted,

Greg and Sharon Hart
Berryville, Virginia

Tom Caldwell character reference

Cheryl Hudson <[REDACTED]>

Sat 3/6/2021 5:45 PM

[REDACTED]

I have known Tom Caldwell for about seven years as a friend. I know that he is a kind and generous and caring person and that he is very compassionate. He is proud of his service in the Navy and speaks of it often. I know that he would never attack one of the most important landmarks of our republic. That is not in his nature. I miss Tom and I look forward to seeing him again.

Tom Caldwell character reference

Tim Hudson <hudsontim13@yahoo.com>

Sat 3/6/2021 5:30 PM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

My name is Tim Hudson. I have known Tom Caldwell since I was sixteen years old. I attended Clarke County High School with him. I have known him to be an honorable and generous man since he was sixteen years old. I know that he is a great patriot. He served his country honorably and admirably in the United States Navy and retired as a Lieutenant Commander. I know that he was never a member of the Oath Keepers. His current physical condition would not allow him to do the things that he is charged with.

Tim Hudson

208 Rice Street

Berryville, VA 22611

Kirby DeHaven
Summit Point, WV

March 7, 2021

RE: Tom Caldwell Reference

To Whom It May Concern:

I have known Tom Caldwell as a good friend for approximately 22 years. I met Tom through mutual friends. Our friendship has grown closer throughout the years. I consider him a close friend. He has helped me numerous times, without expecting anything in return, and I was able to repay the favor by fixing mechanical issues at his farm. My wife, Holly & I have had numerous family holiday dinners at the Caldwell farm. Tom's outgoing personality makes him a pleasure to be around.

Tom is a kind, generous, trusting, and compassionate individual. He is always willing to help out. Tom was an excellent caretaker of his parents and in laws, especially considering his physical limitations. With that being said, with his poor physical health, I find these claims to be outrageous. With his limitations, there is no way he could have done this. Tom has devoted his life to service. He & his wife, Sharon are respected members of their community.

Respectfully,

Kirby DeHaven

March 7, 2021

To whom it may concern,

I have known Thomas Caldwell for about 23 years. He is my brother-in-law. During this time, I have known him as a very caring individual. He is not someone that I have felt any concern about having my family around.

When my parents needed more daily care than I could provide in Lexington, he decided that he would do whatever it took to make sure that my parents were cared for. He remodeled his garage and made it into a living space with a bedroom and bathroom so that my parents could stay with him and my sister.

Not only did this come with great financial expense, but it required dedication to help my parents live with them over the years. My mother had physical limitations because of a prior stroke, and my dad had a form of dementia. His concern and care for others was shown in his dedication in helping my parents.

When my son was having a difficult time during his high school years, he bought my son a plane ticket to come visit him in Virginia. My son spent a number of days with him. He tried to help my son through this stage of his life. He continued to try and help my son after the trip to Virginia, by keeping up with him through phone calls.

Over the years that I have known Thomas Caldwell, time and again he has shown himself to be a caring individual.

Sincerely,

Robert Ryzowicz

Lexington, Ky.

March 7, 2021

To whom it may concern,

I, Joseph Godbold of Kearneysville, WV, and writing on behalf of my beloved friends, Thomas Caldwell and his lovely wife, Sharon Caldwell. I had the absolute pleasure of meeting Tom and his wife a little over a year ago when my father referred me to help Tom do some repairs to his fathers house. His father passed away and wanted to restore the house to sell. I have never met a family so loving, caring, and kind. As we discussed what needed to be done to the house and what Tom's expectations were I realized that Tom was a very meticulous guy and didn't want to cut any corners or do anything that wasn't 100% in the next buyer's favors. He cared so much for everyone around him. He didn't even know who the buyers would be but always wanted what was best for them as he always did for everyone in his life. As I started the remodel of his dad's place, he put a lot of trust in me as I did him. He struggled with ailments and injuries and had difficulties getting out of bed. Many times he would call or text me letting me know he would be over as soon as his disabled body would allow him to. We worked hand in hand for four months day in and day out. He did struggle to help due to his deteriorating health. He always kept the best interest of others and future buyers at heart. He was determined and beyond honest and caring. We spent several months talking about his service to our country and his life's struggles. He had a lot of interest in my family. My 8 year old daughter would spend many days over at Tom's late fathers house helping and chatting with Tom. Many times she would call him "Uncle Tom". She adored him and Sharon as much as I did. As I learned more and more about how serious his health was, I started to force him to slow down and stop. He was barely able to stand up or even move at some points. His health was in terrible shape, but always kept a positive attitude even through the stressful parts of the rebuilding of the house and the disasters that arose. Tom had issues standing for long periods of time. Lifting things was also difficult for Tom due to his back, neck and shoulders. Tom is and will always be like a second father to me. I have so much respect for him and his wife. They are probably the kindest, most loving people I know. I would trust them with my life and family. They love everyone and love our Country. He has served this Country for many years and was severely injured doing so. He would never do anything to harm our Country or overstep the oath that he swore upon. He would have never been able to storm the Capital or even cause harm to anyone let alone our Country. He is truly a great man who has me and my family's utmost respect and trust. I know for certain that Tom would never have any ill intent for our Country or anyone that serves it.

Sincerely,

Joseph Godbold

Matthew Sear
Winchester, Virginia 22602
March 7, 2021

Your Honor,

I am writing to vouch for the character of Mr. Thomas Caldwell who faces criminal charges before your court. I first came to know Mr. Caldwell 10 years ago when he was assigned to me as a customer through Ehrlich Pest Control. Since that time, Mr. Caldwell has become a personal friend who I am honored to know. He has proven to be someone of responsible character and can be described as a person who is hard working, considerate of others, and thoughtful. He frequently puts the needs of others before his own and took care of both his mother and his father during their later years in life. He served our country as a member of the Navy until his retirement and has always expressed a love for the country he bravely served. He has also been an upstanding member of his community and would do anything for those that he knows.

I consider myself to be an excellent judge of character and it is my hope that this letter will serve as a positive and contributing factor when the court makes its decisions.

Sincerely,

Matthew Sear
Winchester, VA

Character Reference Thomas E Caldwell

Robert Gardali <[REDACTED]>

Tue 3/9/2021 10:51 AM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

Mr. Fischer,

I met Thomas E. Caldwell "Tom" in mid-1985 when we served together in the U.S. Navy, both of us being stationed in Washington D.C. at the Navy Operational Intelligence Center in Suitland, MD. We have kept in touch over the years, mostly through telephone calls, email, and text, and visiting in person about a dozen times since the late 1990's.

The portrayal of Tom in the media is very surprising and uncharacteristic of how I know him. Tom is a very proud veteran, loves our country, and is passionate for things he believes in. Tom is a person that if you show him friendship and kindness, he will reciprocate without hesitation. Tom is a person with a big heart and a person who tells tall tales to make light of a situation through sarcasm and humor in a way, context, that mostly only a veteran or military member would understand.

Tom is a person with a unique sense of humor that can be by today's standards considered off color and politically incorrect. I appreciate this about Tom. Tom is also someone who misses the time he spent on active duty as an officer in the armed forces. Over the years I've known Tom I've heard in his voice and his comments how much he misses the operational military life. When we talk, he talks of things in military terms; objectives, N2/intel, planning, logistics, and such. He's held onto the dialect all this time because he was so proud to serve. Also, because when we talk, we are fellow veterans and it's enjoyable to talk that way, and in those terms and words because we miss our service. With Tom, the nickname "Commander Tom" is because that refers to his rank when serving in the Navy. Not because he is the commander within some group or organization.

As a result, I feel many of the quotes from Tom's texts, emails, and messages, portrayed in the media are being taken out of context. Taken verbatim, yes, they look to be malicious. However, knowing Tom, I do not believe he would commit or plan any egregiously violent act.

Best regards,
Robert Gardali

Tom Caldwell-Character reference

carlyle phillips <[REDACTED]>

Tue 3/9/2021 8:42 AM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

Tom Caldwell married my cousin Sharon in 1999. Shortly after, I had the privilege of meeting Tom. Right off the bat, he impressed me as a kind, considerate, fun loving guy and has remained the same through the years. Despite struggling with serious, debilitating health challenges for a very long time, he has maintained a positive outlook on life and has always been willing to help others with their needs before his own. It is inconceivable to me that Tom would be involved in any kind of activity that would warrant his incarceration.

Teresa Phillips
Lakeland, FL

Tom Caldwell's Character

debbie white <[REDACTED]>

Sun 3/7/2021 5:55 PM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

Hello Mr.Fischer. I am a friend of Tom Caldwell's -specifically through his wife Sharon. I have known Tom since 2002 and have found him to be very caring and generous with a fun -loving disposition.I also know he has been plagued the last 10 years at least with a very painful back condition with complications. He loves this country with a passion. I know he would never plan an attack on this country in any manner.He is also physically incapable of any kind of attack with his back problems. I do not know why or how he is implicated but this i DO KNOW- Tom Caldwell would NOT in any way plan an attack on the USA! It is just inconceivable to think he did this.Please help clear his name for him amd Sharon.Thank you. Debra White Salamanca New York

Thomas Caldwell attn. David Fischer

Dianne MacMillan <[REDACTED]>

Sun 3/7/2021 7:44 PM

To: fischerandputzi@hotmail.com <fischerandputzi@hotmail.com>

I have known Thomas Caldwell his entire life. As his older sister I can honestly say that he is a good-hearted person who is always willing to help out friends and neighbors alike. I have never known him to be unkind under any circumstances throughout our younger years. He is well regarded in the neighborhood, always friendly and supportive and eager to help anyone. Others reciprocate when needed because his continuing back issues are problematic. Many back surgeries have left him in daily pain and have limited his physical abilities. It is even difficult for him to walk long distances. He is a trusted part of the community and certainly no threat.

I confess to missing my brother's advice, good nature and humor a great deal and even more since the passing of my husband only last year. If I needed him for anything, he was there for me. A huge personal loss for me. I hope to see him again.

Dianne MacMillan
Berryville, Virginia

Sent from my iPad

Dear Mr. Fischer,
I am writing you on behalf of your client Thomas Caldwell. It is my understanding that you have requested character references on Tom's behalf.

My name is Matthew Combs. I live in Stephens City Virginia. I have know Tom and his wife for a little over two years now. We share a mutual friend that introduced us.

Two years ago I met with Tom and Sharon at their home in Clarke County. Tom was on the search for someone to help with the mowing and maintenance around his home and his fathers home. Tom was struggling to keep up with the mowing and trimming due to his physical limitations. I took over the mowing and trimming for the last two years now.

Tom and I have shared many stories together. Tom was more than just another yard or job for me. Tom became a very close friend to me and my family. Tom and Sharon have sat at my dinner table with my family and I. They have been to family cookouts at my house. Tom has sat right in the middle of my family and friends and had us all laughing at his joke, or listening closely to his stories. No one, including myself, has ever had a bad thing to say about Tom Caldwell.

Tom and I always greet each other with a handshake and an exchange of "how are you brother?" Brother is a word that I use with only close, trustworthy people. I would trust Tom Caldwell with my life. Tom is a person I can turn to and seek advice, talk to him about a problem I have, and most importantly, someone I can ask for help.

When I met Tom I was recently laid off from a job I carried for 17 years. It was a big turning point in my life. I went to Tom and explained I was just laid off and was going to start my own company. Tom welcomed me with a handshake and said he looked forward to working with me. Tom took a chance on a me. Tom has always been respectful and honest with me. He has always been fair and open minded. But more than anything, Tom has been a friend.

It may not seem like a big deal to many people but I take it very seriously when someone seeks out my services. A simple task of mowing the yard or carrying a weed-eater has become something that Tom cannot do anymore. I've seen Tom on some "bad days" as he calls them. Days when he is in so much pain that he cannot walk outside to see me. More times than most I've seen Tom have to ask me to help him move something, carry something for him, or simply, slide something out of the way. In my opinion, it takes a lot of courage for someone to ask for help. I am one of the most independent people I know and I fear the day that I will have to ask for help.

Thomas Caldwell is my friend. A client. But, most importantly, Tom is my brother.

Sincerely,

Robert Francis (Chris) Francis
[Redacted]

[Redacted]

Dear Mr. Robert Caldwell, it is an honor to write this character letter.

Tom is the husband of Chris' cousin, Sharon Caldwell.

Tom and Sharon have been married 21 years. Her first marriage ended in divorce. When Sharon met Tom, she knew he was different from her first husband. Tom is kind, generous and hard working. He treats all people with respect and is always ready to help. As both of their parents aged, they were their primary care givers, providing loving care and kindness until the end of their lives.

Due to the considerable distance between us, we only had the pleasure of meeting Tom three times at family events. He is a fun-loving man and we enjoyed his company greatly.


Tom was a Lieutenant Commander in the Navy and Bob was a Captain in the US Air Force. We (Tom and Bob) share common characteristics, passionate in our beliefs and love for our country.

Tom is a 100% service-connected disabled Veteran and has struggled with severe spine and neck issues. With his poor health, we believe this alone would have prevented him from participating and organizing any of the destruction that occurred in January to our Nation's Capitol.

Thank you for your time and consideration.

Sincerely,


Robert Francis


Robert Francis

Fwd: letter request for Tom

Sharon Caldwell [REDACTED] >

Sun 3/7/2021 2:16 PM

To: fischer and putzi fischer <fischerandputzi@hotmail.com>

Forwarding this from Tom's friend, John Phillips.

----- Forwarded message -----

From: **Marilyn Phillips** <[REDACTED]>

Date: Sun, Mar 7, 2021 at 10:09 AM

Subject: Re: letter request for Tom

To: Sharon Caldwell [REDACTED] >

Sent from my iPad

On Mar 6, 2021, at 6:39 AM, Sharon Caldwell [REDACTED] wrote:

To whom it may concern:

My name is John Phillips, USN Retired, CPO. residing in CA. I have known Thomas for forty plus years starting in the Navy back in the 70's. We, as friends served our country together, worked on classic cars together and so on.

Thomas is one of those rare, truly honest individuals. His dedication and love of his country cannot to be denied. Thomas was and is one of the best officers I have ever