

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

_____	)	
UNITED STATES,	)	
	)	
v.	)	Crim. No. 21cr268
	)	Hon. Carl J. Nichols
JEFFREY McKELLOP,	)	
Defendant.	)	
_____	)	

**MOTION TO DISMISS**

Comes now Defendant Jeffrey McKellop, by counsel, and moves the Court to dismiss all charges against Defendant for the reason that the government, in the person of the President, has intentionally and irreparably poisoned the entire nation as a jury pool.

On September 1<sup>st</sup>, the President addressed the nation in a prime time television address of some 26 minutes’ duration. During the address he referred to “MAGA Republicans” more times than undersigned could count and repeatedly attributed to them – i.e., to all supporters of former President Trump to include, without question, every defendant charged with a felony pertinent to the Capitol Riot of January 6<sup>th</sup> – the determination to destroy our democracy through violence. Describing opponents of the current administration’s policies as “White Supremacists and extremists,” as to whom “good manners are something they’ve never suffered from,” President Biden inflamed the entire nation by assuring that “Trump and the MAGA Republicans are a clear and present danger to our democracy.” The President’s indictment comprises everyone who supported the former president – none more undeniably than those charged with participating in the Capitol Riot.

This was not an offhand theme mentioned in passing. Rather, it was the sole point of the entire exercise, specifically intended to provoke the entire nation to hatred of the half that voted

Republican in the last presidential election. A less than complete rendition of the President's screed includes:

"Donald Trump and the MAGA Republicans represent an extremism that threatens the very foundations of our republic.

"MAGA Republicans do not respect the Constitution, do not respect the rule of law... [they] undermine democracy itself... [they seek] to take this country back... [and to] fan the flames of political violence.

"MAGA Republicans have made their choice. They embrace anger.

"MAGA Republicans want to destroy our American democracy.

Lest anyone wonder whom the President considers the most despicable,

"They [the MAGA Republicans] look at the mob that stormed the Capitol not as insurrectionists who placed a dagger to the throat of our democracy.

Finally, backlit in red and flanked by two unmoving Marines, the President exhorts all Americans to put their hatred into action.

"It's within our power to stop the assault on American democracy.

What better place to begin than in the jury box?

The highest authority in the land has urged upon the entire nation a hatred of the January 6<sup>th</sup> defendants as a patriotic duty. The President demands betrayal of a juror's oath by anyone sitting in judgment of a January 6<sup>th</sup> defendant. The President's demand "deprive[s] the accused of his right to a forum where impartiality is not impaired." *United States v. Thomas*, 22 M.J. 388, 393 (C.M.A. 1986).

Respectfully submitted,

JEFFREY McKELLOP  
By Counsel

