



Hello,

In total, what I've prepared for this court is very long... However I don't think this court will truly need to read all "Parts" of my Reply. The reason I feel this way is because I attack the government's Response and the denial of my bond in a sequential order. The order I attack it is from the "foundation" up to the most recent "add-on (government's Response)". Should this court not be convinced of the fact that HUGE mistakes have been made in the denial of my bond after Parts A-D, it may continue onto Parts E-F. Part G is more of a direct attack of the government's lie filled Response.

So, I ask you to read Parts A-D first. To supplement Parts A-D you'll be supplied with proof via attachments originally filed by the FBI to show the government broke the law/ the Bail Reform Act in order to give me the "most restrictive" conditions of release. Then you'll read case law arguments and be shown under the doctrine of Fruits Of The Poisonous Tree, the government's claims (false claims) of my actions pre-trial are irrelevant as they were improperly gained as a result of the government's breaking of the BRA and their code of ethics. This is where I'd expect the argument/ Reply to have convinced the court that I should be released.

However, to be safe, and with the assistance of some discovery that wasn't in my possession prior to starting this Reply, in Parts E-F I attack and demolish the "upper floors" of their arguments. For the first time, and on many pre-trial subjects/ claims, I PROVE the government lied to my court as they now do to this court. I prove I DID follow my conditions of release, and I finally correct the record with proof.

At the conclusion of Parts E-F, I'm confident an objective court will see the government's mendacious tactics, understand that my judge HAD made very big false findings, and that I CAN be trusted with release/ WOULD abide by conditions of release, especially if they were truly the "least restrictive" as opposed to what I was under, the most restrictive, though I still followed them.

Should the court want specific page by page rebuttals to the government's lie filled Response, I supplied Part G to aid in that endeavor. I will note, a prior reading/ understating of Parts E-F is essential to fully grasp my rebuttals in that Part. However, I'll note, I really do think the court will have been convinced by my proof/ arguments in the previous Parts. I don't think it will need to read this Part, I supply it mostly for further proving what I already did in the previous part, and to show the continuation of the government's mendacious tactics.

Regardless, I would ask that you do read Part H, a conclusion/ wrapping up of all the Parts. It's the shortest of them all. It also provides a 3rd party custodian for the court to access should it still somehow feel I must only be release to a 3rd party custodian (Would've supplied to the district court in verbal arguments, or at least that's what counsel said, but judge didn't allow verbal arguments...).

I'm sorry you must waste your time reading so much. If only the government respected the laws and their code of ethics/ didn't lie, there would be no wasting your time... Regardless, as of 5/25/23, I've spent 860 days/ 20,640 hours of my life with my freedoms stripped because of these lies, so I had to correct them thoroughly, though it's a lot to correct.

Please restore my hope in the criminal justice system. Please prove that the government can't get away with lying on the record or breaking the law in order to hold me in jail. Please don't leave a precedent that emboldens the government to do similar actions in the future. Please do what the Supreme Court and this very Circuit said should happen in regards to such issues (Fruits Of The Poisonous Tree). Please, read the facts and the proof in these Parts and exhibits, they are irrefutable... Then, you'll see I should be released. Please do what's right, I really can't properly prepare for trial in here...

Thank you,

Brandon Fellows

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\*\*\*Part H: Conclusion:\*\*\*

\*\*\*Part A: Introduction To Reply:\*\*\*

\*\*\*Section 1: Fixing An Uncorrected/ Lie Filled Record:\*\*\*

As I've said to my court before, the government has gotten away with leaving many lies on the record and my public defender refused to correct these lies because she was ineffective. This is why ever since I've moved to represent myself (9/2021) I've requested (and been denied) evidentiary hearings to prove both of these. I'd prove this by:

1) EFFECTIVELY cross examining my PO ( under oath, unlike how my judge introduced the idea of her testifying via proffer instead of under oath while my ineffective counsel agreed there was no potential issue with that (clearly there is a potential issue, which is why criminal defendants are required to testify under oath instead of proffer)).

2) By waiving my attorney client privilege and then calling my previous counsel as a witness to the stand to support that the government lied at these hearings (over the things that she knew were lies), and then question her on why she didn't point those lies out (at every hearing).

Even alone the first two would produce enough evidence to support my claims. Combined they'd be even more solid. However, should the court want further evidence, then they could allow these:

3) Order subpoenas on government's allegations:

3.1) "Missed" drug tests (see Part E Section 3 and Part F Section 1)

3.2) Late past curfew "unexcused" and "without calling emergency after hours line" (See Part E section 3)

3.3) Emails/ texts (to show things like: Kendra (P.O.) refusing to allow me to work my job, telling me that if I missed a call in she would tell me if I had a drug test that day (so don't worry about call-ins)), etc. (see Part E Section 5, Part F Section 1, and Part F Section 7)

3.4) Call-in rate: Higher than what they claim, is a May statistic and 4 days after my 1st revocation hearing I had a 100% call in rate. (See Part E Section 5 and Part F Section 1)

4) Temporary release for 10 days (I'd be able to get videos, emails, and audio recordings to further show I had ineffective assistance of counsel, that my PO lied about things, to show the FBI lied about my arrest (he didn't say what he claims to have said to me over the phone, etc.).

\*\*\*Section 2: Forming A Reply To The Governments Lies In Their Memorandum Of Law And "Fact":\*\*\*

Due to the government putting lies on the record and the district court never allowing an adequate way to rebut these, I was very annoyed and troubled as I read the governments Response. It almost entirely relies on the lies/ uncorrected record! As I read their response, I tried to imagine myself in your shoes. Hearing seven prosecutors (who supposedly follow a code of ethics) claiming a criminal defendant did things that a district court judge also advanced. Even worse, it seems like these allegations haven't been refuted (even though the record clearly

shows me requesting the chance to truly refute them (calling a witness to the stand, requesting for documents, requesting for government to correct their lies, requests for evidentiary hearings, etc.)).

Then I imagined you reading my Memorandum and then my Reply that would include things like "The record is filled with uncorrected lies", "these 7 prosecutors are lying/ don't know the facts", and "My judge doesn't know the facts/ won't truly allow me to correct the record". As if that wasn't bad enough, who am I to you? A stranger who has not signed a code of ethics, has no law background, and worse, I've been attached to what the media and many politicians have dubbed the worst attack on the city you preside over since the civil war. Why would you believe me?

I wondered how I could help you believe me/ the truth when I have little resources, don't have a code of ethics, and am "marketed" as some crazy "non-violent danger to [society]". I was so troubled I distracted myself for a few hours. In my distraction, I came upon what I feel like is the answer. I finally received some (very far from all, and much of what they did give me doesn't open) discovery from the government 27 months into this case. A few hours after I received the governments' Response I came across some discovery I call "The Foundation Breaker".

I can show that the government lied and broke the law/ their code of ethics since the very beginning at my first detention hearing in order to make me fit the Bail Reform Act Factor of "flight risk". Worse, I can show that they failed to correct the record despite my constant requests. This also shows two different things. One, that my counsel didn't correct the record despite my requests (at this very critical hearing/ point), allowing these lies to be used against me, proving her ineffectiveness. Second, you'll see that my judge for nearly two years has refused to look into this situation or the other hearings in which the government did the same (lied on the record in order to take away my freedoms). I asked my judge for this evidence but he refused to order it, I knew it existed. Now, 27 months into the case I finally received SOME of my discovery, and I now have some of what I was asking him to order the government to produce (even though he denied the requests).

More lies that the government put on the record would be further exposed if he or this court allowed more evidence to be produced by allowing any of the numbers in the previous Section to take place. My allegations have only aged like wine (as you'll see in the next "Part" and in Parts E-F). The governments' has aged like milk. However, not all of it has been exposed/ checked out. My district court refuses to open "the refrigerator" to see just how badly their lies have aged! He even refuses to do so when I finally get to sneak a bit out (as you'll soon see in the next "Part") and show him that what they have in there is actually spoiled! My judge turns his head away and says "I see no issues", "I gave you a chance to present this", but he hasn't. He allowed the government to call three witnesses, while offering them to testify via proffer instead of under oath all while being cross-examined by my ineffective counsel. Then when it was "re-opened" as I represented myself, I tried to call a present witness to the stand, he denied me from doing that... He only allowed what the lawbooks call the least convincing testimony,

mine, a criminal defendants. So no, I still haven't been given a chance to truly present this. He also refused to allow any verbal arguments at this very bond hearing I'm appealing.

My truth stands the test of time, but their lies don't. I don't have access to "the refrigerator", but I do have some samples as proof. Please see the sample below and in Part F, and consider helping me to further expose the lies.

\*\*\*Part B: Foundation Breaker (New Discovery):\*\*\*

\*\*\*Section 0: Quick Instructions:\*\*\*

- 1) Please read "Part D" "Sections 1-3" in my appeal I sent to you in March.
- 2) Now please read the lies the government claimed on 1/19/21 in court regarding my arrest (or Google "Brandon Fellows arrest phone in candy vending machine" to read the news advance the governments' lies at this hearing, making me seem crazy to the public...)
- 3) Please now look at the 4 attached FBI documents I've instructed my stand-by counsel to attach showing the truth (exactly what I've said in court in Part D of the March 2023 Appeal.
- 4) Ask yourself:
  - 4.1) "Why did the government lie about this?" (to make me fit the Bail Reform Act)
  - 4.2) "Why did they not correct the record despite that their code of ethics tells them to?" (because they have continually ignored their ethics/ the law in this case)
  - 4.3) "Why did his public defender not point these lies out?" (she was ineffective/ was hoping my increased conditions would make me sign a plea deal (have supporting evidence for these claims))
  - 4.4) "Why did his district court judge allow this/ not allow me to correct the record?" (because he has constantly tried to help protect the government and my previous public defender/ stopped me from being able to correct the record)
- 5) Read each of these and after each one ask yourself/ re-read #4.2 (above):
  - 5.1) It's unprofessional conduct for a lawyer intentionally to misrepresent matters of fact or law to the court.

In representation of a client a lawyer shall not:

- 5.2) Assert a position, conduct a defense, or take other action on behalf of her client when she knows or when it's obvious that such action would serve merely to harass or maliciously injure another. (Lying about my arrest (and revocations) placed me under extreme conditions of release, it only served a purpose of harming my freedom and my image (see media articles reacting to crazy arrest story and the comments that followed)
- 5.3) Knowingly advance a claim or defense that is unwarranted under existing law. (If I didn't meet any of the Bail Reform Factors then the law says I should've been released on own recognizance/ not given 36 conditions of release).

- 5.4) Conceal or knowingly fail to disclose that which he is required by law to reveal.
- 5.5) Knowingly use perjured testimony or false evidence. (As they also did in revocation hearings and their Response)
- 5.6) Knowingly make a false statement of law or fact.
- 5.7) Participate in the creation or preservation of evidence when he or she knows it's obvious that the evidence is false. (why did they refuse to correct this, even after I kept asking them to on a private call with them, in court, and in motions?)

\*\*\*Section 1: Analogy\*\*\*

Imagine you had a professional build you a massive house and then sell it to you. It looked decent on the outside (the record looks believable). Some sections were built over two years ago (first detention hearing 1/19/21), and others were added on later (1st revocation hearing, 2nd revocation hearing, etc) . This contractor/ Real Estate agency (the government) has been in the business a long time, you're personally familiar with the agency. You know that many times they've done good work, you trust them.

Now imagine there is some random man who sent you mail from jail warning you "This house was built improperly!" (Me: "the record is full of lies!"). You research him, this person has no construction (law) background, it's currently only him claiming this house was built improperly. You at first would probably dismiss this random person's claims. You'd be even more inclined to dismiss this persons claims if this man had his property taken away/ bought out from him by this other agency (similar to the government taking away my freedom, it could seem me sharing this information is only to serve my interest/ isn't the truth).

You'd be thinking to yourself, "This company (government) is very trusted", "I've dealt with them before", "this paper (transcripts) says they did things right", "they have a good rating from the BBB (code of ethics)", "I see no issues (because it hasn't been properly inspected (no evidentiary hearing/ documents ordered to be provided to court))", "the inspector (judge) found no issues", "this mans personally hired inspector (my public defender) was there as this company shared 'this house was built as we say' ("these things happened as we say") and didn't point out 'This is incorrect!.' So you clearly wouldn't trust that man (me).

However, now imagine he (I) presents you with evidence such as photos, videos, or documents from that very agency admitting the house wasn't built as the papers (transcripts/ governments response) you hold claim it was. This evidence proved how the foundation in the house was made (arrest/ property records from FBI). The paper that the company provided you said the foundation was built upon bedrock, but this man has evidence to show that this wasn't only a lie, but a lie they knew and never corrected, the foundation was built on sand.

You would now have proof that the foundation of the house that was sold to you was indeed not built properly. You'd rightfully wonder things like "How many other things in this house (case) did this contractor mess up, lie about, and cover up?", "How did this not get caught by the home inspector (judge)", "Why did that mans own inspector (my public defender) not speak up about this despite my requests (because she's ineffective)?".



When the man then sends you another letter that says:

"If you make them (PO) testify under oath that the other sections (accusations that lead to revocation) were built properly they will refuse to do so or they will tell the truth."

"If you search/ subpoena these records you'll find the other sections of this house weren't built properly (See Part A Section 1, # 3-3.7)."

You'd be more inclined to listen. If you had the resources (or a position of power, which you have) you'd cause this to be inspected further. You'd seek to both punish the party who did this and then remedy the situation (since no solid foundation, the agency has to take the house back at the very least). (Since I met zero Bail Reform Act factors I must be released, they used these lies to get me on restrictions which were eventually used to revoke me (Fruit Of The Poisoness Tree)).

One thing is for sure, you'd be a fool to trust the agency is telling the truth on the other sections of the house. You'd be a fool to trust that house, the very foundation it relies on is faulty and not up to code. They skipped what they were required to do (skipped past/ broke the Bail Reform Act law), and then never told you about it/ never fixed the record despite that they're required to and that it's illegal.

Final 1: Even if you wanted to trust the rest of the house, you can't! They may claim the rest of the house is up to code, but it doesn't matter, they lied about the foundation and without a proper foundation the house won't stand. You can't continue to live in a house if the proper way to build its foundation was skipped. There is a reason why such codes are in place, to not follow such codes is unsafe. The person in this story was harmed by such codes being broken, they now don't have a safe house to live in. It would be improper for the agency to continue to be rewarded for such actions/ not be punished. The law says that because of what the agency did, the person should get relief, and the agency should pay/ answer for what they did.

Final 2: Even if you wanted to trust the rest of the record regarding my actions while under 36 severe restrictions, you can't! They may claim the rest of the allegations are solid as bedrock, but it doesn't matter, they lied in order to bypass the law! You can't continue to hold me in jail if the proper way to put someone in jail (Bail Reform Act) was skipped. There is a reason why such laws are in place, to not follow such laws is unsafe. I was harmed by this law being broken, I've had my freedoms stripped from me for over two years and have lost/ suffered a lot. It would be improper for the government to continue to be rewarded for such actions/ not be punished. The law says that because of what the government did I should get relief (see Fruit Of The Poisonous Tree), and the government should pay/ answer for what they did.

\*\*\*Section 2: Second Analogy:\*\*\*

As you read in my appeal, I owned a business in the construction field (chimney company). In New York (and many states) a level 2 inspection is required for all venting appliances (water heaters, boilers, furnaces, fireplaces, ect.) prior to selling a home. Often, the home owner

looking to sell hires a chimney company to get his inspection passed in these areas. However, a good real estate agent knows that there are some shady businesses that don't always share the truth, and will share with their customer (house buyer) that they should get a level 2 inspection from a company of their choice. The home owner (judge) often feels this is unnecessary, especially since the record indicates that the chimney/ appliance passed inspection (he "believed" they gave clear and convincing evidence to show that I wouldn't follow the courts orders). The home owner often doesn't want to have another company enter his home to check on something he already feels like is recorded properly. Still, they often are forced to if the customer insists.

Some home owners are fearful that a problem may show up with a new inspection, which would make him look bad or hurt his goals to show the house is in great shape. (Just as some judges may fear allowing the record to be looked into if it may show that they helped imprison someone off of lies they previously "fell for", after all, that would present them as a bad judge. Being a bad judge hurts my judges goal of being another conservative member on the Supreme Court.)

This judge seems to be very against having an investigation into his rulings (house). Sadly, not only is it his house, he is the inspector! He passed his own house (he found that there were no issues presented). This makes him even more protective over me, (a guy who chose to live in a bus) claiming "this doesn't pass code! (There were laws broken)", "You failed to catch this (You didn't catch these easy to see lies)!", etc. Is it any wonder that my judge wouldn't want this to come out?

There have been multiple times when I've been paid by the customer (potential house buyer) to go inspect the chimney in the home they are seeking to purchase and then find out that the chimney fails inspection . The home owner (who typically is present) is upset to hear this. Sometimes the home owner disputes my findings. As a 25 year old who choose the tiny house lifestyle since I was 21 (I live in a bus or RV/ sold most of my belongings) and being that my business was less than 2 years old, my credibility in these scenarios was challenged and compared often. Often times the home owner would point out that the company he hired had been around much longer, is much more experienced, and isn't sketchy (some customers find it sketchy that I show up in a white school bus with ladder racks, a wood stove chimney pipe sticking out of the roof, and that I choose to live in that (especially when temperatures can hit - 33 degrees farigheight). Some people just can't comprehend why someone wouldn't want to be strapped down to a house for 20 years or collect a bunch of "knick knacks" that they can't take with them when they die. Many don't understand the freedom and adventure such a lifestyle brings).

The way that I convince customers is always through video and photographic evidence, sometimes I show documents (such as the code or their own instruction manuals for their appliance). I always have my tablet handy. I rely on the facts and evidence, not what the "more trustworthy" party (the government) claims. The other chimney company may have been around longer, but my camera caught the cracks and or problems with their chimney and the

photos are time- stamped. Then I show them the code states this is grounds for a failed inspection (BRA/ Fruit Of The Poisonous Tree). Almost every time, the argument is closed, facts are facts. Any arguments after that aren't my problem. I presented the truth.

You may see me as sketchy, but just just like when I operate a company, I present only the facts. I just showed you some, and I'll present more later in this motion( See Part F). However, if you need more answers before making a decision, I'd understand. Customers sometimes want more answers too, and that is what a level 3 inspection is for. A level 3 inspection requires some form of demolition and then looking into it, a kind of digging into something (whether it be bricks, stone, or drywall). They do this to see if there are any other issues that they wouldn't other wise see, such as clearances that were not followed. Here, I suggest if you want more answers (as I want you to have to help further prove the government lied at my revocation hearings) you conduct your own sort of "level 3 inspection" by doing any of the things in Part A Section 1. You'll find each and every hearing was filled with lies or is missing some much needed context that put me into a much more accurate light. Additionally, after I wrote this section I came across/ was provided with more evidence to support this (See Part F)

This court should NOT overlook the BRA being broken.

\*\*\*Part: C: Fruits Of The Poisonous Tree.\*\*\*

\*\*\*Section 1: The Truth Of My Arrest:\*\*\*

As you noticed from the documents I've included in this response:

- 1) The tow records/ FBI reported my vehicle was indeed picked up at my legal residence with all of my belongings. This was right next to my other registered vehicle. This was no "busy road in the middle of Albany where [I] ditched my vehicle in the middle of traffic" as the government shared with my court. This was a quite, long, private driveway of mine 40 minutes away from where the government said it was.
- 2) The arrest happened in a Hilton Hotel, the witnesses from the hotel reported this, the FBI reported this. The government lied about me running on foot away from my ditched vehicle to a shopping mall.
- 3) That my phone was found on the receptionists desk, right where I was asked to place my hands behind my back (and did so). The government claimed I was found by agents shoving it up a candy vending machine in a mall! I was not in a mall and there was no candy vending machine! Additionally, there was only one agent, once I noticed a badge on his neck, I told him who I was.

Now you'll notice that I kept calling the government out about lying about these and other issues, but they never fixed it, they left it alone. They are required by the law and their code of ethics to fix lies (See Part B Section 0, # 5- 5.7) and yet they did the opposite.

\*\*\*Section 2: Missing Context From Arrest:\*\*\*

If not interested, feel free to skip to "Part C Section 3: Conclusion". However, if you'd like some more clarity/ more answers about my arrest please do read this section.

1) My phone WAS wrapped in tin foil. The media played this out like I was some "tin foil nut". The area of New York I live in can get very cold (-33 degrees). At this temperature car batteries aren't the only things that can suffer if low. Any kind of battery can, including a phone battery. Both my companies often operate outside, and though I can handle the cold, my electronics cannot. To help keep them warm I often wrap them in tin-foil and keep it in my pocket. This actually works!

2) This "FBI agent" didn't share exactly how our phone call went: First, he showed up to my mothers house in order to ask her to call me because he didn't have my number. Second, when he called me he identified himself as a state trooper (Upon arrest this man said he works both for the FBI and the state troopers (seems like a conflict of interest to me). Third: The man kept saying he just wanted to know where I was so he could talk to me. He kept trying to avoid my question on whether I was going to be arrested. He eventually told me "yes", I inquired under what charges and he only told me "that's what I would like to talk to you about", and seemed more focused on knowing where I was. This sketched both my tree business partner and I out as we were in the middle of the woods and nothing about this seemed right. We did not give him our exact location, but I did agree to give him my phone number.

3) Following this sketchy phone call, my friend contacted a man who called himself a constitutional lawyer, we told him about the sketchy conversation and overall the man said this: "Don't tell this man where you are", the FBI would be the agency getting you not the state troopers", "A man was just killed who had something to do with Nancy Pelosi's laptop this man doesn't sound legit, don't meet him". "The FBI should have your phone number and could track you, they would tell you your charges", etc. Overall, this man felt like this was not right and that I should not meet him. He felt this man was lying.

With temporary release I could I could get this video, though my ex-public defender has a copy as well, she's ignored requests from my current stand-by counsels for this video.

4) Planning to meet this sketchy officer:

Despite this, just like I was on 1/6/21 ("what's happening up there/ in there?"), I was interested in the story ("who was this guy?"). However, just like on 1/6/21, I wanted to be sure I wouldn't get harmed/ get myself into trouble due to my curiosity. So I called up the news agency from France that was flying to meet me later that day to get my side of the story. I told them I wanted to meet this man but was sketched and wanted witnesses recording in a separate vehicle when I did meet him later that day. They agreed to do so following our interview. Our interview was to be at their hotel, Homewood suites by Hilton, on the busiest street in Albany, the capitol of New York (not a place to go if you plan on hiding from police, especially since I was on a mountain...).

5) Prior to the phone call:

I was at the top of Camp Pinnacle in the Heldeburgh mountains when this man called (I'd been there back and forth for 2 days trying to get one of my vehicles out of the snow (supported by link I sent you in appeal (customer complained that I rescheduled work prior to arrest due to vehicle troubles)). Two days prior, I felt troubled and angry, so I went to the Christian camp on top of the Heldeburgh mountains where I in the past had worked as a counselor, a place that brings me peace. Unfortunately on the ascent to the top of the mountain my bus slid partially off the mountain. My tree business partner and I had been trying to retrieve it for 2 days at this point. As we finally had an effective pully system and were making some progress, the man who called himself a state trooper called me through my mother's phone. We don't own any guns and were not about to let this strange man who couldn't even tell me what charges I had and couldn't find my VERY public phone number (that I've had for years) until he showed up to my mother's house out of uniform where we were (the woods/ mountains).

6) Storing/ parking my "tiny houses":

I always have one of my vehicles (tiny homes) with me, but as I shared with the sketchy state trooper, I was going to park my vehicles in a place where they wouldn't be towed away (in case I actually was arrested, a tow for my bus and rv from the top of an icy mountain would've been very expensive (and it was when they actually did it, 1,300 dollars for a 20 minute tow from my residence in a paved driveway)). Further supported by how I left both of them in NY when I showed up in person for 2 separate revocation hearings in DC.

7) New plan:

During the interview, my friend's lawyer called him up and asked to speak to me as camera's were rolling with the French media crew's interview. He interrupted the interview, but the French media crew asked if they could record the call and if I could put it on speaker, I agreed. Overall, the lawyer implored me strongly not to see this man because he feared I could be harmed. He instead asked me to go and speak with the Sheriff's office and tell him/ them about what was going on, he said if I really did have a warrant the sheriff would let me know. So, because of that phone call, my plans changed, we were going to get in contact with the Sheriff. This recording was sent to my ineffective counsel but she never presented it in court or shared that this happened with the court. When my current stand-by counsels requested this recording from her, she ignored them and never responded to them, it's in her email, she's a DC public defender named Cara-Halverson.

8) The actual arrest:

As we left the hotel room and hopped into the elevator, my diabetic friend Joe shared he needed some sort of snack before we went to speak to the sheriff. So when the elevator door opened and we saw snacks that we could buy from the hotel receptionist he walked over there to buy some. I was next to him along with my other friend Mike as he was checking his order out. Then the sketchy officer walked into the front doors, again in plain clothes. However, he looked angry as he was looking around and even more so when he saw all three of us standing there at the receptionist's desk. He quickly approached us and put his hands around Joe's neck as he said "Ah-ha! There you are Fellows! Let me see your ID! (Joe looks nothing like me)". As he

did this, a badge flung out from around his neck. Granted it could've been fake, but I at the time felt more at ease about this definitely still sketchy man being some sort of police officer (especially given that he seemed to have tracked my cell phone down to the hotel we gave the interview at) so I let him know that Joe was not "Fellows", I was. He switched his attention to me and told me to place my hands behind my back. So, I placed my phone in front of me on the receptionists desk and placed my hand behind my back.

9) Being taken away:

However, as we began to head towards the hotel door I realized this man didn't even have a police car, or police plates. I became sketched out again and asked for my friend to start recording this man and get his plates (this is supported in his arrest report). He just put me in his car and didn't read me any rights (which increased my worry). I became even more worried around 10 minutes later when he pulled off onto a dirt road. He stepped out and walked behind the car and was playing with his gun while looking at me... Totally sketched out I asked him if he was going to kill me (now back to the thought of maybe this guy isn't a cop, maybe my videos and narrative from 1/6/21 are harmful and pissed people off to where they needed to silence me to keep the "insurrection" narrative alive). He told me to just relax... This is supported by a text he sent my mother "He thought I was going to kill him". I still don't know why he did this.

10) Overall:

From start to finish this officer was totally sketchy and didn't relay what charges I was facing until I was at some sort of station/ booking room. Still, I gave him my number and agreed to meet with him after my interview which was suppose to start around 6pm. Upon a second (recorded) conversation with the man who called himself a constitutional lawyer I was convinced instead to go speak with the local sheriff (public defender has this video). The media crew and my friends were witnesses to this. On the way to speak to the sheriff the sketchy officer came in and without weapons drawn put his hands on my friend Joe (who looks nothing like me), from there I let him know who I was and listened to his requests to place my hands behind my back.

\*\*\*Section 3: Conclusion:\*\*\*

If I was planning to run I wouldn't have:

Come down off the mountains. Come back to my hometown. Keep my phone on me. Make videos and post them on social media sharing how I was going to go meet this guy. Call and text others while I was retrieving my bus and driving it and the RV to my legal address. Been careless about driving both of my vehicles from the mountain down to the my hometown/ legal address (especially since my vehicles are easy to spot and I'd be easily spotted in my hometown). Go to my legal address twice over the course of 3 hours to drop off two different sets vehicles (time between mountain and legal address was about 45 minutes each way). Leave all my belongings in my vehicles. Only have one pair of clothes and no food. Go to the busiest street in the Capitol of New York (as planned/ told sketchy officer I would be doing interview and then meet him) to do a national media interview. Call and text others while at the hotel. Head to go speak to the

Sherriff. Not run when I encountered this single officer (who was overweight and who I easily could've outrun). Voluntarily shared it was me who he was looking for. Or voluntarily put my hands behind my back.

Further, if I wanted to run I wouldn't have left an ankle monitor on me for 5 months. Nor would I have drove down to DC twice for two separate revocation hearings (where I was told I'd probably be revoked and go to jail). Nor would I have gone to the Probation officers office knowing that a third revocation request was asked for.

This is why the prosecutors made up a crazy story to make me fit the Bail Reform Act factor. If they shared these things with the court, it would be pretty apparent I was not a flight risk. Unfortunately, my ineffective counsel failed to point these points out or argue against the lies. Due to the governments lies and my lawyers ineffectiveness, I was falsely placed into the BRA factor of flight risk, and as a result given 36 conditions of release, all for 2 misdemeanors (at the time).

I believe the government did this because my comments online following 1/6/21 were angry and inflammatory (supported in their very Response where they share it was my post 1/6/21 comments that worried them the most). My comments were meant to piss people off. Despite police giving me instructions, directions, rules to follow (all of which I listened to), and showing that we were welcome inside a building called "The People's House" to protest as we were (through both express and implied entrapment) I was being labeled all kinds of nasty incorrect things.

When I'm abused, I verbally protest, that includes trying to make the people abusing me angry. That's what my posts were for, to say "I won't apologize to you, in fact, I'm going to piss you off even more." Every time my mother abused me, I didn't strike back, I smiled to hide my pain and talked back. That's what I did the 10 days after 1/6/21. I shared posts to piss off the people who were targeting me. I even even made things up about "seeing fear on Congress members faces". The government knows I didn't see any congressman! They were gone by the time I entered the building! My actions of taking selfies with police, asking them for rules/ directions, wishing them a good day, telling someone not to take a painting, leaving voluntarily without being asked don't line up with my social media posts. They were meant to piss my abusers off.

The government media and public reaction included: Being labeled a domestic terrorist. Being labeled an anti-Semite (half my family is Jewish). A cop killer/ I was there as a cop was killed (as reports now show, no police died as a result of January 6th, this was FAKE NEWS, and even so, I didn't witness any cops get injured, all the police I interacted with (and I met a lot) were super cool). Being labeled a white supremacist (I'm not). Being told I was there to kill congress members (I wasn't). Having my life lied about and twisted by the media (which ironically the government choose to highlight one of the news agencies (in my discovery you can clearly see I texted the "journalist" I was upset that he claimed I said I had no regrets and that I heckled cops, my videos show I wasn't heckling cops). Having family call me up and share they didn't want to speak to me. Having major business contracts canceled. Being banned from responding on

social media (after tons of people came on to harass me and call me a bunch of names). Being banned on social media for posting my videos from 1/6 to disprove what others claimed I did. Losing all my photos, videos, and messages from 2009 because of my being banned, no copies of 99% of the photos/ videos, just gone. Being told that I was going to prison for 30 years.

All of this made me so angry because my life was going great, and it was being ruined over so many ridiculous lies. Sharing the evidence/ videos of my actions didn't help, no one was allowed to see it online (shadow ban or actual ban), and the journalists just kept making their own story and twisting what I said. I was upset because I felt like police tricked me, I only entered in the building because of their actions and words. I made it a point to follow all their rules and only do what they were showing was allowed to do. I believed we were able to do such things because unlike any other building in the world, this is called "The Peoples House".

The government acts like such thoughts are ridiculous, but it's far from it. It's so common that the Capitol has not only a totally separate police force, but their own set of laws. One of which is based on this very common misconception. The law was created because so many people falsely believed they could protest in many ways in the Capitol. This is why Capitol police are required to approach protesters and let them know that doing so is not allowed and warn them that if they don't stop that they will be arrested. They also are supposed to share with them what law it is they are breaking. In every case I've come across that police haven't done this the charges had to be dropped. Even if convicted without the police doing this, the conviction had been dropped.

Here, police not only failed to share this with me, but they did the opposite through words and actions (express and implied entrapment). So yes, the government is correct, I did admit to entering the capitol and protesting peacefully as others around me were. However, due to the laws in the Capitol and entrapment by estoppel, even if you meet the elements of the crime you aren't guilty. The police had a duty to tell me that I was not allowed to enter, continue protesting, continue on in the building, and were required to inform me that if I didn't leave/ stop that I would be arrested. They did the opposite! They even told me I wouldn't be arrested and that I could continue on further into the building.

So, my actions on 1/6/21 didn't make me fit the Bail Reform Act. At the time of my first detention hearing I only was charged with 2 misdemeanor counts in total, trespassing and disorderly conduct. My actions after 1/6/21 until arrest included only angry social media posts because I was angry about the unjust punishments, threats of punishments, and lies being shared by the media and government regarding that day. None of what I said was illegal. None of my exaggerated words were supported by my actions. I did NOT see fear in any senators eyes, I never even looked for them or had seen any of them. In fact, they were not even in the building by the time I entered. I never brought any guns, I don't own any guns! I've never even shot a real gun in my life! None of my friends have guns! Finally, I did not run from an arrest on 1/16/21, nor did I at any of my 3 revocation hearings. I voluntarily gave myself up each and every time.



\*\*\*Part D: What To Do With Fruits Of The Poisonous Tree:\*\*\*

\*\*\*Section 1: Intro:\*\*\*

It's clear the government broke the law in an attempt to place me in jail. Though at first it failed, it succeeded in giving me 36 conditions of release. These conditions of release were shortly after used against me in order to revoke me. However, the government lied about situations in my revocation hearings in an attempt to do what they originally sought to do, place me in jail. If the government didn't lie, if I had effective counsel, or if I had a judge who was wise enough to see past easy to notice lies, none of this would've happened.

However, under Fruits Of The Poisonous Tree, my "breaking" 2 of my 36 conditions of release are irrelevant, even if it was true. Under the Bail Reform Act, I was NOT legally eligible for conditions of release, nor 36 conditions of release. That was far from the least restrictive measures even if everything the government said was true (which it isn't).

\*\*\*Section 2: Case Law And Arguments To Support This:\*\*\*

1) *Silverthorne Lumber V. United States*, 251 U.S. 385, 40 S. Ct. 182, 64 L.Ed. 319 (1920):  
The court relying on the premise that the government should not be able to reap the benefits of its own wrong doing, declared that once an impermissible police (government) action is discovered and proven, the exclusionary rule will apply and will operate to suppress the primary evidence as well as all derivative evidence obtained as "fruits of the poisonous tree."

1.1) Comments: It has now been discovered and proven that the prosecutor broke the Bail Reform Act. Therefore, the primary "evidence (poisonous tree)" of my ditching my bus in the middle of a busy street, then running into a shopping mall, and then being found by agents shoving my phone up a candy vending machine (all known lies) should be suppressed under the exclusionary rule. The derivative "evidence (fruits/ revocation lies)" obtained thanks only to the primary "evidence (Poisonous tree)" should also be suppressed. With no Bail Reform Factors met, there would be no conditions of release, and as a result there would be no revocation hearing lies to dispute. There is no legal reason to hold me.

1.2) Additional supportive case law: *Wong Sun V. Us.*, 371 U.S. 471, 488, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963)

2) *United States V. Awadallah*, 349 F.3d 42 (2d Cir. 2003) (applying fruit of the poisonous tree analysis to improper detention and subsequent false testimony).

2.1) Comments: Due to the false testimony that the government knew to be false and still never corrected I was improperly imprisoned on house arrest (in a house that wasn't even mine) with 36 conditions of release (not even people who assaulted/ battered police that were placed on house arrest had so many conditions). Then, thanks to that poisonous tree being planted, more poisonous fruits bloomed in the form of me being revoked and then being improperly imprisoned in ten different jails.

2.2) Supportive case law (Your Circuit recognizes this as well!): *U.S. V. Redman*, 331 F. 3d 982 (D. C. Cir. 2003) (applying fruit of poisonous tree analysis to protective sweep).

3) U.S. V. Fernandez, 18 F. 3d 874 (10th Cir. 1994) (defendants' subsequent consent to search trunk of vehicle following initial unlawful detention was held not to be sufficiently free of coercion and duress as to remove taint of illegal detention, and all evidence recovered as a result of search was suppressed as fruits of the poisonous tree).

3.1) The government should also not reap the benefits of their own wrong doing. Anything gathered as a result of my improper detention, all evidence recovered as a result of the improper detention should be suppressed as "fruits of the poisonous tree." For example, the 10/12/21 testimony that the government references in their appeal should not be used. This testimony, though accurate and true was given under duress and in an attempt to legally escape my improper and illegal imprisonment. I wouldn't have testified if I hadn't been revoked on lies. I wouldn't have been revoked on lies if the government didn't lie at my first detention hearing. This testimony was fruit of the poisonous tree.

4) In *Brower V. County of Inyo*, 489 U.S. 593, 109 S. Ct. 1378, 103 L. Ed. 628 (1989) the Supreme Court defined seizure as "Governmental termination of freedom of movement through means intentionally applied."

4.1) Comments: My freedom of movement was definitely one of the many things that were terminated as a result of the lies shared at my detention (and revocation) hearings. This means that I suffered fourth amendment violations. I was improperly and illegally seized. At a bare minimum relief is warranted through release and suppression.

5) *Tennessee V. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L.Ed. 2d 1 (1985) (killing suspect is ultimate seizure; state statute authorizing use of deadly physical force on any fleeing felon is unconstitutional).

5.1) Comments: Granting detention absent Bail Reform Act factors is unconstitutional. Taking my freedoms for 27 months and counting along with all the other abuse I've suffered may not be the ultimate seizure, but it is an extreme seizure.

6) *Brendlin V. California*, 551 U.S. 259, 254, 127 S. Ct. 2400, 2405, 168 L.Ed 2d 132 (2007): A seizure occurs only when the officer by means of physical force or show of authority, terminates or restrains [a person's] freedom. However, the seizure of a person does not necessarily have to be by virtue of an arrest.

7) Whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person: *Terry V. Ohio*, 392 U.S. 1, 16, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968). The court further explained that "only when the officer, by means of physical force or a show of authority has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred"

7.1) Comments: The focal point of the Terry case is that a seizure, like a search, should be analyzed in terms of the level and scope of the governmental intrusion on the privacy and liberty interests of the individual. If traffic stops have historically and sometimes been labeled as seizures, than 5 months on house arrest is as well, especially if that house is not yours. 22 months in jail and 27 months of stripped freedom DEFINITELY constitute a 'seizure'.

8) Lawbook: "Seizure" as detention of person: A person is "seized" when the government intentionally acts or conducts itself in a manner that would cause a reasonable person to believe that he was not free to leave or that his freedom of movement was being restrained.

8.1) Comments: The government knowingly lied (intentionally acted) in order to make me fit the Bail Reform Factor of flight risk which placed me on 36 conditions of release including house arrest (caused me to believe that I was not free to leave and that my freedom of movement was restrained).

9) Fourth Amendment concerns arise when the officer obtains information about criminal conduct through improper means.

9.1) Comments: Here the prosecutor claims I shouldn't be released because of supposed conduct while on 36 conditions of release. However, this false information is only being used against me because they conducted themselves in an improper and illegal way. This information (lies about conduct on release) was obtained illegally and improperly. There was no legal reason or justification for me to have a detention hearing or to be placed under 36 conditions of release. The government was only able to claim that I broke conditions of release because they lied in order to place me under them.

10) Lawbook: The person must be working for the government in order to claim 4th amendment violations.

10.1) Comments: The prosecutor obviously meets this standard.

11) Lawbook: As the Supreme court of Michigan noted, "The purpose of the exclusionary rule is to deter police misconduct." "That purpose would not be furthered by excluding evidence that the police recovered in objective, good-faith reliance on a search warrant."

11.1) Comments: Granted, this is in regards to search warrant situations, which unlike here, the Supreme Court offers good faith exceptions to the exclusionary rule. Still, I share this to make a point. Even if there was a good faith exclusionary rule allowed here, it's clear there was far from any good faith being present. The government knew my vehicle was not ditched in Albany in the middle of a street, they had the tow records. The government knew I did not then run on foot to a shopping mall, and they knew I wasn't then found by agents trying to shove my phone up a candy vending machine. They had my arrest records and witness reports on where my phone was found. Worse, they never fixed these lies despite that their code of ethics and the law tells them too. Worse (again), even when I requested for them to fix it they didn't.

12) U.S. V. Basey , 816 F. 2d 980 (5th Cir. 1987): ("The arrest was a subterfuge used to justify an illegal search conducted without probable cause.")

12.1) Comments: In my case, the lies of my arrest were a subterfuge used to justify an illegal detention hearing/ giving of 36 conditions of release conducted without following the Bail Reform Act.

13) U.S. V. Hinojosa, 349 F. 3d 200 (5th Cir. 2003) made it clear when it wrote that, "the good faith exception will not protect evidence obtained by a warrant when the warrant affidavit

contained an intentional false statement or statement that was made with reckless disregard for the it's truth."

13.1) Comments: (see 11.1), also the government gave intentionally false statements that were made with reckless disregard for the truth. Even if there was a good faith exception, it definitely wouldn't apply here.

14) Lawbook: The exclusionary rule is designed to deter the police from using unconstitutional means to secure evidence. The suppression of illegally obtained evidence is deemed to achieve this goal because it removes any profit to be gained as a result of unconstitutional police action. In this way, the exclusionary rule requires the police (also prosecutors) to obey the law (BRA) just as they are duty bound to enforce the law.

14.1) This is why this court, and my court should ignore and suppress the lies shared regarding my actions while on pre-trial release/ under 36 conditions of release. This supposed information (my supposed actions on pre-trial release) was obtained illegally through the breaking of the BRA. To even take these lies/ twisted stories into consideration would be further rewarding the government for their illegal actions.

15) U.S. V. Capozzi, 347 F. 3d 327 (1st Cir. 2003)(affiant "did not intentionally or recklessly mislead the magistrate by filing a false affidavit, and that he presented sufficient information for an objective officer to believe that there was probable cause to search.")

15.1) (see 11.1), Also: How could anyone claim the prosecutor in my case didn't intentionally or recklessly mislead my magistrate judge regarding my arrest? The bus was in my legal address in a totally separate city from Albany (Schenectady), it was not left in the middle of a busy street (parked in long private paved driveway). I did not run on foot to a mall (was picked up to attend media interview at hotel), and my phone was not being shoved up a candy vending machine (on hotel receptionists desk) as "agents" (one unarmed officer who was not in uniform) found me. I let the officer know he had his hands around the wrong persons neck... The prosecutors never corrected the record! Their continuous lies and misconduct since prove they lack not only good faith, but also a respect for the laws and their code of ethics!

16) Conclusion 1 (From lawbook): The criminal practitioner, in seeking to suppress evidence under the exclusionary rule, must first convince the hearing court that: (1) the party seeking to exclude evidence has standing to raise the claim (I do, the other party meets the definition of working for the government); (2) that the 4th Amendment applies to the circumstances under review (as proven in above case law/ evidence); (3) that a 4th amendment violation has occurred (as shown in above case law/ evidence); (4) and that the evidence sought to be suppressed was obtained either as a direct result of the impermissible conduct or has been tainted by the illegality that led to its discovery (see 16.1).

16.1) Comments: The "evidence" (revocation lies) that should be suppressed was obtained as a direct result of the government knowingly lying about my arrest in order to bypass/ break the law/ the Bail Reform Act. Without these lies and illegal actions/ misconduct, the government could not claim I broke any conditions of release because I would have none.

17) Conclusion 2: In Illinois V. Krull, 480 U.S. 340, 352-353, 107 S. Ct. 1160, 94 L. Ed. 2d 364 (1987), the Supreme Court has emphasized that when there is a violation of the 4th Amendment, the evidence should be excluded when that benefit is weighed against the costs to society.

17.1) If you consider the lies shared from the revocation hearings, if you continue to keep me in jail, the cost to society/ the message that will be sent to the government is that the government can ignore the laws enacted by Congress (like the BRA) and obtain "evidence" that they couldn't have otherwise obtained, absent their breaking the law. If the government wanted or needed to build a stronger case all they would have to do is what they did here. The government could do this and then increase the chance that I/ others take a plea deal in order to be released.

17.2) This is what they have done/ attempted to do with me. The government HAS offered me three plea deals that as they shared both in person and with my lawyers/ stand-by counsels, would equate to time served at sentencing. The government mentioned no enhancements, and one of these was even a plea deal for misdemeanor trespassing (offered around March 2022). As the lawbooks share, even defendants who didn't commit a crime would be very likely to sign a time served plea deal if that meant they could leave jail. Yet I didn't take any of these deals because as I've said since I left the building, police seemed to be welcoming us inside. Now, the government claims I shouldn't be released/ am a non-violent danger to the community. However, besides not being true, even if it was, this isn't grounds to hold me in jail for the rest of my life. Especially when they are basing this off of their own lies which were obtained by falsely claiming I was a flight risk/ lying about my arrest.

17.3) Even if all of this wasn't the case (which it is), its been almost 23 months in jail, it would be past due for me to receive a "second chance" (I never should've been placed in jail). My judge granted this to another January 6th defendant with the same exact charges that I have. Supposedly, she broke her conditions of release (around September of 2021 (3 months after I was revoked), and about 11 months later (10 days before my 11/2022 bond hearing) she was given a second chance. Unlike me, she is not representing herself. Her name is Colleen Bower (spelling?).

You should not consider the lies the government touts from my revocation hearing. I've proven it was fruit of the poisonous tree. To continue to keep me in jail would be further rewarding the government for their illegal actions and sending the wrong sign to them. It also would further hurt me in my preparations, I cannot prepare in the way I need to in here... I've tried, and it can't be done with a case like this, with prosecutors who refuse to help (and actively work to inhibit my defense), with jails that refuse to let me keep/ bring my preparations/ motions, or with a judge that refuses to offer logical relief.

However, should you prefer to ignore what the Supreme Court and many other Circuits (including your own) have said should happen in situations like this, you can either order what I've asked for in Part A Section 1, or continue on to read the truth of these revocation allegations in the next Part/ "Part E", and my available proof for these claims in "Part F".

\*\*\*Part E: A Full Breakdown On My Pre-Trial Release Behavior/ Actions:\*\*\*

\*\*\*Section 1: ALL Court Ordered Conditions Of Release That The Government Acknowledges I Followed 24/7 For 147 Days:\*\*\*

- 1) Don't leave Northern NY
- 2) Have/ live with 3rd Party Custodian
- 3) Agree to be under pre-trial supervision
- 4) Don't have any weapons
- 5) Don't have any drugs
- 6) Keep an ankle monitor on
- 7) Keep the ankle monitor charged at all times
- 8) Don't go to DC
- 9) Don't go into Capitol
- 10) Don't protest inside Capitol
- 11) Don't leave house (that wasn't mine) at all/ 24/7 house arrest (Followed January-February, then when placed back on it from Late April until revocation in mid June)
- 12) 9pm curfew (When not on house arrest)
- 13) Don't drink alcohol in excess
- 14) Don't do drugs
- 15) Submit to drug tests at random
- 16) Allow PO to conduct random searches
- 17) Stop/ no Jogging in the woods during virtual court
- 18) Show up to all court hearings
- 18.1) I even showed up to two separate in person revocation hearings where I was confident despite the government lying that I would be revoked/ placed in jail. Just as I did in preparing to be arrested, I left my vehicles at home so they wouldn't be impounded/ have to be brought back, I expected jail and still showed up (very far round trip...)
- 19) Stop eating/ don't eat in virtual court
- 20) (I don't believe this was expressly ordered, but I remember hearing something that lead me to understand I shouldn't be wearing sweatpants during virtual court... So I went out and bought a new nice suit)
- 21) Don't obtain a passport/ don't try to obtain a passport

As my counsel shared with the court: in document 28: "He lacks decorum and an understanding of social norms in professional settings (Autism/ Asperger's), issues mental health issues are sure to improve." I agree, except this is typically only true of new environments I'm unfamiliar with. Once I can study it and mirror/ learn the norms I can typically not only fit right in, but excel. Part of the issue with having Autism/ Asperger's...

\*\*\*Section 2: All Probation Office Ordered Conditions Of Release That The Government Acknowledges I Followed:\*\*\*

Intro: As I appealed to increasing measures despite following court ordered conditions, my PO was ordering more and more conditions to be followed. When I appealed to my PO's supervisor and mentioned the requests of my PO were not court ordered, she said I still had to listen to

them ("I told him he needs to follow officer Rennie's instructions..." -Document 46, also supported in exhibit 4 which was shared with the district court 7/14/21). So, there were additional conditions I had to follow).

- 1) Don't operate Chimney company without permission (See Section 3, # 2.1)
- 2) Apply to other jobs besides chimney company (see Section 3, # 2.1)
- 3) Send (to PO via email) in 5 applications a week (Please subpoena emails to see request)
- 4) Send (to PO via email) in 10 applications a week (Please subpoena emails to see request)
- 5) Bring 10 applications a week in person (Please subpoena emails to see request)
- 6) Wear a mask inside the building
  - 6.1) I wasn't a huge fan of the mask wearing cult, I preferred to follow the science for the benefit of my health and others around me by embracing and advocating for a strong immune system and lifestyle. As John Hopkins Medical Schools study showed on 1/31/22 I was more than right. Their study showed how mask mandates and lockdowns were 99.98% ineffective (or 99.8%). This doesn't even account for the death, sickness, or economic, social, and phycological, destruction such policies caused. It also doesn't account for the more recent studies that show that mask mandates and lockdowns actually caused more damage than they did help peoples health.
- 7) Don't swear or leave long rambling voice mails
  - 7.1) Comments: Due to her harassment (as shown above) and being punished a second time for a crime (house arrest for petty larceny, Part F Section 2,) I would occasionally swear about requests (ex. "This s\*\*\* is stupid"), not at anyone. Please do listen to the "scary" voice mails of me sharing nutritional facts with the PO until she finally stopped refusing to let me in the building (because I forgot to bring a mask (Office had a whole box/ I asked to go get one, she said no) for my drug test I voluntarily signed up for this condition.
- 8) Keep phone on me/ always respond ASAP to PO.

\*\*\*Section 3: Court Ordered Conditions The Government Alleges I Disregarded, But In Fact Did Follow:\*\*\*

- 1) If late call the after hours line
  - 1.1) Comments: Out of 147 days there were two times I was late enough to where I needed to get in contact with the after hours line. Both times I did so. Both times I had my ankle monitor on and charged. Take note, the probation office did not use these as a reason to request revocation, they only twisted them later on after they were angry with my voice mails left for them weeks later. I should also mention that at first my judge was going to give me a 12 pm curfew, the government freaked out and tried to make it 6 pm. Then the judge offered 10pm and the government freaked out again and asked for it to made 9pm as if something terrible would happen between the hours of 9 and 10 pm (really, they just wanted to increase the chance that I would slip and be revoked). The judge asked me what time I thought was necessary and I shared that I normally was done with things at 9pm so it should work... Had I objected and pushed for the extra hour, the government again wouldn't be able to complain about this issue. I essentially volunteered for the 9 pm curfew. (Please check/ see the 2/3/21 transcript for proof (I don't have despite requests).

1.2) The first time I was late was at the gym which was a 5 minute drive from my residence. I locked my keys in my vehicle and personally called the afterhours line to let them know of this. I kept them updated until I got home (which happened within 20-30 minutes past curfew). My probation officer was more than free (and even threatened) to look into this situation. I believe she did, but I'm not certain. Regardless, I did not commit any crimes and the world didn't end during this time, though the government tried to act as if it did. Accidents do happen. I went to this gym every day and this was the only time such an incident happened.

1.3) The second and only other time out of 147 days was when I was at a restaurant 30 minutes away from my house. As my friend and I went to go leave, his Toyota Prius battery was dead (EV's/ Hybrids aren't the most reliable in the winter). I DID attempt to contact the emergency after hours line, but I Googled the wrong number, apparently it was either the Syracuse or Buffable area after hours line (check subpoena/ phone call records please). Regardless, I left them a voice mail showing my good faith. Regardless of both of these situations, the local after hours line called me, and I kept him updated on the situation until we had the battery situation fixed. I arrived to my residence within an hour and a half. No crimes were committed and the world did not end. My probation officer looked into this situation and my story was corroborated by witnesses.

Have doubts? Subpoena my phone call records PLEASE (518-903-3889). Look up the days (I don't have them) that the government shares I was late, you'll find they again are lying and that I did indeed call/ continuously speak to the after hours line.

2) Seek/ maintain employment (Proof for claims found in Part F Section 7)

2.1) Comments: I owned a chimney company and partially owned a tree company. The kind of work I do in both of these positions is not in a fixed location, it's ever changing (over 90% of which is located in the Northern District of NY where I was allowed to be). My PO shared with me that she never had someone work at different addresses every day and shared it was too much work to keep track of. She wanted me to quit working in both of my businesses and go work at a job that would "remain at the same location day after day". I obviously was upset by this and even asked my ineffective counsel to bring this up to my judge, but again, she refused to. I also was not authorized to do any sort of work unless it was paid, fun fact about being a business owner, not all the work you do is paid (going to warehouse, working on vehicles, marketing, business meetings, giving estimates, etc.). My PO wanted me to drop what I worked on building up for years and just go get some minimum wage job.

I wanted to work, but for months she didn't let me. In May she finally let me go do a couple of chimney jobs. In June, after a lengthy appeal with her, she allowed me to go out and market which resulted in my first full Monday- Friday work week being scheduled and approved of since January 16th 2021. Unfortunately, she didn't let me work my Monday job, or my Tuesday job, instead I was required to cancel the already approved jobs, piss off customers, and then get revoked on some more lies. (see Part F Section 7, # 1-1.1, 2-2.2, and 4-4.3).

3) Being late 2 days out of 147 (excused/ not my fault)

3.1) (see Part E Section 3, # 1.1-1.3)



4) Don't commit any new crimes while on pre-trial release (Proof I followed this: Part F Section 2)

4.1) Comments: The prosecutors allege I broke this by committing petty larceny after my 1/16/21 arrest, however, as I presented to this court and the government in my Memorandum Of Law and Fact, I shared with you both a link to a local newspaper article that proved the customer made this NON-REFUNDABLE deposit for a custom foam-cut piece to resurface the inside of their chimney so it would pass code. The customer signed a contract for the price of 3,000ish dollars and for a non-refundable material costs deposit of 600 or 700 dollars. In this article I shared with you the customer even shared this agreement was made in mid-December 2020, prior to me even hearing of a protest at the Ellipse/DC, my arrest, or any court ordered conditions of release.

4.2) However, besides these easy to see facts I presented you, this entire situation was the governments fault. I've been a business owner since 2018, I've only received 5 star reviews and never was charged with any business related crimes. When the FBI towed my bus and impounded my vehicle, they also took all my electronics and never gave them back. On these electronics were my contracts, customer contacts, taxes, and other random business related information and forms. I did not have a cloud back up of these things... I asked my ineffective counsel to get them back, and she said that the government would only give it back if I signed a plea deal (again showing her only concern since meeting me was to get a plea deal at all costs, not even to hear my actual story). I knew this would be an issue and it eventually became one both here, and when the IRS shared I didn't file my taxes and that I would be in trouble if I didn't by July of 2021... They still haven't been filed, I still don't have my records...

4.3) I couldn't reach this customer, nor file my taxes thanks to the government. Also, as the article shares, the customer could not contact me because when they reached out to me I was in jail and they stopped trying after that waiting to hear from me. When I was contacted by an officer on my new phone months later, he asked me if I was willing to do the work or give the money back. I shared I was wiling and hoping to do the work, especially since the weather was getting warmer/ the product would cure properly. However, I shared with him I didn't have the customers number or address anymore and requested it from him. The officer told me he wasn't able to give me the customers number or address even though I had it before. He said he would have to ask the customer and get back to me.

4.4) The second time the officer contacted me he informed me the customer now didn't want the work and wanted their money back. I shared with the officer that we had a contract that the deposit was for a non-refundable deposit. He asked if he could have a copy of this and again I shared with him that all my records were with the FBI and the government/ not in my possession. So, he requested that I eventually come down for a statement. I shared I would.

4.5) On the third call the officer informed me that the customer wanted to press charges and that he needed a statement from me ASAP, otherwise he would just have to go off of the customers complaint. I came down within hours. Upon arrival, there was no "statement", only a random arrest under the charge of petty larceny. It was late at night, so I waited until morning to call my probation officer to notify her about this. I notified her within 12 of the 72 allotted hours of an arrest. For proof please see Part F Section 2, # 1.1.

4.6) This was the basis for my first revocation hearing. My ineffective counsel didn't share a lot of this information above or the newspaper article that I've shared with you (despite that I

requested her to). As a result, I was placed under 24/7 house arrest. Following this, I felt very depressed because I again was being punished for a crime I didn't do before I even had my day in court. This is why I missed the next 4 days of call-ins (but didn't miss any drug tests which was what it was for). For proof that I never missed or failed drug tests please see Part F Section 1, # 2.1.

\*\*\*Section 4: Probation Office Ordered Conditions That The Government Disputes That I Followed But Did:\*\*\*

1) Show up to office.

1.1) There was only one time I was asked to come into the office and couldn't.

1.2) As punishment for me not telling my PO what I was doing at a friends house (my lawyer said I don't need to answer such questions, that such things were overreach, not to mention, I wasn't breaking any court rules and was at the time not on house arrest) I was required to come in to bring my job applications in rather than emailing them (because Kendra wouldn't allow me to work my company (see Part F, Section 7).

1.3) I was unable to make it. My vehicle was under construction (tiny house being built by framer), I was banned on Uber and Lyft because of cancel culture/ being charged over 1/6/21, and my friend who was going to come get me was on call for work and was called in within an hour or so of pick up. I had no way to get there.

1.4) I let my PO know this, and she changed my drop off time from that Friday, to Monday morning. I arrived with the list on Monday. This means that this was an excused reschedule. Please take note how the government didn't share this. Their case is so weak that they must lie and hide the truth in an attempt to persuade you. Please also take notice I showed up after this reschedule, just as I planned to for my mental evaluation I had to reschedule.

\*\*\*Section 5: Orders That I Partially Followed, And Why I At Times Didn't Follow Them:\*\*\*

1) Share ALL contact with police officers:

1.1) Was mostly PO and lawyers' fault (For explanation and proof for claims please see Part F Section 2)

2) Call into drug test line daily to find out if I had a drug test that day.

2.1) Was mostly PO's fault (For explanation and proof please see Part F Section 1)

2.2) Please subpoena my PO's emails and business phone texts (or read my PO share it herself in Part F Section 1, # 3- 3.4). There you'll find early on she shared that if I missed a call-in on a day that I had a drug test she would tell me. This made me think that it wasn't super important to call in, since my PO would warn me if I had a drug test, the entire purpose of the call-in.

2.3) When I was told to fix it following my first revocation hearing, I was depressed due to being confined back on house arrest for a crime I didn't commit, so I did miss the next four days of call-ins, however, ever since then I never missed a call-in again. I had a 100% call in rate. For Proof see Part F, Section 1, # 1- 1.3 and # 4- 4.2)

2.4) The government continues to cite a 55% call in rate, but my call in-rate only increased since that cited/ outdated statistic.

My call in-rate is higher than what they cite, however, what should be noted is the trend that was going following the first 4 days after my first revocation hearing, a 100% call-in rate for over 1 month. For proof please see Part F Section 1, # 1- 1.3 and # 4- 4.2)

%

\*\*\* Section 6: The Order I Was Excited To Follow But Wasn't Given The Chance To:\*\*\*

1) Attend a mental evaluation

1.1) For proof of claims please see Part F, Section 6.

1.2) Further, have the court subpoena the emails and texts, I was asking my PO for therapy/ any sort of mental evaluations to help deal with the government's, court's, and media abuse/ lies. I asked this as early as January or February of 2021.

1.3) Clearly, they didn't want to share that I rescheduled, that would hurt their narrative they were trying to push. However, the proof is clear. Why would I always show up for and pass my random drug tests that my email in February (see Part F, Section, 1, # 3.1-3.4) clearly showed I didn't want to attend, but then not show up to the one thing I voluntarily signed up for prior to the court ordering me to do so? Something I'd been asking for months to attend... Something I voluntarily signed up for while in jail...

1.4) Then to help their narrative, they showed an email from me where I was promoting natural immunity and sharing my distaste for the now proven useless/ harmful face masks. Unfortunately, despite my warnings to my ineffective counsel, she went full throttle with the defense that I was just trying to keep people safe... I heard this false argument at my NY District court hearing prior to coming to DC and told her I was very upset that the lawyer there claimed that false position, I asked her to only share the truth, not that fake story/ excuse.

1.5) They also twisted that I asked to show up to work to help further this narrative. However, if you were to subpoena the records, emails, or texts, you'd find days prior I had my full work week schedule approved. To further support that I was too tired to come in/ didn't get enough sleep, this court could then take notice that I actually pushed my arrival window back for work that day, which was supported by that customers notarized statement I provided my district court sometime around September of 2021. I originally was going to arrive to the customers house right after the evaluation, but ended up pushing the arrival window back for him as well to ensure I got more rest and that it was safe for me to drive an 8,000 pound vehicle on the busiest highway in the Capitol Region of New York.

\*\*\*Section 7: Other (Correcting PO Phone Call Narrative):\*\*\*

1) On 6/10 I called my PO to give her updates and also to again request to be allowed to operate my chimney company because customers kept calling me asking me to work (she wouldn't let me work/ operate company, she only wanted me to go get some entry level job because she didn't like that my job was located at a different address every day). (Proof in Document 46)

2) On 6/12/21 while at home, I emailed a message to my PO, it consisted of a picture of my phone screen. The screen said something along the lines of "Sim card not compatible with phone". There was no escaping this screen, no apps would open, nothing was working except the screen showing that message. I emailed this to my PO to inform her that I may not be able to call into the drug call in line come morning because of the phone issue. She said that because of this issue, I was excused. (Proof in Part F Section 5, #6-6.1)

3) That same night, I used a friend's phone to order a new phone and sim card (since I was on house arrest, I couldn't go shopping). I upgraded to 1 day shipping because I wanted the issue resolved ASAP, I needed a working phone, especially since I was finally approved to operate my company/ work for the first time since arrest (even though it was a court order, my PO almost always refused to let me until she became tired of my peaceful protesting on my job applications) and the phone arrived on 6/15/21. 6/14/21 was a Monday and they needed 1 business day to get the order ready. So it arrived mid-day on 6/15/21 while I was at the probation office waiting for a potential revocation order. Unfortunately, I was wrongfully revoked. (Proof of phone purchase and rushed shipping on court record)

4) Between 6/13 and 6/14/21 I was trouble shooting and resetting my phone trying to resolve the issue. (Supportive evidence linked to the fact that my phone was now accepting calls and messages)

5) After many resets and trouble shooting sessions, I was able to get most of the apps working again. However, the phone was not storing memory (except photo, video, and audio files). I had no contacts stored, no recent texts, no recent calls, nothing. Even if I called someone, it would not store/ remain stored. I clearly was still having phone issues. (Supportive evidence in Part F Section 5, # 2, 3, 6, 11, 12)

6) On 6/14/21 I had only received about 1 hour of sleep. This was my first approved full week of work since my arrest 1/16/21 and as a result of that and being on house arrest, my sleep schedule was very off. When I finally began to fall asleep, an extremely loud thunderstorm happened, it sounded like bombs were going off outside my window. So, when my alarm went off I knew it wasn't safe for me to drive an 8,000 pound vehicle in rush hour traffic on the busiest high-way in the capitol region of NY (tired driving is worse than drunk driving), so I knew to keep myself and the community safe, I should reschedule the mental evaluation. (Proof in Part F Section 6, # 7-7.1)

7) I called in, asked if I could reschedule for later in the day, but the only slot that was open was the same time the following week, I then rescheduled for that time slot. (Proof in Part F Section 6, # 1-1.1, 2-2.1, 3-3.1, 4-4.3, 7-7.4)

8) I then contacted my customer (for my pre-approved job that day) and let him know I was running behind with things and would be arriving on the later end of the 3 hour arrival window I gave him. I did this to ensure I was well rested not just for the ride to the job, but the ride back. (Proof on court record, customer submitted a notarized statement to the court attesting to this)

9) When my new alarm woke me up I felt rested enough to drive and work. Shortly after waking up/ while getting ready for work I noticed my still malfunctioning phone had a text notification on the screen telling me to check my email. Due to no contacts being stored on the phone, the first numbers that stuck out to me were "413", which I knew to be associated with my PO. I checked my email, and to my memory, I believe it was just letting me know I was good to work all the jobs I requested days before for the week. I took the time to let Kendra know that I rescheduled my mental evaluation due to low sleep caused by the thunderstorms and trying to adjust from a no work sleep cycle to a work sleep cycle. (Proof in Part F Section 7, # 3.1)

10) I then went downstairs and began driving to my scheduled job while heading to the job, I had an incoming call, again I noticed the "413" and answered. It was Kendra following up on the email I sent her. She asked me where I was going, and I reminded her I was heading to my pre-approved job. She told me to turn around and go home since I called in sick. I politely pointed out that working was also a court order and that I didn't reschedule because I was sick, but due to being too tired to safely drive. (Proof in Part F, Section 7, # 4-4.3)

11) She then began screaming for me to go home, she was freaking out about me spreading covid/ sickness (she clearly didn't follow the science, as an unvaccinated person, I was less likely to catch covid than those who were vaccinated). I pointed out to her again that this had nothing to do with being sick, reminded her that working is also a court order, and then told her she should relax because I wasn't sick and there was no proving I was sick, I merely just needed more sleep (which I received). (Proof in Part F, Section 5, # 9, Section 6, # 7.2-7.4, Section 7, # 2-2.2, 4-4.3)

12) Following this, her screaming became so loud I pulled my phone away from my ear and couldn't help but laugh out loud at how awkward and sad this situation was. I at this point was concerned something was wrong with her, so I asked "Are your hormones doing alright?" I may have even suggested some foods to eat and some exercise to help calm her down (I studied nutrition and use to work in the fitness industry). She stopped yelling for a moment "Excuse me?". "I asked if your hormones are doing alright, my mother is right about the same age as you and you are around the age of metapause, I just don't know why you're so angry and screaming." Kendra responded with something like "Brandon, I'll remind you that you signed a contract to not be rude/ to watch your language." I responded with something like, "Oh, I know, I'm not trying to be rude, it's just I'm the one who should be mad, and yet you're the one screaming and angry, I'm just genuinely concerned for your health." (Supportive evidence in Part F Section 6, # 7.5)

13) Shortly after this she threatened that if I did not turn around and go home that she would write me up. I told her I was turning around, but that if the court asked why I hadn't been working, that I would point out that it was because of her. Knowing that I was going home she demanded I not go anywhere at all since I was "sick" (again ignoring the fact that I wasn't sick, she was blinded by her fear of covid). I believe she also told me that I'd be hearing from her supervisor before she hung up. (Proof in document 46)

14) When I arrived back home, pissed off another customer thanks to her, I sent her two emails. In the emails I told her of police contact I had the day I went to go have a status hearing over the petty larceny charge (again, following both appearance orders for that court and order from the DC district court to report any contact with police), and talked about paying my GPS monitoring bill. (Proof in Part F Section 5, # 3.1)

15) Later at 2:24 pm I received a call from my PO's supervisor, she was ordering me to be in her office in 1 hour and 20 minutes. With schools getting out in 10 minutes, there was no way I was going to make it in time. I also knew Kendra told me to stay home. (Proof in Part F Section 5, # 4.1)

16) The phone call lasted about 3-4 minutes (Proof in Part F Section 5, # 4.1)

17) I wanted to appeal to my PO, but I didn't have her number stored nor did she show up on recent calls or texts. SO, I Googled her knowing she's my mothers age (mid-50's), works in Albany (and probably lives within 30 minutes of Albany (since most Americans live within 30 minutes of their job), her last name was "Rennie", and her numbers have "413" in them in that exact order. (Proof in Part F Section 5, # 4-4.3, 7-7.1)

18) I found a match for all of these. The current address listed was about 15 minutes away from her work (Glenmont), the other address was about 25 minutes away, and the third address was a Massachusetts address, which the boarder is about 25-30 minutes away. (Proof in Part F, Section 5, # 7-7.6)

19) I immediately called it (less than 3 minutes after I got off the phone with my PO's supervisor). I was expecting my PO to answer, but when the phone answered and I heard an unfamiliar voice say "hello" I was a bit confused, it didn't sound like Kendra. So for verification I asked "Is this Kendra Rennie?". "Yes it is", the unfamiliar voice shared. Now, even more confused, I wondered, if maybe there were multiple Kendra Reenie's' just like their are multiple Brandon Fellows, so to help answer this I asked "Kendra Rennie of Albany NY?". The unfamiliar voice surprised me even more by saying "Yes... Can I take a message?". (Proof in Part F Section 5, # 5-5.2)

20) For both of us, this phone call was weird and didn't feel right. (Proof in Part F Section 5, # 5-5.2)

21) So, I said "No, that's okay, I'll try her on her other numbers, thank you." I hung up and thought, maybe that was Kendra's lesbian partner? I didn't know what the story was. I shrugged it off, and went back on Google for a few minutes looking for another name, number ("413"), and location match, but I couldn't find one. So, I gave up and quickly got ready to head to the office. (Proof in Part F Section 5, # 5-5.2)

22) Hours later, I was informed by my lawyer there was a third revocation request submitted. I asked why and was told that my PO said I contacted her mother. The call I made hours earlier made sense. I quickly went back on google, took a photo and sent the photo to Kendra letting her know why I called that number. The photo clearly showed that any reasonable person would've thought that would reach her. (Proof in Part F Section 5, # 1-1.3, 7-7.6)

23) Sometime later, I received a message or call from my PO's supervisor instructing me to not contact Kendra anymore, and that I was going to be getting a new PO. (Proof found on pg. 39, Document 46)

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\*\*\*Section 8: Orders I Never Followed:\*\*\*

This wasn't left empty by accident...

\*\*\*Section 9: Conclusion:\*\*\*

So:

- 1) The government concedes I followed 29 orders 100% of the time;
- 1.2) I've proven I followed 5 of the 7 other contested orders (and do so even more thoroughly in Part F);
- 1.3) and of the 2 that I didn't at first follow, I proved not only that it was a mistake caused by both me and my PO, but mistakes that I corrected and followed (See lawyer agree in Part F, Section 1, # 1.1 AND Part F, Section 2, # 1,1). Even my PO presented and verbally affirmed so to both of these orders being followed in my 3rd revocation hearing ( See Part F, Section 1, #4-4.1 AND Part F Section 2, #2.1).
- 1.4) By May 10th, I was following all 36 conditions of release, and was definitely on the trend to continue it despite ever increasing measures.

So:

- 2) When the government and my court assert that they found I wouldn't follow the courts conditions, the government is lying, and the court is VERY misinformed...
- 3) Further, when you punish a person for an actual crime (unlike punishing me for made up crimes before my day in court) you often give them a second chance to prove themselves. The entire point of jail is to "teach someone a lesson" or to help ensure they won't do that crime again is it not? Well, I not only didn't commit a crime pre-trial, but I had lies shared about me in order to/ in attempts to place me in jail.
- 4) In the words of my ineffective counsel (when she was actually speaking the truth): "I would submit to your honor that there is proof that he is actually complying with his conditions and that there's no basis to find that he's not going to in the future." -pg. 72, document 46 (7/14/21)

- 4.1) That is one of the few things she said that aged like wine.
- 4.2) Should the court want further proof that I was and will actually comply with my conditions (though I shouldn't have any nor should I have ever had any conditions of release) please continue on and read Part F.

There was no need to tell about this, but I did. Just as there was no need to tell that I was thinking of doing the same for my judge (before I knew it was illegal), but I shared it, because I value telling the truth, even if it's to my detriment. I value the truth, which is why I denied misdemeanor plea deals, and past 4 plea deal offers that at sentencing would've resulted in me being out of jail many months ago, if not over a year ago... I will only share the truth, even if it means I must stay in jail.

\*\*\*Section 5: PO's Mom Was Not Intimidated, It Was A Mistake Caused By Recent Phone Issues And An Outdated Google Contact.\*\*\*

- 1) Even Kendra's supervisor shared that this wasn't a Google search of Kendra's mother, but of Kendra Rennie, my PO.
  - 1.1) Kiebart: "I received a phone call from Ms. Rennie indicating that Mr. Fellows had reached out to her and sent her a screenshot of his Google search of her". pg. 39, document 46
  - 1.2) I Google searched for Kendra Rennie's personal number that I normally had stored as a contact.
  - 1.3) After my lawyer updated me that I had a revocation request, I inquired why. When I was told it was because my PO was alleging I contacted her mother, the strange phone call from hours ago made sense to me. I immediately looked her number up again and took a picture of it. Then to quell Kendra's thoughts/ fears, I sent the photo to her explaining that I thought it was her because Google said it was her, not her mother (who to this day I don't know the name of).
- 2) I was making an effort to email instead of text because my phone/ sim card was not storing/ letting me access stored memory and I wanted to ensure I would be able to keep the records of it.
  - 2.1) "And then Mr. Fellows emailed me on June 14 at 1:30 am indicating that he almost forgot about his appointment, but that he knew it was that day." -pg. 56, document 46
  - 2.2) What I was saying was I knew the date it was on, but didn't realize it was that date until I looked at my phone prior to trying to get some sleep/ doing a final email check. This email was a confirmation email. Since I had no responsibilities (house arrest) the days were sort of just blurring together.
  - 2.3) They then reference that I called her voice mail 4 days earlier on June 10th, to help with the narrative that I had her number stored, which is true. However, they failed to bring up my email 2 days after that sharing I was having phone/ sim card issues (see # 6- 6.1 below) which were varying problems depending on the day/ hour, one of which at times included a picture taken of my phones screen showing "This sim card isn't compatible with phone" which was stopping all the apps from working at the time. This photo was sent less than 48 hours from the "Kendra's mother incident"... I was still using the same phone...



3) I was making an effort to email instead of texting or calling because my phone/ sim card wasn't storing/ letting me access stored memory. I wanted to ensure I'd be able to keep records of it.

3.1) From the words of my PO in court: "... I told him I would call him back. And then a few minutes later he emailed me, and that was at 12:58 and then mailed me again at 1:09." - pg.63, document 46

3.2) I emailed because I wanted to keep record of what was sent, I only was able to see notifications of texts, my phone wasn't storing them or my contacts.

4) There wasn't enough time to plan for this supposed intimidation... I also was rushing trying to appeal to Kendra and figure out a way to reach her ASAP.

4.1) This is proved by Kiebart's own admission: "...around 2:24 pm, I did call Mr. Fellows... to [come into the office within an hour and 20 minutes]. It was a very short conversation (3-4minutes)." - pg 63, document 46

4.2) I called who I thought was Kendra, but was actually Kendra's mother at 2:30. pg. 63, document 46

4.3) This leaves me with about 3 minutes to figure "I was told not to go anywhere by Kendra", "I don't want to drive down there since I'm low on money", and eventually "I need to appeal to Kendra". However, due to my phone not storing recent calls, texts, or contacts, I had to Google "Kendra Rennie" with the knowledge that I had of her (413 in number, name, age, address probably near Albany) in hopes of finding her personal number. (see section 5 # 7-7.7)

5) The phone call left me confused, I was expecting Kendra Rennie, I wasn't expecting an unfamiliar voice. Even more confusing, I wasn't expecting this unfamiliar voice to then claim it was Kendra Rennie...

5.1) This is supported by the mostly true hearsay from Ms. Rennie (for the accurate version, please see Part E Section 7, # 19-21)

5.2) Hearsay version (the exact way the conversation went is important) is located here "Is this Kendra Rennie"... (pg. 64 document 46), for a representation of the conversation that is more closely aligned to what happened please see Part E Section 7, # 19-21)

6) Kendra knew I had phone issues, but she tried to hide that narrative breaking fact showing her mendacious tactics and goals.

6.1)It was only brought to light by my lawyer through cross-examination: "On June 12th, did he EMAIL you and tell you that his SIM card was not working?", to which Kendra replied: "Yes". - Document 46

7) Even the court noticed the problem with this narrative. It was only thanks to the court bringing this up that this fact was shown on the record, again showing the clear mendacious tactics/ goals of the government. I was trying to reach Kendra Rennie.

7.1) Court; "I have a question. Ms. Rennie, I think I saw somewhere that your mothers phone number is listed under your name in Google is that correct?" Kendra: "Yes." - pg. 66 document 46

7.2) She tries to continue her previous narrative despite this information now for the first time coming to light (which was not even shown in cross-examination, only by the judge bringing this up...) by sharing "my name comes up connected to her address, perhaps because I've lived there before, that's what I believe it is." (Still no mention that this also lists her name, age, and 2 other addresses within 20 minutes of Albany NY)

7.3) She continues the narrative: "But, your honor, if I may, it also showed that my address is in Glenmont, New York which there's no reason for him to call an area code of 413 when he knows that my phone number is a "518." -pg.68 document

7.4) Okay, so she first says that this link is associated with Massachusetts (7.2) and I should've known that this wasn't her despite it giving her name and age, but then she says that the link says her address is in Glenmont NY (6.3) and that I should've known that this wasn't her number despite the name and age match because the number associated is a 413 area code.

7.5) Additionally, I don't mentally store whole phone numbers, that's what storing contacts is for. All I remembered was that Kendra's number had a 413 somewhere in it in that exact order. Kendra again failed to share another giant narrative breaker, HER NUMBER ALSO CONTAINS "413" IN THAT ORDER, the only difference is that her number was "518-413-\*\*\*\*", and this Google number was "413-\*\*\*-\*\*\*\*"... When I was free, I spoke to plenty of people who had 518 area codes (it's the most used area code where I live), so I took notice of the following 3 numbers, that is what I had in mind when Googling Kendra. I knew her age range, which matched. I knew she worked in Albany and attached were 2 out of 3 address I knew to be within 30 minutes of Albany (most people live within half an hour from their work). I did notice an old/potential address in Massachusetts, which is also not far away from Albany (also 30 minutes), but even if it was, people do move... I saw a name match, and I saw the "413" match. The only difference being (I didn't know at the time) that this listed number ("Kendra Rennie" (Kendra's mother)) began with "413-\*\*\*-\*\*\*\*", opposed to the real Kendra Rennie, whose number is "518-413-\*\*\*\*". As a NY resident, my eyes and memory held onto what made her different, the 413.

7.6) The court then responds: "I guess I'm just thinking, you know, a lot of folks have different area codes (especially when you live near the boarder of 2 states) than-- with cell phones, the way they are these days, I'm wondering if someone could mistakenly think that's your home line or other line by googling you." Kendra: "I'm sure that's possible"

7.7) If it's possible then why are they trying to assert that I definitely and purposely called to intimidate her mother?

8) There is no way I or anyone would've or could've known that this number would reach Kendra Rennie's mother (whatever her name is).

8.1) (See section 5, #1- 1.1 and section 5 # 7- 7.1)

8.2) If I was looking to call Joe Biden's personal number, would I Google search for "Hunter Biden" and then expect Joe Biden to pick up off of the site that said the number was for Hunter? If it gave Hunters age, and his address close to where I knew he worked? No... Not the best analogy, but still, why would I expect a number listed in all ways to be associated with Kendra Rennie to get in touch with her mother? It's Ludacris!

9) I was trying to reach Kendra ASAP to appeal the order to come into the office, "Dr. Kendra" deemed me too sick to go anywhere and demanded I stay home (even though I was tired earlier (but now more rested), not sick, something I expressed to her when I told her I'm not sick, you can't prove I'm sick"), I was trying to run this by her...

9.1) The government ignores this urgency as they try to suggest that I could've called the office number which is also on Google. However, I was trying to reach a phone she answers as this was a time sensitive appeal. Kendra rarely answers the business line. We often spoke on her personal phone for this reason whether it be phone calls, texts, or even emails.

10) Google gave me the wrong number, this isn't the first time this has happened.

10.1) Please see Part E, Section 3, # 1.3 for a separate and very similar time this happened.

11) I was having documented phone issues that were effecting the phone in varying ways.

11.1) This 80 year old prosecutor tries to (and fails) to describe what cell phone problems I could be facing... She didn't cite how I shared my numbers/ recent calls/ contacts/ texts were not showing up as stored. Sim cards often store such information, and with well documented and varying sim card issues, the office had proof for this.

12) I bought a new phone and sim card despite being indigent.

12.1) More recently my court now has a receipt of a new sim card and phone that were ordered and shipped to me, arriving hours after I was arrested.

12.2) Please check the record as I don't have access nor the knowledge of what the attachment/ evidence is labeled.

12.3) When incorporating that I was indigent (thanks to 1/6 reactions and rules set by the courts and PO) this shows I was having major issues. Buying a new phone was only done because I was having such intense and varying issues.

\*\*\*Section 6 I Planned To Attend My Mental Evaluation, I Rescheduled It Due To Being Too Tired To Safely Drive.\*\*\*

1) I intended to go to the evaluation, I didn't cancel it, I rescheduled it. The government knew this but tried to hide it/ not answer if I rescheduled it showing their mendacious goals and tactics. It was only brought out thanks to cross-examination.

1.1) Cara: "And did he reschedule it?" Robinson (giving hearsay): "At the time I wasn't sure if the appointment was rescheduled or not." Cara: "Are you aware now?" Robinson: "If you're telling me that it's rescheduled." Cara: "So you have not been made aware one way or the other whether or not he's rescheduled that appointment?" Robinson: "I do believe that there was some reschedule. But when the call was made, that was not the--that part of the conversation. It was just the appointment was canceled, he asked...(rambles on trying to change the subject)." Cara: "All right, so just to back up a little bit, Ms. Rennie never told you that he rescheduled his appointment prior to you filing the petition for revocation?" Robinson: "I did not ask that question, but that was not--to my remembrance, that was not part of the conversation." Cara: "Okay (her giving up on getting a straight forward answer after Robinson avoided it 4 times). -pg 14, document 46

2) I intended to go to the evaluation, I didn't cancel it. My PO knew this but only brought this important narrative breaking fact up thanks to cross-examination, showing her mendacious goals and tactics.

2.1) Cara: "Did he reschedule his appointments for--his mental health evaluation appointment for the following week, June 21st?" PO: "Yes." Cara: "Did he reschedule before you admonished him for canceling it?" PO: "Yes." -document 46

3) I didn't cancel, I rescheduled. The government tried to hide this showing you their mendacious goals/ tactics.

3.1) Cara: "The fact that the rescheduling was never proffered to the court except in this hearing is a little bit concerning." -pg. 71, document 46

4) I intended to go to the evaluation, I tried to reschedule it for later the same day.

4.1) This would be further supported if the court were to look into my rescheduling or my pre-approved job for that day. Unfortunately, the only time slot available was the same time next week.

4.2) I had been requesting to operate my chimney company for months, and I finally was approved for my first full week. Yet despite this excitement I also pushed back/ rescheduled my arrival window so I could get more sleep.

4.3) I was asking to attend a mental evaluation for months, but also to be allowed to operate a company, I pushed back both. One I rescheduled since it could only be pushed back a week (though I sought to reschedule it sooner (eval)). The other I was able to push back a few hours and did so (work). This shows my intentions to follow court orders and further substantiates this was a low sleep issue, not a "I won't listen issue."

5) I really wanted to attend a mental evaluation, I'd been asking my PO for months to let me attend. I wanted it so bad I volunteered for it to be an additional condition when she finally gave me the opportunity. This was prior to any mention of a court order requiring me to do this, further showing my strong desire to attend one.

5.1) Lawyer: "Then on May 25th, 2021, Pre-trial services emailed counsel a document entitled "consent to modify conditions of release." (ECF no.26-1 at 4). "The document proposed two additional conditions to Mr. Fellows pre-trial release: that he participate in mental health services, and a requirement that he, 'conduct [himself] in a respectful manner, free of expletives or foul language, when communicating with members of the United States District Court and United States Probation Office.'" "Pre-trial Services requested that counsel sign the document and give it back. Upon receipt of the document, undersigned noted that Mr. Fellows' signature was already affixed, showing his willingness to participate (volunteer) in the modifications." -pg. 3, document 28

5.3) Lawyer: "Again, Mr. Fellows for his part, had no disagreement with the modifications." -pg. 4, document 28

5.4) Lawyer: "Importantly, for his part, and without advise from counsel, Mr. Fellows agreed to the modifications without reservation. -pg. 5, document 28

6) Yet despite all of this (5-5.4), my PO lied when she shared she didn't think I was even planning to attend my evaluation.

6.1) Furst: "Based on his behaviors up until that date, did you have an expectation that he would actually go to the mental health evaluation?" PO: "No, I did not." -pg. 62, document 46

6.2) Why if I was following all the conditions that I clearly hated (see Part F, Sections 1-4) would I not attend the one condition I was begging for and the only condition I voluntarily signed up for? She knew this to be false, that is why she: created some "fear of spreading covid" narrative, said I was "trying to solicit work" instead of sharing I was following a pre-approved job schedule/ another court order, twisted how the actual phone call with her went, tried to hide how I rescheduled the Evaluation, tried to hide that my phone was having issues, and why she tried to hide the fact that the google contact shared that number as her own. She tried to hide and twist all this (and more) to create this narrative!

7) I rescheduled my evaluation because I was too tired to safely drive. Even my PO at first admitted this.

7.1) PO: "...He indicated that he canceled (rescheduled) because his sleep schedule was off because of the thunderstorm kept him up." -pg 60, document 46

7.2) Yet she then tried to assert that I was trying to claim I was sick? It was her who was demanding I stay home because she "feared" I was sick. I shared I was NOT sick, she asserted I was, and then I said "No, I'm not, you can't prove I'm sick because I'm not sick... Even she shares a clip of this in her own words, though she twists the conversation.

7.3) PO: "And I said, well, it sounds like you're good enough--you know, you feel well enough to go to work. He said, well, you can't prove I'm not sick." -document 46

7.4) Ask yourself this, why would I bring up being sick if this was a sleep related issue? I got more sleep and felt better. Why would I randomly argue that I was sick and yet wanted to still go to work? This wasn't the case, it was a lie my PO shared in court to help her fictional story.

7.5) The government twists this already twisted conversation in an attempt to make me sound crazy. They write in their Response on page 8: (Kendra:) "Why did you cancel you mental evaluation?" Me: "You can't prove I'm not sick!". It's both sad and hilarious to see the fiction they craft for the courts. It reminds me of their other fiction story they crafted regarding the events of my arrest, another time they tried to make me sound crazy...

8) I volunteered for one in jail.

8.1) Located somewhere on district court record

\*\*\*Section 7: I Tried To Follow Court Order To Work, It Was My PO Who Was Continually Stopping Me:\*\*\*

1) My PO finally authorized my first full week of chimney work. She admits it herself. She was emailing me about that approved schedule.

1.1) Furst: "Earlier in the morning...you had (sent) emails with (to) the defendant about his schedule, his work schedule, is that right?" PO: "Yes, I emailed him at 8:40 and 8:43." Furst: "And at 8:44, you sent him a text to read his email about the scheduling is that correct?" PO: "Yes it is." -Document 46

2) MY PO continually stopped me from following a court order/ allowing me to work/ she rescinded what she just approved of (see above/ 1.1)

2.1) Furst: "And did he then ask if he could go to work or at least go solicit work?" PO: "Yes, he did, and I denied it."... NOT TRUE, I didn't ask to go to work, I was already on my way to work. I sent the email to her before heading out letting her know I was on my way to work. She then angrily called and at first questioned me, and then randomly told me to turn around. There was no asking, why would I ask if the job was already pre-approved by her/ a court order? (Quotes from Document 46)

2.2) For additional proof, please check my GPS location at the time of her calling me, you'll find I wasn't in my apartment but driving towards my pre-approved job.

3) I not only rescheduled my job (pushed the arrival window back by about 1-2 hours), but I rescheduled my earlier mental evaluation. As someone who really valued customer service/ receiving 5-star reviews from customers, this was not like me...

3.1) "...He indicated that he canceled (rescheduled) because his sleep schedule was off because of the thunderstorms kept him up." -pg.60, document 46

3.2) This shows I really was too tired/ couldn't sleep.

4) I was already on my way to work. There was no reason to ask to solicit work as I was abiding a court order and what Kendra herself already gave me the green light for days prior.

4.1) See Part F, Section 7, # 1- 1.1

4.2) See Part F, Section 7, # 2.1

4.3) I was not going to go solicit work, I was on the way to a pre-approved job. My PO twisted this situation to better fit her narrative in an attempt to hide the fact that I was trying to abide by a court order. Sharing that I was trying to follow the court order negates her narrative she advance that it was in her opinion that I wasn't going to abide the courts orders and conditions.

\*\*\*Section 8: Other Pre-Trial Government Lies/ Sketchy Actions:\*\*\*

1) Here, the government gave this as a closing statement, which persuaded the court to revoke me. The issue with this closing statement is that it presented a false narrative that I didn't listen to or follow the courts orders.

1.1) Furst: "He argues about why he should have to bring in his business license. And no, I'm not going to do it today. And no, I'm not going to provide a UA because someone's watching me..." "he tells Ms. Kiebart, you know, Ms. Rennie doesn't need to know where I am, that's none of her business (never said this, Kendra demanded to know what I was doing, not where I was. She saw I was at my friends house, and my lawyer told me so long as I was not breaking any orders it was none of her business, so I didn't tell her what I was doing), I can do what I want to do."

1.2) However, take notice, two of these accusations were things I SAID, one accusation was a total lie. However, what was DONE? What were my ACTIONS here? I DID bring in my business license. I DID give a UA despite a weird person staring at me. Not only that, but I went to ALL UA's and passed each and every one. MY PO DID know where I was at all times because she could view my exact location on my ankle monitor that I DID wear at all times and DID keep

charged at all times. I at times have essentially said I can do what I want to do, but my actions showed despite all the abuse and disagreements, I obeyed the oppressive rules and requests, for proof, see Part F sections 1-4.

1.3) You can see the mendacious tactics and word games this miserable corrupt woman used. She's had 41 years of experience. Had she shared my actions instead of words, progress instead of old information, the full context instead of no context, the actual story over her fabricated narrative, there wouldn't be a compelling argument! Had she shared "We actually don't/ didn't have a right to hold him on the BRA/ we lied, there would be no revocation hearings or conditions of release!

2) My 1st revocation hearing was based on a lie.

2.1) See Part F. Section 2

3) My second revocation was unnecessary. As the Judge shared, the voice mails were not enough to revoke me on and didn't make much sense to him...

3.1) See Part F, Section 6

4) My 3rd revocation hearing was based on a lie that I purposely called my PO's mother to intimidate her.

4.1) See Part F Section 5

5) My 3rd revocation hearing was based off of a lie that I canceled my mental health evaluation and never was intending to go.

5.1) See Part F Section 6

6) The entire reason I had a detention hearing/ conditions of release was based off of a lie regarding my arrest.

6.1) See FBI attachments I asked my stand-by counsel to supply with this Reply, the 1/19/21 transcript (don't have despite requests, and Part C). They did this to get me on the BRA factor of flight risk.

7) The government went above and beyond to find ways to lock me up. My probation officer and the government in this case asked for my NY court case to resume despite courts being closed due to covid.

7.1) In my NY case my lawyer and the judge brought up they had no idea why we were there. As my attorney in that case shared, this was especially odd considering how the courts were closed due to covid lockdowns... The PO/ federal government asked for me to be given special treatment and open the court up for my case... The NY judge didn't see a reason to do all this...

7.2) Why would the PO and government in my federal case seek for my NY case to resume despite NY courts being shut down? Why would they interfere with a small NY town court?

\*\*\*Section 9: Conclusion:\*\*\*

1) In the words of my ineffective counsel (when she was actually speaking the truth): "I would submit to your honor that there is proof that he is actually complying with his conditions and that there's no basis to find that he's not going to in the future." -Document 46 (7/14/21)

1.1) You've just read the proof, should you want more, I've pointed out where you can find it and even asked you to should you somehow not already be convinced.

2) The majority of the government's arguments and facts in their Response/ opposition is based upon their own crafted lies they shared in court. They also present to this Appellate court my district courts comments and findings based off of those lies in an attempt to solidify their corrupt and false positions. However, the foundation to their claims has now been found to be built on sand, and I brought the storm (Parts B-D) . The next three levels of their crafted "house" (3 revocation hearings) have been demolished (Parts E-F). Now all that's left to do is clean up the debris/ their left over arguments in their Response... See Part G...

3) Even if the governments' lies about my arrest were true and I did meet the BRA factors, 36 conditions of release was way more conditions than was necessary.

3.1) Under 18 U.S.C 3142 (a), (b), a judicial officer "shall order the pre-trial release of the person on personal recognizance, unless there is a finding that personal recognizance will not reasonably assure the safety of the community or the appearance of him as required. Only when there is some indication that an individual is a danger or at risk of flight, may a judicial officer order release with conditions."

3.2) The government made up scenarios in an attempt to make me seem like a flight risk in order to place me in jail. Then they quietly stopped asserting I was a flight risk on 2/3/21 in court, all while trying to increase my conditions of release. The following 3 revocation hearings they continued to lie in attempts to place me in jail.

3.3) Since I'm not a danger or a flight risk, I should be released with no conditions, that's what should've been done 2.5 years ago...

4) I did not need 36 conditions of release

4.1) "In Mr. Fellows case, there was never an allegation that he was a danger to the community, only that he was a risk of flight, which is why the conditions of GPS monitoring and a curfew were imposed. Importantly, the government at his [2/3/21 hearing] in DC did not ask for detention, leading credence to the risk being slight." -Document 28

\*\*\*Part G: Addressing/ Correcting Other Arguments From Governments  
Response:\*\*\*

\*\*\*Intro:\*\*\*

For this Part, I simply point out and respond to the lies and terrible arguments the government provided to this court. If I'm not doing those two things, I'm inserting some much needed missing context to what they are talking about. You'll see how the government continues to do as they've done since 1/19/21, they continue to peddle lies non-stop.



\*\*\*Section 1: Page 1-4 Corrections/ Comments:\*\*\*

Page 1:

1) I've proven that the government's summary here is full of lies and based off of an incorrect record, the rest that follows is only a continuation.

Page 2:

1) "The government is wrong here when they share I was granted pre-trial release on 1/16/21. I was arrested 1/16/21 and remained in jail until 1/19/21. The government lied/ argued I was a flight risk on 1/19/21 and I barely was released, I was given many conditions of release as a result of the lies.

2) I also should mention the only reason I didn't fire my attorney on the spot following my actual revocation was because she said she would appeal and correct the lies on the record. I was told there would be an appeal...

Page 3:

1) I was welcomed in by police through both express and implied entrapment. The police not only failed their duty to tell me that I was breaking the law and needed to leave, they did the opposite.

2) As the government shares, their main issue with me was the retaliatory rhetoric (not illegal/ 1st amendment) I shared following my harassment and bullying because of being associated with 1/6/21. This does not make me a danger and as shared with facts, the very statement the government sites here/ on page 4 is totally fabricated. The government knows I didn't see any fear in the senators eyes, they know that they were evacuated before I ever came in. They know I was not interested in looking for them, as shown by me charging my phone in a senators office and taking photos of statues.

Page 4:

1) I was planning to return to Washington, the election WAS stolen and I had such a great time on 1/6/21, it was nothing like the news played where I was, police were awesome to me and I was kind to them. The government and fake news media may claim that it wasn't stolen, but the greatest argument for it being stolen is going by their own standards. They claimed/ made up a story about Trump colluding with Russia which caused people to change their votes, they claimed that made him an illegitimate president. However, as we now know thanks to the Twitter files, the FBI and social media companies colluded with the Biden administration to suppress the Hunter Biden laptop story. As we now know, even without subtracting the fake votes, if that story wasn't suppressed, Biden would've lost. Polls and statistics show Democrats and Independents wouldn't have voted for Biden if that story wasn't suppressed/ there was no collusion. By the democrats own standard, Joe Biden is an illegitimate President.

2) Would it be illegal of me to return to Washington to protest and follow all police orders? No. Was it illegal of me to predict that there would be more violence? No.

3) I encountered no one with guns, I saw no guns. Even police I've viewed in global discovery have shared that they assumed since we are Republicans that we may be armed, it was a safe assumption.. Republicans tend to have guns, not illegal. Just as I explained in my Reply, this was exaggerated and made up in an effort to anger those who were harassing and abusing me, I wanted to anger them, not apologize, there was nothing to apologize for, I followed the police instructions.

4) The government cites a fake news article where a journalist lied about my profession, what my life was like, my actions on 1/6/21, and even my words "no regrets". I had regrets (smoking weed), but he took me sharing that I at first didn't think I trespassed because police let me in as "no regrets". I have lengthy messages with this "journalist" complaining about this lie/ fabrication of a narrative ("no regrets").

5) The government again lies when they say that they did not seek pre-trial detention, they did, which is why I received such extreme conditions.

6) As the government shares, the judge gave me "more stringent conditions than those facing similar charges" because of the lies the government shared regarding my arrest... (See Parts A-D)

\*\*\*Section 2: Page 5-8 Corrections/ Comments:\*\*\*

Page 5:

1) The government again brings up lies over the Petty Larceny charge. I didn't break a court order, it was the governments fault, regardless it was prior to being on pre-trial release. (see Part F Section 2)

2) The government also mentions I failed to report for meetings with the PO. This is again incorrect. They were rescheduled and I know for a fact that one of them was excused. I believe the other was excused. However, regardless, I rescheduled and showed up for both. This was involving me turning in my job applications. I also mentioned this in Parts E-F.

3) The context behind police contact was shared in Part F Section 3.

4) The government again lies about me missing curfew (I was excused) AND lies about me not calling in/ being in touch with the after hours line. Please see Part E Section 3.

5) As you can read, the court made comments based on lies meaning it put statements on the record that must be disregarded. My judges' ignorance/ arrogance on these issues should not serve to further punish me.

6) They again lie about a 55% call-in rate. (See Part F Section 1).

Page 6:

1) First, I wasn't referencing the size and performance, I was referencing length and width. Further, part of my sense of humor is to make people cringe, it was my fault for thinking I didn't cross a line. However, if you listen to the voice mail, you'll notice I stopped/ didn't go into full detail as I thought the line would be further away, I worried I would cross it if I continued, so I stopped, unfortunately, the PO claims the line was crossed. I've instructed my lawyer to include my friends and I singing a song about that voice mail. I did it to entertain myself, not to sexually harass my PO (she's not attractive). The song we randomly created while strumming a guitar shows my/ our mindset, we thought it was hilarious. I found out that my PO's sense of humor is not as elastic as mine. Regardless, these people knew what I had as they witnessed it during my UA's, I didn't think I was sharing anything unknown.

2) Again, my judge was presented a false narrative that I missed drug tests, but I didn't (see Part F Section 1). Again, my judges ignorant / arrogant comments on the record should not be referenced nor be further used against me.

3) They again say I "canceled" my mental health evaluation, rather than sharing I "rescheduled" (see Part F Section 6).

4) The people who "testified" did so on proffer, not under oath. I believe this is a huge reason why they felt so comfortable lying and creating narratives as I've proven to this court. One of the women who "testified" I had never met or spoke to before...

Page 7:

1) The government tries to bolster their lies by pointing out that my ineffective counsel said "We aren't necessarily challenging what [the witnesses say] happened". However, as I've proven, I not only challenge it, I've proven they lied about many things, even from their own mouths... This is an example of my lawyer being ineffective.

2) They share I "protested release conditions", true, I VERBALLY protested conditions, but as shown in Parts E-F, I followed my conditions.

3) They twist and lie about saying I resisted seeking employment when I've pointed out in Part F Section 7 that it was actually my PO who kept stopping me from working.

4) They claim "if he doesn't want to go and do something, then he doesn't do it", but as shown in Parts E-F, I did everything that the courts and PO asked of me, and I promise you, minus the mental evaluation and working, I didn't want to follow any of the other orders.

5) They claim I missed drug tests, but I proved that was a lie in Part F, Section 1.

6) They twist a voicemail about me wanting to fight random people on a bus, when I never rode a bus since 2015 when in college. The problem with the bus's is that they require people to

wear masks, and I care about health and wasn't about to put my health at risk wearing a useless mask that collects germs and lowers oxygen. Fighting over the masks for me has always been verbal, I didn't listen to the mask mandates and always moved it below my nose, I followed the science. My grandmother choose not to and she died as a result.

7) I did refer to my PO being like a Nazi, I stand by that, but like a good oppressed Jew (I am Jewish) I followed her orders, even to my detriment. Saying what I felt based off of facts is not illegal.

8) They try to create this narrative that I sexually harassed my PO's supervisor, but I've welcomed you to listen to it in Part F Section 3. Even my judge didn't see it as sexual harassment, the Marshalls and him laughed as it was played in court. One of the ways I cope is by trying to be funny, and they found it funny whether the record shows that they did or not.

9) The government again tries to portray I skipped a drug test, but it actually further supports my true claims. I protest with words and often say things I don't mean either as a coping mechanism for my abuse, or to anger my abusers. They hide the fact that hours after that message, just as required, I showed up for my drug test and passed. (See Part F Section 1)

Page 8:

1) The government again cites things incorrectly. This ex-girlfriend followed me to my church, a church I'd been attending since 2014. While she came to my church, outside in the parking lot she flaunted my truck keys she stole from my residence (which she had a key to a month prior until I kicked her off the property with the help of police, she stole my keys, my wallet, and my phone). I told her to give me the keys, but she refused and began laughing like it was a game. I threatened to call the police and that is when she began to head to her car and then drove off. As promised, I called the police. I followed police instructions until they arrived and pulled us both over. They were about to search her car until they brought up an incorrectly filed no harassment order. This order was incorrectly filed as a no-contact order. So they immediately arrested me. Hours later, they realized that what I was saying was true, this was improperly filed. I should also mention anyone can obtain an order of protection in NY by sharing "this person is harassing me", and often times it's proven to be the person who filed such things as the abuser as they use these forms to harrass the person it's written against.

2) They lie about a clerk trying to call me and it reaching the judges wife's office. I shared the real story in Part F, Section 4. Again, I voluntarily shared I did so. I called the clerk up to tell her I did this. The courts were closed due to Covid lockdowns, they had no reason to call me. Additionally, it didn't reach her office, it was the general building line, there were tons of workers there and you needed an extension to reach her.

3) They lie about me asking for permission to go work, there was no reason to ask, I was already pre-approved. This further shows it wasn't my fault I couldn't work.

4) They twist our "conversation (Kendra was screaming like a mad-woman)" to make me sound crazy. This is not how it happened. Please see Part E Section 2, # 2-2.2 and Part F, Section 7.

5) They share my PO claimed to think I never intended to attend the evaluation I voluntarily signed up for. I proved this was bogus specifically in Part E, Section 6, Part F Section 6, and overall in Part E Section 9.

\*\*\*Section 3: Page 9-12 Corrections/ Comments:\*\*\*

Page 9:

1) They twist how the conversation went between my PO and I. Please Read Part F Section 6, # 7-7.5. Additionally, please read the entire context in Part E Section 7.

2) The government lies when they claim I was asked to leave a name. I was asked whether I'd like to leave a message, and because of the weird situation and urgency, I didn't feel it would benefit me to leave a message. See Part F Section 5 and Part E Section 7 for the actual story.

3) For actual judge story please See Part F Section 4, I did not intimidate a judge's wife.

4) The court wasn't given evidence, they were given lies, had context hidden from stories, and were not presented with the facts/ conditions I followed.

5) The court wasn't patient with me, they punished me for crimes I didn't commit, put me on house arrest over something that was the government's fault, and continued to punish me because of their lies and misconduct. My judge was far from accommodating.

Page 10:

1) The reason the court even had 3 revocation hearings is because of the zealous political hatred surrounding this case and because they constantly from the first hearing shared lies in an attempt to place me in jail.

2) My compliance was far from lackadaisical (See Parts E-F).

3) The judge cited an outdated call-in statistic. Regardless, the initial missed call-ins were caused because she made it seem like I didn't have to call in since she shared she would notify me if I had a drug test that day (Proof in Part F Section 1).

4) The government references the judge commenting on a false claim of being late (I was excused) for curfew, but he was misinformed and was falsely told I didn't call into the emergency after hours line, showing his decision to revoke was based on incorrect information (See Part E Section 3).

5) The judge then referenced the rescheduled mental evaluation as "canceled" and showed he was fooled by the fabricated/ false narrative that this had something to do with covid, again showing his decision to revoke was based on incorrect information (See Part F Section 6).

6) The government then suggests that it's wrong of me to feel distaste for the courts and the government, but as an objective reader can now see, I had a reason to be angry. I've been lied about and punished over lies. Further, it's not illegal to have distaste for a corrupt government or a court that wrongfully imprisons me.

Page 11:

1) The judge referenced me being disrespectful, but I had no idea a judge would care about how I dressed during "zoom" court. Workers and teachers dressed down for zoom calls, I figured it was similar. When I found out it was an issue I fixed it and only wore suits during court.

2) I did smirk and roll my eyes in court, every time the government lied and created ridiculous stories, I couldn't help myself. The judge should be angry at the government for lying, not me for rolling my eyes at their lies and smirking in disbelief.

3) There was no intimidating phone call, the proof in Parts E Section 7 and Part F Section 5 shows this. Further, my judge came to this conclusion because he took into account lies, his comments are therefore meaningless.

4) The judge like a true abuser says "I don't think you are going to allow us to help you". All this court did was hurt me, talk down to me, and punish me over lies, this man is insane to think he was helping me. Have you ever heard "We are from the government and we are here to help", the scariest words ever spoken? This judge is the living example of that saying, I would've done just fine without his "help", I did so for 26 years... Regardless, I followed his tyrannical orders.

Page 12:

1) The judge wasn't generous in giving me a bond hearing, I didn't ask for a bond hearing. I asked for an evidentiary hearing.

2) I didn't have second thoughts about taking the stand, my ineffective counsel told me she would appeal and point out the lies so I wouldn't have to on 7/15/21. However, she failed to do so... So, I asked for an evidentiary hearing. Instead, this judge gave me a bond hearing. Worse, he didn't even give me notice that I had one, I entered court expecting to call a witness to the stand for an evidentiary hearing. My ineffective counsel told me I could do that in the bond hearing and told me if I told the judge I didn't want to proceed (because I asked for an evidentiary hearing) he would get angry (which he did when I pointed out the petty larceny charge wasn't my fault and was based off of a December 2020 job) so I was forced under duress to continue. I tried to call a witness to the stand, but was denied, despite how the judge allowed the government to call 3 witnesses up on proffered testimony... The judge would only allow me to testify, no witnesses, and it had to be under oath...Clear bias.

\*\*\*Section 4: Page 13-16 Corrections/ Comments:\*\*\*

Page 13:

1) For a long while I did think it was a loophole, especially since I received a new judge (even though I shared with the clerk I no longer wanted a new judge (because I found the evidence I needed to prove my case)). See Part F Section 4.

2) My attorney simply informed me to do so would be illegal, there was no talking me out of it. Additionally, I didn't have to volunteer that information, I did so knowing it would make me look bad. I did it as a proffer that I'll share the truth even if it hurts me, unlike the government who lies in order to hurt me/ others.

3) Again the government shows my judge based his decision to keep me in jail primarily because of the lies that "[I] repeatedly failed to follow the conditions of my release." This is why this court should reverse his decision.

4) The judge found my correcting the governments lies to be "excuses", ignoring the fact that I was placed in jail because of the government's lies.

5) The government quotes how my judge is worried about releasing me because "I don't make understandable decisions when worried", yet I voluntarily showed up to all revocation hearings, I was obeying 36 out of 36 conditions of release from May until revocation, and was doing 34 out of 36 before that (governments fault). This shows his "fears" are baseless. This is why bond should be granted.

Page 14:

1) As a showing for how incompetent my judge is, he says he has "no confidence I would follow [his] release conditions". What world is he living in? See Parts E-F, I followed everything even though the government broke the BRA to put me under those 36 conditions of release!

2) The government again incorrectly states I asked for another bond hearing. I didn't, I wanted an evidentiary hearing to call up my present witness. Then, I wanted a second evidentiary hearing to effectively cross examine the government witnesses, something that still has yet to be done nearly 2 years later... It was only after these two hearings that I would then request for a bond hearing, I made this clear in my filings...

3) The judge also claimed he gave me lengthy opportunity to present evidence, but he only allowed me to testify. There was no warning I was attending a bond hearing, I hadn't even asked for one, not until I had presented evidence during an evidentiary hearing that could then be used in a future bond hearing. I intended to waive my attorney client privilege and call my attorney as my witness. That would've been the opportunity to present meaningful evidence.

4) The government claims I didn't file a pleading, but I did. I pointed out how the DC jail, Warden, and my ineffective stand-by counsel caused this not only to not be filed, but for me to not know they didn't file it as they didn't ever give me this courts correspondence (even though this court ordered that they do) until the 3rd attempt, which at that point was just letting me know that the case had been dropped for lack of prosecution... This wasn't just an access-to-court violation, it was a violation of my 6th and 14th amendments rights. This is another reason why I must be released. I've non-stop been stopped from filing, preparing, and receiving what I need.

5) The government again cites something that I never claimed. Lawyers may legally have spoken for me when they said they don't challenge the prior determination (because it's a giant mess and would take a ton of time to correct as seen in this Reply), but that was incorrect and they knew it. They were ineffective in this and many other ways, that is why I fired them from their position. I not only proved that there were challenges to the governments prior claims, but proved they lied about nearly everything from our very first hearing (See Parts A-D) and every hearing after that (Parts E-F).

6) The ineffective counsel again ran with the narrative that I didn't push. The government cites this as if I personally pushed this narrative. It should be disregarded. My behavior on pre-trial release in which I strongly complied with 34 to 36 of 36 conditions of release for 147 days and my 26 year history/ accomplishments disproves this narrative. Additionally, even if that was the case (it's not), people shouldn't be locked away in jail off of an evidence-less claim that the person has trouble controlling his behavior. That is the situation here, the evidence points to the opposite being true.

Page 15:

1) The court and the government act as if I'm a repeat criminal who has done terrible things my entire life and needs some sort of life long mental help... My plan is to prepare for trial, and once that is over to go back to being a stand-out citizen/ business owner. I wouldn't be opposed to attending therapy (which is why I voluntarily signed up for this prior to the court ordering me to go), but I'd get much more out of attending church and seeing a pastor, something I haven't been able to do since 2020.

2) Again, the judge based his decision to deny bond on a false narrative that I can't control my own behavior. My past accomplishments show this to be the opposite. My following 34 to 36 out of 36 conditions of release for 147 days shows the opposite. My behavior while wrongfully imprisoned shows the opposite. This is another reason bond should be granted.

3) The judge again asserts fear of me breaking the law when I have no criminal history. In this case, I followed all the rules police gave to me. I broke no laws while on pre-trial release. My judge again cited fear of me not following "reasonable" release conditions when the fact is he revoked me even though I was following all 36 of 36 conditions of release and had only dipped down to following 34 of the 36, but as pointed out, this was mostly due to miscommunication



with my PO. My judge's reasons to deny my bond are baseless and not backed by evidence, they should be disregarded.

4) I only asked to push my trial back because the court and government have allowed my preparations to be taken 7 times, have refused to give me all my personal discovery, and have randomly decided I shouldn't get access to global discovery.

Page 16:

1) It's funny that the government cites the Bail Reform Act, a law they have no respect for! What a bunch of hypocrites! They ask you to take a look at and abide by the same law they broke? Hypocrites! Regardless, please do go by it, apply the truth and you'll see not only that I should've never been placed under any conditions of release, but that even if what they claimed in order to get me on restrictions 1/19/21 was true, they don't have a legitimate reason to hold me. Take notice of "least restrictive", why did I need 36 conditions of release? Why did I need to call in daily for drug testing when I have no criminal history, and am not even facing a drug-related charge? What did smoking weed have to do with supposedly being a "flight risk"?

2) I've proven I'm not a flight risk or a danger to the community, even though I'm not required to... The government had to rely on lies in order to convince the court I was, I've rebutted those lies in Parts E-F.

3) Am I unlikely to abide by any condition or combination of the "least restrictive conditions"? Well, ever since May of 2021 I followed 36 conditions of release that were far from the "least restrictive", prior to that the main reason I sometimes failed to follow 2 of the 36 was because of a communication issue between myself and my PO. Imagine how well I'd follow the "least restrictive conditions" if I followed the "most restrictive" conditions that well!

\*\*\*Section 5: Page 17- 20 Comments/ Corrections:\*\*\*

Page 17:

1) As the government pointed out, the DC Circuit Court looks for clear error in the District Court's finding that a person won't abide by conditions of release. Your Circuit reviews District courts FACTUAL findings and reverses the decision when left with a firm and definite conviction that a mistake has been made. That's perfect! As shown in the governments' own response, it's clear that the judge based his revocation and denial of bond off of "mistakes (lies)" advanced by the government. There isn't just one mistake, the government has riddled the record with "mistakes (lies)"... This is the exact situation where this court should reverse the District court decision!

2) The government tries to convince this court that the decision to revoke me stands on firm ground. They even say I acknowledged their claims! They cite my 10/12/21 testimony on pg.55-58 to claim I acknowledged this. Did I though? Take a look for yourself. I only agreed to missing

call-ins (but as shared, it was mostly my PO's fault). I didn't agree with their outdated statistics. I pointed out that the government was wrong about the missed drug tests. I denied that I Googled Kendra Rennie's family member. I denied harassing's Kendra's mother. I shared I tried to reach Kendra on her cell phone that she normally contacts me on, but couldn't reach her/ find her due to phone issues. I denied the assertion that I was allowed to work and "go about living my life" on pre-trial release. I corrected the prosecutor and pointed out I rescheduled the mental health evaluation (that I voluntarily signed up for prior to the court ordering me to attend it). I denied the assertion that work was more important than attending the mental health evaluation (I pushed back both to get more rest/ be safe). I denied the assertion that I only had trouble sleeping because of the thunderstorms (they began around 5 AM, it was also due to switching from a no work schedule to a work schedule). What I failed to correct was the assertion that Kendra only learned about my rescheduling the evaluation when she called me asking me about my pre-approved work schedule. I now know I told Kendra I rescheduled via email prior to heading to my court ordered and pre-approved job for the day, this was before she called me. So no, I didn't acknowledge their claims in my 10/12/21 testimony. They lie to you again.

2.1) They then cite my ineffective counsel's claim on 7/14/21 that we weren't challenging what they were claiming, but as Parts E-F show, not only was there a challenge to be made, there were lies she allowed to be put on the record.

2.2) They then rely on what my other ineffective lawyers claimed, but just as before, there clearly were challenges to be made! Lies were promoted and it was because of those lies that I was revoked!

2.3) The other thing they rely on is my Memorandum, but I don't have the finished/ edited version here, so I can't know what they are refencing. Regardless, I've proven that I only broke 2 out of the 36 conditions, but again, this was temporarily, and both were communication issues and didn't cause a harm to be done as I still reported my arrests and I still went to and passed every drug test. Once I fully understood those 2 conditions, I followed them 100% of the time.

Page 18:

1) The government says I broke a court order and received a petty larceny charge (see Part E Section 5 and Part F Section 2 for context and the truth regarding this situation).

2) They say I failed to call into drug testing (See Part F, Section 5 and Part F section 1 for context and the truth of this situation).

3) They lie about me violating curfew without calling into the emergency after hours line (See Part E Section 3)

4) They lie about me failing to report for meetings (See Part E Section 4).

5) They twist/ lie about me "canceling" my mental health evaluation (see Part E Section 6 and Part F Section 6).

6) With all of these lies and twisted situations with much needed context missing, the court did NOT "rightfully conclude [I] would not abide by my conditions if released again." My judge also failed to see all the conditions I followed in the past (34 of 36, 2 of which were not entirely my fault) or the ones I was following ever since May 2021 (all 36 of my conditions).

7) I didn't snub the courts' orders following my first revocation, I was depressed because again my judge made a mockery of the criminal justice system by putting me on house arrest for a crime I didn't commit. He even stupidly and incorrectly assumed it was "committed" after 1/16/21... Once I got over his improper decision 4 days later, I behaved like a good communist citizen and obeyed his orders calling in 100% of the time drastically raising my overall call-in rate beyond the outdated/ claimed 55%.

8) Again, I didn't cancel the mental evaluation, I rescheduled it despite wanting to go. I did this in order to keep the community and myself safe. Clearly the government and court would've preferred me to drive my 8,000 pound vehicle in rush hour traffic on 1 hour of sleep and crashed at 65 miles an hour instead of rescheduling my mental evaluation.

9) The government includes "(while still seeking to work)" as if it's a bad thing... It was pre-approved and I got more sleep prior to heading in... It's also a court order that they multiple times have falsely claimed I "snubbed" and didn't follow in this very response, and yet now they talk about me trying to obey the court order as if I'm in the wrong? Which is it? Was I refusing to comply with the court's order to work, or, was I "still seeking to work"? You see for yourself, the government claims both! I hope you see the government's refusal to give me any credit and twist anything. If I didn't call in for being too tired and crashed and killed someone it would've been "See he's driving while tired and makes bad decisions! He's a danger to the community, we must revoke him". That sounds much better than what they did "He rescheduled to keep the community safe! He's a danger since he didn't attend! Quick! Revoke Him!".

Page 19:

1) My distaste for the corruption in government has nothing to do with me following the courts orders. I proved that during my pre-trial release and in my 26 years before that. My judge has no valid reason to think I wouldn't follow conditions of release, there's tons of data that proves the opposite.

2) The court gas-lit me again as if I was the one harassing my probation officers when it was them who kept putting new conditions on me for no reason (that I still followed) and wouldn't allow me to do certain court ordered conditions while acting as if it was me that didn't listen to the courts orders (working, they were too lazy to let me operate my business/ write down addresses I worked at...). In a good private business, complaints aren't seen as harassment, it's seen as a potential area to fix. However, this judge thinks my complaints are criminal? Ridiculous. He didn't think so at my first, second, or third revocation hearings, he jumps all over the place...

3) The judge also didn't explain how I came up with and executed the supposed idea to "harass ("Is this Kendra?")" Kendra's mother with less than 3 minutes of time, nor did he explain (and I'd be very entertained if he did) how anyone could've guessed that a google contact linked directly to "Kendra Rennie" in ALL ways would get me in contact with her mother (who honestly given Kendra's age, if I was asked to guess if she was alive before this revocation hearing, I would've guessed not). This is a prime example of why I've motioned for recusal, my judge doesn't seem to be mentally present.

4) Again the judge references me displaying "disrespectful behavior (rolling my eyes at the lies from the government and smiling in disbelief that they don't follow their code of ethics or various laws)". If he wasn't biased he'd have more anger towards the government for making a mockery of his court by lying in it and disobeying laws...

5) My judge references sending "vulgar emails" about the lying FBI agents ("Fat Necked liars", oh my gosh lock him up!). Again, he should be more upset that they lied...

Page 20:

1) The government ignores my respecting police officers on 1/6/21 and ignorantly suggests I "reflected a defiance of the rule of law" on 1/6/21... They ignore all my claims that police welcomed me through both express and in implied actions/ lack of words, he ignores that they gave me rules to follow and I followed them... He ignores the videos of my interactions with police, which remember, I gave this court a link to in my Memorandum of Law and Fact.

2) They stupidly suggest I sought to obstruct Congress's certification of the stolen election with no proof, just a mere allegation. They ignore all the proof they have to show the opposite is true...

3) My sharing "I don't make understandable decisions sometimes" was NOT a reference to purposely not following rules or law, it was because the court may not understand why I would do something in a situation because I'm socially different than most, I have Asperger's/ autism, ADHD/ ADD, and ODD... The government tries to twist what I meant...

4) The government and court again rely on my ineffective counsels lazy motion for reconsideration where they randomly claim my "behavior is beyond [my] ability to control" and cite it as if I personally said such Ludacris statements! From the first hearing the corrupt prosecutors have pathetically crafted stories in a pathetic attempt to make me seem like some out of control nut-case... My lazy lawyers have time and again claimed "This is great for you!", when I do not feel the same... I've wanted these things corrected... When you look at my history, accomplishments, and following 36 of 36 conditions of release once the 2 other conditions were finally properly shared with me, the evidence shows I'm not some out of control nut case... I CAN control myself... This is absolutely ridiculous that I have to debate such crap against a bunch of people who claim to follow a code of ethics!

5) After talking themselves into believing false things about me, they then go off of those stories to claim I need mental health treatment to ensure I don't continue down a path of criminality... There's no evidence for this! Just as I volunteered in May of 2021 for mental health treatment before the court ordered me to go, I'd be happy to go again...

6) My judge shared he had "no confidence" that I would follow the courts orders on release, but again, it was based off of lies... If he formed his thoughts on evidence instead of accusations then he would have confidence that I would follow court orders of release. Since my judge put his confidence on false accusations, his finding was clearly erroneous.

\*\*\*Section 6: Page 21-24 Corrections/ Comments:\*\*\*

Page 21:

1) The government cites that I'm a non-violent danger to the community because of my "repeated acts of obstruction", there has been no obstruction in this case... In the past case my DC judge said it sounded like obstruction, but not only is that a past case, but I wasn't charged with obstruction. Further, my judge came to that conclusion by falling for the governments false version of what happened in that case.

2) The government says that I'm a non-violent danger to the community because of my "intimidation", but there was no intimidation in this case. If they are referencing the past case, there was none there either, just me thinking there was a loophole. In this case, the judge failed to share how I would've known that a contact listed in ALL ways as "Kendra Rennie" would link to her mother. The phone call I had with her also doesn't suggest intimidation, but rather, an attempt to reach Kenda Rennie. The phone issues further support this, along with the fact that I googled the contact and made the call all in 3 minutes or less. There was no intimidation...

3) The government cites that I lashed out at those I disagreed with, who? Are they referencing me sharing that the FBI agent that arrested me was a fat necked liar? Or that my prosecutor was a miserable lying woman? Is free speech lashing out? Absolutely ridiculous.

4) The government is so predictable, I knew they would try to reference Hale-Cusanelli case law. As I pointed out in my Memorandum, I'm nothing like this man. That man had 30 plus co-workers come forward and share they were concerned about what he would do, what he said (even before 1/6/21), he had no accomplishments in life, he was one of the first to enter the Capitol and didn't wait to hear that he was allowed inside unlike me. He had a past criminal history of shooting a potato gun at a minority persons house with the words "White is right" on it. He is a self labeled anti-Semite, which is true, I lived with him and he really does hate Jews (my family is Jewish). The government shared that he thinks all autistic people should be killed (again, I have this and he hated me for it). Not to mention, he had an additional felony compared to me (and he actually had speech to show that he was planning to do what he said prior to 1/6/21. Further, unlike Cusanelli, I did not meet any of the BRA factors, and the government lied in order to get me revoked.

5) The government skips past my points in my pleading attacking the governments lies, they act as if all I did was ramble on about my judge and probation officer being stupid and oppressive. My comments on my judge are backed up by facts, but don't be fooled by the governments attempts to make it seem like that was all I pointed out.

6) The government tries to point out again that such comments about my judge prove that I "wouldn't suddenly begin to follow the law or the conditions imposed by the court and probation officer", they should go and read Parts E-F... There wouldn't be a "sudden" change, there already was a following of both orders... I broke no laws while on release, and even if I was found guilty by a biased DC jury, I'll know I broke no laws on 1/6/21.

7) I most definitely did point out plenty of errors in the courts detention decision, both in the original Memorandum, and in this Reply.

Page 22:

1) The government again tries to act as if the conditions imposed were the least restrictive just because the court thought they were... I was given 36 conditions of release, I followed 34 of them 100% of the time, and the other 2 I followed most of the time up until they were properly explained to me. After those 2 conditions were properly explained to me in April and May I then began to follow them 100% of the time... The government doesn't point this fact out.

2) "Community safety in other words, requires his following of all the conditions." Fantastic! When you take into consideration that the only 2 orders I didn't follow were because they weren't explained properly to me, I followed all the conditions the entire 147 days. Regardless, again, once it was made clear to me that what I needed to do in those 2 conditions, I followed them 100% of the time...

3) Again, I voluntarily signed up for the mental health evaluation, the only order I voluntarily signed up for. I didn't disregard it, I rescheduled it. I didn't disregard my drug testing, I showed up for each and every one and passed each and every drug test. I didn't disregard my curfew, out of 147 days I had 2 times where I was late and had to contact the emergency after hours line, and I did just that, prove me wrong! I can prove I did if a court just simply looks into it! So the government talks about me disregarding my conditions of release when I in fact respected the conditions.

4) They also in a footnote try to act like I wasn't taking my conditions of working/ seeking work seriously, but I did... I wanted to operate my company I built. My PO tried telling me what jobs I could and couldn't work at like I was some communist citizen, that's literally what some communist countries do, they tell you want kind of job you will do! I kept pursuing working my chimney company for months until she finally caved and "allowed" to let me work it, see Part F Section 7 for proof. My peaceful protesting worked!

5) Serious charges to me include murder, rape, robbery, battery, or something that harms others... Sure, the law may associate my felony charge as a "serious" charge, but I didn't do it, and it's a joke. Still, regardless of my evidence based opinion on this, I've followed my oppressors demands. I truly believe I'll be rewarded for doing so in the future.

6) I didn't "decide(via actions)" whether conditions were a giant waste of resources and time, I verbally shared that it was, and yet I followed those conditions of release.

Page 23:

1) I truly didn't have an opportunity to challenge my conditions of release as I was provided with a radical leftist, cop hating, law breaking ineffective counsel for a lawyer...

2) I did verbally attack my conditions of release, so what? It's a terrible argument because I followed them...

3) The government again cites their past lies for why I needed 36 conditions of release. A terrible argument. It's like that saying, "show me the person and I'll tell you the crime (or something like that)"(pretty sure that was from communist Russia), once you make hundreds of thousands of laws, every person can be found to be breaking one even if they don't know they are and even if they try their hardest to obey. Here, the court gave me tons of orders, and then the PO gave me more, totaling 36 conditions. Then, they attacked the one's that they didn't properly explain to me and acted as if I was a dangerous criminal for not following those conditions for a time. Once I was made aware of the orders, I followed 36 of 36 conditions of release (See Parts E-F).

4) Yes I do suggest that I was denied a full opportunity to argue for release. I asked for an evidentiary hearing where I could call a witness to the stand to support my claims since in the early chapters of the lawbooks I read I was warned "a criminal defendants' testimony is typically the least convincing of evidence." I sought to also EFFECTIVELY cross examine the 3 witnesses and have them testify under oath opposed to via proffer as the judge offered for them to do. Given that I wasn't allowed to call even 1 witness, nor effectively cross examine the witnesses, I and the law stand by the fact that I was NOT given a proper opportunity to argue for release. Just because the "record shows the district court" allowing me to speak, means nothing... I didn't want to testify, I did so under duress both because of my treatment in the DC jail and because I was denied the ability to call a witness to the stand.

5) The government again attacks my claim that I followed police rules and orders on 1/6/21. A judge presiding over DC may not see it as I and many others do, but as a first time visitor to both DC and the Capitol building that day, I like many Americans thought in a building called "The People's House" that we were allowed to protest as we (the people) desired... You may think this is some crazy random excuse, but this is such a problem that the Capitol Police made a rule requiring them to notify protesters that certain actions are not allowed and give them time to stop doing such things prior to arresting them in the Capitol for these exact reasons! Many

Americans are confused about 1st Amendment rights inside the Capitol building. The Capitol Police did not do such things, they actually did the opposite! Even the MPD has similar rules for protesters, requiring them to notify protesters that their actions are illegal and that they must stop.

5.1) This is because DC is the Capitol for protesting (both the city and the building, both places are where people from around the world go to protest), even the MPD know this which is why they have similar rules regarding how to deal with protesters.

5.2) See MPD Manual for Mass Demonstrators and Responding to Civil Disturbances at 21, J.A. 564 (... "officers seeking to disperse a crowd MUST attempt to verbally persuade the crowd to disperse of its own accord by issuing an initial warning, followed by a final warning. If the crowd continues in its refusal to disperse, the unit commander shall direct that the violators be arrested.").

5.3) I share this because while on the grounds I was next to MPD for an even longer period of time than I was with the Capitol police. They just stood around as I took selfies with them... They did the opposite of what they were required to do. Both departments failed to do their duty that day and promoted the opposite in many ways.

Page 24:

1) The government claims that my passing references to my mental health provide no basis for release. However, see the DC January sixth defendant case of Jackson (had legal notes stolen from me 7 times by jails/ refused to be allowed to bring them, don't have case number), a DC local who was beat officers with a baseball bat. His autism was referenced as a reason for release and it was granted, though it was far more severe than mine... Additionally there's more I had on this, but again, I don't have it in my possession...

2) The government also tries to disregard other diagnoses that I've had just because a 2 hour mental evaluation didn't come up with all of the diagnosis's that I've received in the past. It's no secret, the government is extremely inefficient... They took 37 days to complete a 2 hour mental health evaluation and on top of that spent 3 weeks to get me to the site and back, all the way in Texas... The evaluator shared he needed more time to assess me fully, but that this was just simply a competency to stand trial evaluation... I was seeking a full evaluation... This is another reason I need to be released, the government can't be counted on to provide me with the evaluation that I need for my defense.

3) The government then again cites something that I personally never advanced, that it's "beyond [my] ability to control" whether I abide by my conditions... If my lawyers weren't so lazy, they would've pointed out that I did in fact follow these conditions... Instead, they tried to make an easy excuse up that ended up being used against me, something I never advanced... Something the evidence doesn't support. The government knows the evidence doesn't support it which is why they had to make things up, twist situations, and rely on the verbal record following those lies as "proof" for why I shouldn't be trusted. The actual evidence shows I can be trusted with the "most restrictive" conditions, I most definitely could be trusted with the "least restrictive" conditions.



4) The government claims my resume/ 26 year life history filled with accomplishments bears little weight compared to uncorrected (until recently) lies on the record/ less than half a year of my life. The government seeks to tunnel vision on those lies for proof. Really? Is half a year greater than 26 years now? That's what the government is saying... Does it really bare less weight? Does my following 36 of 36 conditions really mean more than my 26 years of history before that? Fine, by the time I was revoked I had been on a continuous trend of following 36 conditions of release, so sure, go with that... Either way you look at it, I deserve to be released. My resume and accomplishments show who I am in society way more than a lie filled record does. That is why I included it.

\*\*\*Section 7 : Page 25-26 Corrections/ Comments:\*\*\*

Page 25:

1) The government suggests I didn't have my rights abused while in jail... Why is it then that the Marshalls agreed with my allegations along with the DOC in a 3/17/22 internal investigation into the DC jail? Why did Congress members who visited us point out our abuses and label it "unusually cruel"? Why did Congress members force the DC jail to stop abusing us on multiple fronts? Why did the Warden try to hide us/ stop Congress members from visiting us (which caused her to be fired)? Why did other judges kick off investigations into the DC jail because of another January sixth defendants abuse? Why then did the Northern Neck Regional jail kick all January Sixth defendants out? Why were nearly 200 inmates removed from the DC jail after an investigation caused by one of our cases? My rights were abused, and the government will eventually pay me for it, I'm very excited.

2) The government does what it does best, it twists my words and meanings into a supposed threat... I'm actually glad they did it in their response, it's a further showing of what they've done the entire case. Please take a look, right after I talked about how I legally protested and legally attacked the jails for abusing me and said "I'm legally dangerous to my enemies/ a danger to an immoral society" they try to make it out like I'm some criminal! As they did with my actions pre-trial, they skip over my actual actions/ the actual evidence, and instead twist my words into meaning something they made up. They made up a scenario, and then tried to use my words (which were refencing something legal) to support their made up scenario! Let me share something with you, it's easier to hate the guards who personally abused me than it is the prosecutors and judge who were not physically abusing me... How have I responded to the people that physically abused me? The people who treated me worse than a dog in a kennel day after day? I responded by peacefully protesting and challenging them legally. The government knows this which is why they again needed to create a made up scenario and twist the meaning of my words. I hope you see how pathetic it is... I didn't disregard supervision just as I haven't disregarded the jails rules, and the rules here are very stupid...

3) My lawyers have shared since November 2022 that I was in my guideline range. Regardless, I shouldn't have to face my sentence prior to facing trial... You know that isn't right... So imagine I prove I'm innocent, or let's say I only am wrongly found to have trespassed, I'll have served more than the maximum sentence allowed! That's not right! Additionally, the government

brings up a plea deal that was offered to me back in July of 2021, why did they not bring up the three other offers since then? I'll tell you why, because again, they all would've equated to time served at sentencing! Literally 20 minutes after they argued I was too dangerous to be released on 10/12/21 they came down to the court's dungeon with myself and my stand-by counsel and offered me a plea deal that they said would equate to 0-6 months time served... They then tried suggesting that they brought up enhancements to me that would have raised it from that, but that's not what they tried to offer me downstairs, they offered me a plea deal with 0-6 months time served, a felony (think it was civil disorder). In March of 2022 I was informed of the misdemeanor time served plea deal, I said no to that. Later they offered some other sort of plea deal for civil disorder, which again I was told would equate to time served... The government as usual is peddling false information...

4) The government again peddles that I shouldn't be released because I'm "unlikely to abide by my release conditions", yet I clearly have proved that to be false.

Page 26:

1) The government claims that the court hasn't ruled on these issues, but he has regarding my preparations... He refused to get them back to me or to order it to be given to me... Regardless of whether they're appealable now, they do make a great argument for temporary release, which is also under U.S.C. 3142... Why waste the tax payers money any further in this case by holding me in jail? Why waste the tax payers money on an appeal and new trial if things go wrong with the biased DC jury when I could instead prepare effectively and have less ground to appeal on? It's like the government wants me to cause more financial chaos for the tax payers by remaining in jail and having more grounds to appeal on! They don't care because it's not their life, and not their money...

\*\*\*Part H: Conclusion:\*\*\*

The government submitted to this court a Response that was filled with lies and twisted stories on every page. More often than not, the lies and twisted stories were not just once a page, but were littered on every page. The government relied heavily on the record/ transcripts of the past. The problem is, the record is filled with uncorrected lies, which is why the first thing I asked for following a motion to represent myself was to correct the record through an evidentiary hearing. This is also why I've been seeking other ways to get evidence to prove my claims, such as transcripts, emails, text messages, etc.

Fortunately, 2.5 years later, I was given some of the evidence I needed to prove my claims to this court within a few days of receiving the governments' Response. With this information/ evidence I was able to prove much of the governments' lies and prove there are many lies on the record. Sometimes I was able to prove they were lying by pointing to their own words. The government's entire narrative is broken from the foundation up.

In Parts A-D I proved that the government lied/ broke the law (Bail Reform Act) in order to place the "most restrictive" conditions of release on me. I showed this court that under "Fruits Of The Poisonous Tree" that I shouldn't have had any conditions of release, I should be released immediately, and anything gathered as a result of the government's law breaking should be tossed out. That includes the claims of my actions while on pre-trial release.

However, even if this court were to ignore what it has said in the past regarding "Fruits Of The Poisonous Tree", and what the Supreme Court has said about it, I also proved in Parts E-F that the allegations against me while on pre-trial release were almost all false, and if not, missing some much needed context. I proved that I did in fact follow my conditions of release, even though they were wrongfully placed on me and despite that they were the "most restrictive". I proved the government lied and tried to craft narrative after narrative.

Finally, in Part G, I showed you how despite the government knowing all this, they still try to do what has worked for them for nearly 2.5 years. I proved that they still cling to their lies. I showed you their mendacious tactics.

So, citing the same case law that the government cited in their Response on page 17, "This court [reverses] only if left with the definite and firm conviction that a mistake has been committed" (U.S. V. Munchel, 991 F.3d 1273, 1282 (D.C. Cir. 2021)).

It's clear, there were "mistakes(lies)" at the first hearing that caused me to be placed under the "most restrictive" conditions. There were "mistakes(lies)" at my first revocation hearing that caused me to be placed under house arrest again. There were "mistakes(lies)" at my second revocation hearing resulting in a court order to attend a mental evaluation that I already voluntarily signed up for prior to the court even mentioning one. There were "mistakes(lies)" at my third revocation hearing regarding my call-ins, being late/ not calling the after hours line, allegations of intimidating my PO's mother, and "canceling (rescheduling)" my mental evaluation, along with other random allegations... Since these hearings the judge has based his decisions to keep me in jail off of the "mistakes (lies)" presented at all these hearings. The record is littered with "mistakes (lies)". As a result the governments Response is also littered with "mistakes (lies)".

All of this is one GIANT "mistake". Worse, it's an illegal/ improper detention. To continue to keep me in jail would be further rewarding the government for their illegal conduct. It would be condoning them breaking the BRA, their code of ethics, ignoring what the Supreme Court and this very Circuit have said should happen regarding "Fruits Of The Poisonous Tree", and condoning other areas of the law to be broken. This court not only has a right to reverse this denial of bond, by it's own (and the Supreme Courts') standards, IT HAS A DUTY TO REVERSE MY DENIAL OF BOND!

I do not deserve to have any conditions of release as I didn't meet any of the BRA factors.

However, if this is to be ignored, I at least should be placed under the "least restrictive" conditions, not the "most restrictive" conditions as I was before. I should be allowed to operate

my companies, not have to report for drug tests, not have an ankle monitor, ect. I should be able to live on my own and not be forced to live with anyone else...

However, if this also is to be ignored, I'll do what the courts ask, just as I was up to my 3rd revocation hearing, following all the conditions of release... This time there won't be 34 to 36 out of 36 conditions followed (again, once properly explained, I followed the other 2 100% of the time), I'll make certain there is clarification on what each condition means and not be confused by any PO so I follow each and every condition.

Should I need to be released to a 3rd party custodian, I have 3 volunteers who have offered to watch after me.

Option 1: Edward Joseph Lang

Address: 67 Arena Court Narrowsburgh, NY, 12764

DOB: 9/24/1960

Business Phone: 845-252-3000

About: Owns a sludge processing facility. Owns Enviro Ventures. Owns Roto-Rooter Plumbing Franchising. Is a master pilot. Is a licensed master plumber. He served in the US Coast Guard from 1978-1983.

Bonus: Mr. Lang offered me employment in his company while I rebuild my chimney company, this will help me get off my feet at a faster rate. He's a great person and a great business mentor that I could learn a lot from. He also was the first person to make sure I was doing alright in the DC jail. I could park my company vehicles here.

Option 2: Sarah MacAbee

Address: Suburb 30 minutes away from Nashville TN.

DOB/ Phone: Will give if Ned is denied for some reason

About: CEO of major Broadway/ traveling Theatre company. Husband was a Sherriff, and both have been great friends to me. I'd have enough space to park my company vehicles and be located near a large conservative city, great for business.

Option 3: Kelly Wylde

Address: Downtown Nashville TN.

DOB/Phone: Will give if Ned and Sarah are denied for some reason

About: Real Estate Agent. Graduated from a great California college. Has helped fund millions for those in need as a side job. A great friend whose helped me in many ways.

Other: Due to Kelly living downtown, living space would be tight, which could inhibit business despite it's great location.