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

UNITED STATES,)	
v.)	Crim. No. 21cr268-CJN
JEFFREY MCKELLOP, Defendant.)	

<u>DEFENDANT'S REPLY TO GOVERNMENT OPPOSITION TO</u> <u>MOTION FOR PRETRIAL RELEASE</u>

Defendant Jeffrey McKellop, by counsel, hereby replies to the Government's Opposition (Doc 132, "Opp") to his Motion for Pretrial Release(Doc 125).

Without specifying the alleged misconduct or providing a single sheet of supporting documentation, the government blithely maintains that the denial of the discovery to which Defendant is constitutionally entitled, is justified as punishment by the jail for his own conduct (Opp 3). The jail has constitutional measures at its disposal should the need to impose discipline, in fact, arise.

According to the government, the jail's unexplained seizure of counsel provided discovery is permissible because it was returned a year later (Opp at 3).

Defendant's right to participate in his own defense cannot be honored by restricting his discovery review to counsel visits – particularly when discovery runs to 3.86M files (see Doc 131) and Defendant's ability to appreciate the pertinence of particular components of this discovery is uniquely informed by his presence at the day's events.

An investigation of alleged Contempt by Defendant (Opp at 3-4) does not justify denying Defendant his notes on discovery for six months when the seized documents number no more than 70.

The DC Jail's abominable treatment of January 6th defendants in general and this one in particular has been amply referenced elsewhere. Its abuses occur outside the presence of impartial witnesses and hence are exceedingly difficult to document.

Defendant needs and is entitled to the opportunity meaningfully to review his discovery.

Respectfully submitted, JEFFREY MCKELLOP

By Counsel

_____/s/ John C. Kiyonaga

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Certificate of Electronic Service

I hereby certify that on December 15, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, with consequent service on all parties.

John C. Kiyonaga