

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	Magistrate No. 1:21-MJ-469 (RMM)
)	
Plaintiff,)	DEFENDANT'S SUPPLEMENTAL
)	MEMORANDUM IN OPPOSITION
v.)	TO GOVERNMENT'S MOTION FOR
)	EMERGENCY STAY AND FOR
BRIAN CHRISTOPHER MOCK,)	REVIEW OF RELEASE ORDER
)	
Defendant.)	

Defendant Brian Christopher Mock hereby respectfully submits this Supplemental Memorandum in Opposition to the government's Motion for Emergency Stay and Review of Detention Order ("Gov't Br.", ECF No. 6). The Court should deny the government's Motion because it has not met its burden of establishing, by clear and convincing evidence, that no condition or combination of conditions will reasonably ensure the safety of any other person or the community were Mr. Mock released pending trial, per 18 U.S.C. § 3142(e)(1).

Mr. Mock does not intend this submission to minimize the seriousness of the allegations against him and the importance of the Court's detention calculus. Mr. Mock further acknowledges the holding of the United States Court of Appeals, District of Columbia Circuit that, "[w]hatever potential persuasiveness the government's failure to seek detention in another case carries in the abstract, every such decision by the government is highly dependent on the specific facts and circumstances of each case" *United States v. Munchel*, 991 F.3d 1273, 1284 (D.C. Cir.), *judgment entered*, 844 F. App'x 373 (D.C. Cir. 2021).

That said, as this Court acknowledged in *United States v. Owens*, No. 21-CR-286 (BAH), 2021 WL 2188144 (D.D.C. May 28, 2021), “[t]he *Munchel* panel . . . nonetheless directed that the district court ‘should’ consider comparator cases in weighing the government’s proffer of dangerousness if defendants ‘raise the issue upon remand[.]’” *Owens*, 2021 WL 2188144 at *11 (quoting *Munchel*, 991 F.3d at 1284). To that end, and consistent with the Court’s directive at the June 22, 2021 hearing that the parties submit supplemental briefing, Mr. Mock submits the following table summarizing several comparator cases arising out of the events of January 6, 2021, including relevant facts and the respective defendants’ bond statuses, where the government did not seek detention.¹ In support of Mr. Mock’s request for release under a combination of conditions that will assure community safety, the information *infra* is offered as relevant to the Court’s weighing the government’s proffer of dangerousness in this case:

¹ The table does not include *Owens*, *supra*, nor *United States v. Gossjankowski*, 21-cr-123-PLF; *United States v. Blair*, 21-cr-186-CRC; *United States v. Leffingwell*, 21-cr-005-ABJ, which Mr. Mock addressed in his initial brief (ECF No. 11 at 21-22) and the Court analyzed in *Owens*. 2021 WL 2188144, at *11-12. With the possible exception of *United States v. Schaffer*, No. 1:21-cr-00306-APM-1—for which the docket does not conclusively indicate whether the government ultimately withdrew its detention motion—the table likewise does not include cases in which the government sought detention, but the District Court ultimately ordered release. See, e.g., *United States v. Mullins*, No. 1:21-cr-00035-EGS-4 (in 03/02/2021 Minute Entry and Order (ECF No. 11), the Court affirmed the magistrate judge’s release order, despite government’s motion for review and appeal, where allegations included the defendant pulling an officer by the leg down stairs at the lower west terrace tunnel, after which the officer was kicked, struck with poles, stomped on, and maced, resulting in lacerations to the head requiring two staples to close (ECF No. 1-1 at 2-5)). Instead, the table is limited to cases in which the government did not seek detention in the first instance.

Case Name & No.	Statement of Facts / Offense	Bond Status
<i>United States v. Capsel</i> , No. 1:21-mj-122	ECF No. 1-1: <ul style="list-style-type: none"> • “Witness 1 reported that they were a former neighbor of CAPSEL and that CAPSEL was ‘known to be violent’.” (<i>Id.</i> at 3.) • “Your affiant reviewed video posted on social media in which it appears that CAPSEL is fighting against National Guardsmen attempting to hold the line with riot shields.” (<i>Ibid.</i>) • “. . . CAPSEL, identifiable by the tattoos on his face and neck, and wearing the same hat, shirt, and necklace, is fighting against National Guardsmen until he is pepper sprayed, as shown in the last screenshot. Specifically, the video depicts CAPSEL charging against a lined group of National Guardsman, running into their protective shields.” (<i>Id.</i> at 5.) 	No apparent detention motion; 02/04/2021 Minute Entry – “. . . Bond Status of Defendant: Defendant placed on Personal Recognizance Bond.”
<i>United States v. Council</i> , No. 1:21-cr-00207-TNM	ECF No. 1-1: <ul style="list-style-type: none"> • Defendant “was part of a larger group, but was individually pushing against the barrier [inside the Capitol building] to include an emergency door that is kept closed.” (<i>Id.</i> at 1.) • “Once the door was forcibly opened he broke through along with others. All during this time he was continually yelling 	01/21/2021 Minute Entry – “. . . Government does not seek the Defendant’s Pretrial Detention. . . . Bond Status of Defendant: Defendant Placed on Personal Recognizance[.]”

Case Name & No.	Statement of Facts / Offense	Bond Status
	at police officers that were trying to contain the scene. When he was deterred from advancing further into the building, COUNCIL pushed a uniformed officer of the United States Capitol Police.” (<i>Ibid.</i>)	
<i>United States v. Connell</i> , No. 1:21-cr-84	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> • Prior to events of January 6, “CONNELL posted on Facebook a screen shot of what appears to be a Google maps picture of the Washington, D.C. area with a pin dropped in the center of Washington. CONNELL added a message with flexing arm emojis saying, ‘gonna be right there in the middle of it.’” (<i>Id.</i> at 4.) • After events of January 6, defendant posts on Facebook: <ul style="list-style-type: none"> ○ “I have more videos of us breaching the Capitol but not gonna post them. We will be back and it will be a lot worse than yesterday! . . . We need another “peaceful protest!”” (<i>Id.</i> at 2-3.) ○ “4 of us breached the cops blockade and us same 4 breached the Capitol. . . . When we stormed the cops there was 8 of them and 4 of us so [my cousin] got clubbed and shot with rubber bullet. But we 	No apparent detention motion; 02/05/2021 Minute Entry – “. . . Bond Status of Defendant: Defendant placed on Personal Recognizance Bond.”

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	<p>pushed the cops against the wall, they dropped all their gear and left. That's when we went to doors of Capitol building and breached it.” (<i>Id.</i> at 9.)</p> <ul style="list-style-type: none"> ○ In response to online question about whether “it lookin like a civil war yet?”, “CONNELL answered: ‘It’s gonna come to it.’” (<i>Ibid.</i>) • F.B.I. “affiant believes CONNELL may intent to return to Washington, D.C., sometime during the week of January 18, 2021. According to a witness, CONNELL has communicated with at least two other individuals in Texas about purchasing long-rifle firearms, ammunition, and body armor to bring with them. According to the witness, CONNELL explained that he was not returning to Louisiana unless he was in a body bag. Your affiant understood that to mean CONNELL intended to travel to Washington D.C. to cause violence that may result in the end of his life.” (<i>Ibid.</i>) 	

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<p><i>United States v. Mackrell</i>, No. 1:21-cr-00276-CKK-1</p>	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> Over a more than four minute period, defendant pushed against barricades two times, moved in towards officers' new line, pushed up and shoved against officers two times, and then—just after a member of the crowd sprayed what appeared to be bear-spray towards the officers—struck a U.S. Capitol Police Officer multiple (at least two) times, and then grabbed for officer's gas mask, under the officer's face shield, and thereby “attempted to expose the officer to the spray by grabbing the officer's gas mask.” (<i>Id.</i> at 2-6.) “After the [defendant] struck the officer and grabbed the officer's mask, another officer struck the [defendant] to protect the officer under attack” and was “able to knock down the” defendant, but the defendant told a camera following him that he was going to do “whatever it takes for [his] country,” that he was “not done,” and that he was “going back in”. (<i>Id.</i> at 7.) On January 6, the defendant posted on Facebook regarding “the government[,]” “how about we get rid of all of them because well it is out literal job as 	<p>No apparent detention motion; 03/23/2021 Minute Entry – “. . . Bond Status of Defendant: Defendant placed on Personal Recognizance Bond.”</p>

Case Name & No.	Statement of Facts / Offense	Bond Status
	<p>american's to kill the tyrannical government." (<i>Id.</i> at 8.)</p> <ul style="list-style-type: none"> On January 7, the defendant stated in Facebook messages that "the cops got the[i]r[] ass handed to them[,] "think about what happened today it was just a warning[,] and "no one had a gun[;] now what would happen if we did???" (<i>Id.</i> at 9.) 	
<p><i>United States v. Jason Douglas Owens,</i> No. 1:21-mj-00376-RMM-1</p>	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> Defendant shoved an unknown MPD Officer immediately after an assault by co-defendant; "[t]he unknown MPD Officer's head can be seen going backward after the shove." After the officer is identified, the officer's body word camera shows the defendant making physical contact with the officer. (<i>Id.</i> at 10.) Defendant is also seen in a photograph with his hands on MPD Officers at the same time as the assault on the aforementioned officer. (<i>Id.</i> at 11.) 	<p>04/21/21 Minute Entry – "Government does not seek the Defendant's pretrial detention. . . . Bond Status of Defendant: Defendant Placed on Personal Recognizance[.]"</p>
<p><i>United States v. Palmer,</i> No. 1:21-cr-00328-TSC-1</p>	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> "... PALMER ... can be seen throwing what appears to be a wooden plank at USCP and MPD officers protecting the Lower West Terrace entrance." (<i>Id.</i> at 2.) "... [A]dditional publicly available video show[s] PALMER at or near the front of 	<p>No apparent detention motion; 03/23/2021 Minute Entry – "... Bond Status of Defendant: Defendant Remain on Personal Recognizance."</p>

Case Name & No.	Statement of Facts / Offense	Bond Status
	<p>the mob. While there, the video shows PALMER spraying the contents of a fire extinguisher at the officers and then throwing the fire extinguisher at them. . . . [F]ootage from security cameras inside the Lower West Terrace tunnel provided by the U.S. Capitol Police (“USCP”) shows that, “at approximately 4:55 p.m., PALMER can be seen spraying the contents of the fire extinguisher at the police and then throwing the fire extinguisher at the police. Thereafter, the security footage shows PALMER picking up the fire extinguisher from the ground and throwing it at the officers a second time.” (<i>Id.</i> at 3.)</p>	
<p><i>United States v. Sandoval</i>, No. 1:21-cr-00195-TFH-2</p>	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> “... CCTV shows that SALVADOR SANDOVAL JR was not only inside the Capitol, but was also engaged in assaulting law enforcement officers. The CCTV footage shows SALVADOR SANDOVAL pushing two different law enforcement officers who are clearly identified as Metropolitan Police Officers via insignias on their jackets and helmets. SALVADOR SANDOVAL JR also grabbed the shield of a third Metropolitan Police Officer, pulled 	<p>No apparent detention motion. 02/25/2021 Order Setting Conditions of Release. (ECF No. 12.) 02/25/2021 Minute Entry - “Bond Status of Defendant: Defendant placed on Personal Recognizance Bond.”</p>

Case Name & No.	Statement of Facts / Offense	Bond Status
	it toward himself, but was unsuccessful in prying it free from the officer's grasp." (<i>Id.</i> at 5.)	
<i>United States v. Schaffer</i> , No. 1:21-cr-00306-APM-1	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> • "SCHAFFER was among the rioters who sprayed United States Capitol Police officers with 'bear spray,' a form of capsaicin pepper spray sold by many outdoors retailers, as part of their efforts to push the officers back inside the Capitol and breach the Capitol Building themselves." (<i>Id.</i> at 2.) • "The photographs show SCHAFFER in a blue hooded sweatshirt under a tactical vest with a baseball cap that reads 'Oath Keepers Lifetime Member.' The 'Oath Keepers' is an organization that characterizes itself as a militia of former law enforcement and military personnel and has often, as a group, urged President Trump to declare Martial Law in order to prevent the Congress from certifying the Electoral College Results." (<i>Ibid.</i>) • "During an interview in 2017, SCHAFFER identified himself as an 'anarchist' and referred to the federal government as a 'criminal enterprise.' . . . On November 14, 2020, SCHAFFER 	<p>03/18/2021 Minute Entry - "Bond Status of Defendant: Defendant Remain Held Without Bond[.]" Government moved for defendant's detention via oral motion on 03/19/2021. 03/19/2021 Minute Entry - "Bond Status of Defendant: Defendant Committed/Commitment Issued[.]" 03/24/2021 Order of Detention Pending Trial (ECF Nos. 12, 18.) 03/31/2021 Defendant's Motion for Review of Detention Order (ECF No. 14) was followed by 04/02/2021 Minute Order directing the government to address <i>Munchel</i>. The parties submitted a 04/04/2021 Consent Motion to Continue the Detention Hearing to 04/21/2021. (ECF No. 20 at 2.) On 04/16/2021, however, the defendant pleaded guilty and his custodial status changed - 04/16/2021 Minute Entry - "Bond Status of Defendant: released on person recognizance." It is unclear from the Minute Entry whether this is due to the</p>

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	<p>participated in the ‘Million MAGA March’ in Washington, D.C. with other Oath Keepers members. . . . SCHAFFER was approached by a member of the press during the March, and made numerous statements indicating his intent to join others in fighting the election results – with violence if necessary. . . . ‘[N]ow we see you, and you’re going down, mark my words.’ . . . “[I]f somebody wants to bring violence, I think there’s a lot of us here that are ready for it. . . . [W]e’re going to respond to that, trust me.’ . . . ‘We’re not going to merge into some globalist, communist system, it will not happen. There will be a lot of bloodshed if it comes down to that, trust me.’” (<i>Id.</i> at 2-3.)</p> <p>ECF No. 30:</p> <ul style="list-style-type: none"> • “. . . SCHAFFER participated in the January 6 attack by unlawfully entering the Capitol building, armed with bear spray, intending to stop or delay the Congressional proceeding.” (<i>Id.</i> at 2.) • “SCHAFFER is a founding lifetime member of the Oath Keepers.” (<i>Id.</i> at 3.) • “Wearing a tactical vest and armed with bear spray, SCHAFFER unlawfully 	<p>government’s withdrawal of its detention motion, but no opposition to release is indicated in that Minute Entry.</p>

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	entered the building with the purpose of influencing, affecting, and retaliating against the conduct of government by stopping or delaying the Congressional proceeding by intimidation or coercion.” (<i>Id.</i> at 5.)	
<i>United States v. Southard-Rumsey</i> , No. 1:21-cr-00387-APM	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> • Prior to January 6, defendant posted text messages on social media stating, “Going to DC tomorrow...Patriot’s vs Traitors’ and ‘We The People are making a declaration...1776!!’” (<i>Id.</i> at 3.) • On January 6, defendant “posted an image that captured her in front of the Capitol Building with the caption ‘DC Taking it back!!’” (<i>Id.</i> at 2.) • Defendant also posted on Twitter, stating, “I’m doing a live feed. Standing in front of the Capitol Building ready to take it. As soon as we get enough people up here. To run the Capitol Building. It’s going to be fun.” (<i>Ibid.</i>) • “SOUTHARD-RUMSEY entered the Capitol Building through the Rotunda Door at approximately 2:26 p.m. on January 6, 2021. . . . After arriving in the Statuary Hall Connector area, SOUTHARD-RUMSEY stopped and 	No apparent detention motion. According to Department of Justice website, “Arrested 6/2. Initial appearance held same afternoon. Released on conditions.” See https://www.justice.gov/usao-dc/capitol-breach-cases (last visited June 22, 2021).

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	<p>stood in front of United States Capitol Police (USCP) Sergeant N.V. ('Sgt. V.'). USCP Officers stood behind Sgt. V. SOUTHARD-RUMSEY can be heard in the video clips yelling the following at the USCP Officers:</p> <ul style="list-style-type: none"> ○ 'Tell Pelosi we are coming for that bitch.' ○ 'You ready, you ready.' ○ 'There's a hundred thousand of us, what's it going to be?' ○ 'Last friend, last bullet. What's it going to be?'" (<i>Id.</i> at 4-8.) <ul style="list-style-type: none"> • "SOUTHARD-RUMSEY can also be heard yelling at the other rioters, in substance, 'Alright push in here;' and "You ready to go again?'" (<i>Id.</i> at 8.) • "SOUTHARD-RUMSEY said the following to Sgt. V., in substance, 'We're coming, we're coming' and 'Let us through. We have the building already.'" (<i>Ibid.</i>) • At some point during Sgt. V.'s interaction with SOUTHARD-RUMSEY, she obtained a flagpole which she held in her hands and pressed against his chest. Once SOUTHARD-RUMSEY had the flagpole on Sgt. V.'s chest, she did not remove it 	

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	<p>and he felt pressure from it. SOUTHARD-RUMSEY was the only one holding onto the flagpole. When the second agitator of the group yelled ‘Let’s go,’ SOUTHARD-RUMSEY started pushing Sgt. V. with the flagpole and drove him back into the first set of doors leading onto the House floor. When Sgt. V. hit the doors, the doors flew open and he was pushed into the Lafayette marble statue striking the back left side of his head on the base of the statue. Sgt. V. felt like he was being trampled during the ordeal.” (<i>Id.</i> at 9.)</p> <ul style="list-style-type: none"> • “Following the Capitol Building siege on January 6, 2021, FBI Task Force Officer (TFO) Siobhan Maseda had obtained and reviewed video footage from inside the Capitol Building and identified SOUTHARD-RUMSEY. TFO Maseda is assigned to the FBI’s Tampa Field Office and has previously had multiple interactions with SOUTHARD-RUMSEY in relation to her protesting activities in Florida.” (<i>Ibid.</i>) 	
<i>United States v. Stetcher</i> , No. 1:21-mj-00276-RMM-1	ECF No. 1-1: <ul style="list-style-type: none"> • “Based upon actions depicted in video footage, Stecher forcibly pushed against 	04/13/2021 Minute Entry – “Government does not seek the Defendant's pretrial detention. . . .

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	and assaulted officers while attempting to gain further entry into the U.S. Capitol building. Stecher was on the Lower West Terrace and continued an attempt to enter the U.S. Capitol building after being sprayed by law enforcement officers with a chemical irritant and after being pushed back by law enforcement officers.” (<i>Id.</i> at 8.)	Bond Status of Defendant: Defendant Placed on Personal Recognizance[.]”
<i>United States v. Stevens</i> , No. 1:21-cr-00040-TNM	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> “STEVENS can then be seen entering the tunnel [(i.e., the lower west terrace door of the United States Capitol)] with the rioters, who begin to push against the officers as a group. STEVENS can be seen in surveillance footage yelling and placing 1, then 2, and then 3 fingers in the air, with the crowd then pushing forward as he puts up 3 fingers. Surveillance footage shows that this continues a few times until someone at the front urges everyone to back up, at which point Stevens can be seen waiving to the crowd to back up.” (<i>Id.</i> at 5-6.) “... STEVENS can be seen grabbing one of the riot shields that is being passed forward by others” (<i>Id.</i> at 7.) 	No apparent detention motion. 02/23/2021 Order Setting Conditions of Release. (ECF No. 9.) 02/23/2021 Minute Order - “Bond Status of Defendant: Defendant placed on Personal Recognizance Bond with Location Monitoring.”

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	<ul style="list-style-type: none"> “ . . . [A]fter STEVENS . . . pushes his way to the front of the line of rioters with the shield, STEVENS was holding the shield and using it to push against the line of officers as the rioters add their weight and push him too. . . . [A]t one point, the shield STEVENS is holding also strikes an officer in the helmet. At another point, YouTube Video 1 also shows an officer thrust his baton over a shield in an apparent attempt to poke one of the protesters and shows that STEVENS grabbed the baton and, in a brief struggle, tried to take it from the officer[.]” (<i>Id.</i> at 8-9.) “Then, around 4:15 p.m., STEVENS can be seen in surveillance footage returning to the tunnel, with the grey hood on his head but otherwise appearing the same, and once again joining a large group of rioters pushing against law enforcement officers guarding the lower west terrace doors. The rioters push as a crowd against the officers for a few minutes. Around 4:19 p.m., STEVENS can be seen waiving the group back and begins exiting the tunnel again as law enforcement officers finally push the 	

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	group back to the arch entrance.” (<i>Id.</i> at 9.)	
<i>United States v. Thomas</i> , No. 1:21-mj-00448-ZMF-1	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> During “the late evening of January 5, 2021 into the early morning hours of January 6, 2021[.]” defendant “conven[ed] a caravan of approximately 60 vehicles [in Ashland, Virginia] in anticipation of a scheduled rally in D.C. later that day[.]” Defendant arranged to meet the caravan group at the “Ellipse Grounds South[.]” Defendant stated on video, “right now, we got a whole [list] of people going to storm the Capitol[.]” (<i>Id.</i> at 2-3.) “At approximately 4:22 PM, . . . THOMAS . . . advanced up to the line of law enforcement officers and pushed against their shields with his forearm. . . . [E]ven after law enforcement officers pushed him back, THOMAS returned at least twice to punch or strike the officers with his fist and forearm. THOMAS continued to attack law enforcement this way or attempt to push them back for at least 25 seconds straight, from approximately 4:22 to 4:23 PM.” (<i>Id.</i> at 4-5.) “At approximately 4:26 PM, the assembled law enforcement officers again began to 	No apparent detention motion. 06/03/2021 Minute Entry – “Bond Status of Defendant: Defendant Remain on Personal Recognizance[.]”

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	<p>dispel the crowd of rioters from the steps[.]” but “THOMAS turned toward the rioters and ordered them to ‘hold the line’ against the advancing officers. THOMAS audibly repeated this order several times.” (<i>Id.</i> at 6.)</p> <ul style="list-style-type: none"> • “THOMAS approached the assembled law enforcement officers at approximately 4:28 PM and hit the officers with his forearm and elbow. Video 4 showed that, after he was repulsed, THOMAS again approached the officers, attempting to push them back.” (<i>Id.</i> at 7.) • “As the law enforcement officers advanced, THOMAS turned to his side, using his elbow and shoulder to strike the front line officers. Video 5 showed THOMAS push back against the officers in this way four more times and attempt to punch with his fist once, while ordering the rioters to ‘hold the line,’ until approximately 4:30 PM.” (<i>Id.</i> at 8.) • “Officers stated that [the defendant] ‘was one of the first to come in and start hitting [and] pushing officers on the line’ and ‘tried to kick [their] shield,’ ‘tr[ie]d to punch around [their] shield,’ and “engaged other officers.” (<i>Ibid.</i>) 	

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<p><i>United States v. Wilson</i>, No. 1:21-cr-00345-RCL-1</p>	<p>ECF No. 1-1:</p> <ul style="list-style-type: none"> “... WILSON entered the lower west terrace tunnel area of the U.S. Capitol building shortly before 3 pm while rioters were pushing against law enforcement officers in an attempt to gain entry into the building. . . . WILSON made his way to the front line of the officers. As officers tried to close a set of double doors, WILSON grabbed and tried to pull the door open. WILSON then raised what appeared to be a tablet device in order to deflect the spray of an irritant. WILSON was sprayed with the irritant by officers. WILSON picked up a several foot long white cylindrical object, believed to be a thin polyvinyl chloride (PVC) pipe, and he jabbed the officers with it. WILSON then raised the object above his head and tossed it at the officers. WILSON lingered in the tunnel. Shortly after a rioter stated, ‘Send the shield back, send the shield back’ and ‘Take the God damn shield,’ WILSON appeared to assist other rioters in pulling a shield away from the officers. In the skirmish, WILSON pushed two officers to the ground. WILSON then pushed on an officer’s shield as the rioters kept pushing 	<p>04/22/2021 Minute Entry – “Government does not seek the Defendant’s pretrial detention. . . . Bond Status of Defendant: Defendant Placed on Personal Recognizance[.]”</p>

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	<p>against the officers. WILSON was observed in the tunnel for approximately 14 minutes.” (<i>Id.</i> at 3.)</p> <ul style="list-style-type: none"> • “Officer-1 identified himself in the video and stated that the individual later identified as WILSON punched him, pushed on his head, pushed on his shield and hit him with a pole in the shoulder.” (<i>Id.</i> at 6.) • “Officer-2 stated that he was pushed down to the ground by the individual later identified as WILSON.” (<i>Ibid.</i>) 	

In its reply brief, the government asks the Court to distinguish Mr. Mock's case from other January 6 cases where defendants have been released based on Mr. Mock's criminal history, his social media postings, and his alleged threats to a witness at the end of April of 2021. (ECF No. 13.) Again, without minimizing the seriousness of this matter, the foregoing comparator cases are submitted per *Munchel* for the Court's consideration in evaluating the conduct charged against Mr. Mock, as well as his actions before and afterwards, in contrast to other pending matters arising out of the same incident, wherein defendants have been released pretrial. It is respectfully submitted that the facts of this case, when compared to those above, are insufficient to "warrant this exceptional treatment" of pretrial detention. *Munchel*, 991 F.3d at 1285.

Based on the foregoing, as well as the points and authorities set forth in Mr. Mock's original brief (ECF No. 11) and at the June 22, 2021 hearing, Mr. Mock humbly prays that the Court find that the government has not met its burden of demonstrating, by clear and convincing evidence, that "no condition or combination of conditions will reasonably assure" the safety of the community. 18 U.S.C. § 3142(e)(1). Mr. Mock therefore requests that the Court order his release, subject to a combination of conditions to ensure he poses no danger to any other person or to the community, including location monitoring, curfew, and a no contact order with any alleged victim or witness.

DATED: June 22, 2021

Respectfully submitted,

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