

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : CRIMINAL NO. 21-CR-177 (CRC)
 :
 DANIEL D. EGTVEDT :

**DEFENDANT’S SUPPLEMENT TO MOTION TO REVOKE ORDER OF DETENTION
OF U.S. MAGISTRATE JUDGE AND TO MODIFY BOND CONDITIONS**

The Defendant, Mr. Daniel D. Egtvedt, by and through his attorney Kira Anne West, files this supplemental brief in support of the appeal of his detention pursuant to 18 U.S.C. § 3145 (b). In support of this motion, the Defendant submits the following:

PROCEDURAL HISTORY

On March 3, 2021, Mr. Egtvedt was charged by indictment with multiple counts arising out of his alleged participation in the events that occurred at the United States Capital on January 6, 2021. On March 24, 2021, defendant filed an appeal of the decision of detention of the Magistrate Judge and motion to modify bond. *See* ECF. No. 16. On March 26, 2021, the D. C. Circuit decided *United States v. Munchel, et. al*, No. 21-3010, March 26, 2021 (D.C. Cir. 2021) and remanded that case back to District Judge Lamberth for further fact finding applying their analysis. Because of the Circuit’s decision, *See Id.*, the United States agreed to conditions of release for defendant Munchel. *See* 21 CR 118 (RCL), ECF Nos. 60 & 62.

APPLICATION OF *MUNCHEL* TO THIS CASE

The activities at the Capitol of Munchel and his mother, a co-defendant, were much more serious than the facts in this case yet they are both now out on bond. Unlike Mr. Egtvedt,

Munchel carried with him a taser, he actively communicated with Oath Keepers, both defendants took zip ties from the Capitol, and were seen inside the Senate Gallery. The Circuit gave great weight to the fact that they both turned themselves in (*See Katsas, J., dissenting*). However in the present case, Mr. Egtvedt had no idea that there was even a warrant for his arrest or he would have turned himself in. What the Circuit found most troubling by the District Court was that although the government has the burden to present “an identified and articulable threat to the community,” there was none presented nor found by the District Court. *See Munchel v. United States*, p. 16-17, No. 21-3010 (D.C. Cir. 2021) The Circuit further held that the threat must be considered in context *Id.* at p. 17, and that the defendants did not engage in any act of violence and did not enter the capitol by force. *Id.*¹

Here, as previously argued by the defendant, there is no threat of future violence (*See Katsas, J., dissenting, p. 4*), no history of violence, no criminal history and no affiliation with any group such as the Oath Keepers or Proud Boys. Thus when considering Mr. Egtvedt’s behavior in the context of what happened on January 6th-Trump’s empty assurance of “I’ll be with you,” it is not remarkable that several non-violent protesters found themselves in the Capitol alongside the few that were violent.

WHEREFORE, Mr. Egtvedt respectfully files this supplement to his original motion for release with conditions.

Respectfully submitted,

KIRA ANNE WEST

¹ In the instant case, there is a clear difference of opinion on whether Mr. Egtvedt assaulted anyone. The video from the hall of columns presented under seal to the Court established that Mr. Egtvedt did not assault anyone.

By: _____ /s/ _____

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CERTIFICATE OF SERVICE

I hereby certify on the 30th day of March, 2021, a copy of same was delivered to the parties of record, by email pursuant to the Covid standing order and the rules of the Clerk of Court.

_____ /S/ _____

Kira Anne West