

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CASE NO. 21-CR-177 (CRC)</b>
	:	
<b>DANIEL DEAN EGTVEDT</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION  
TO REVOKE DENTION AND MODIFY BOND CONDITIONS**

The United States, by and through its attorney, the Acting United States Attorney for the District of Columbia, respectfully submits this opposition to Defendant’s Motion to Revoke Order of Detention of U.S. Magistrate Judge and Modify Bond Conditions. The government respectfully opposes the Defendant’s motion and asks that the defendant, Daniel Egtvedt, remain detained pending trial.

In support of its opposition, the government incorporates the arguments in its previous motion for detention filed on February 19, 2021 (ECF No. 6, 20-mj-212 (ZMF)) (hereinafter “Government’s Detention Memorandum”).

**PROCEDURAL HISTORY**

On February 9, 2021, the defendant was charged by complaint with: 1) 18 U.S.C. § 111(a)(1) - Assault on a Federal Officer or Person Assisting a Federal Officer; 2) 18 U.S.C. § 231(a)(3) - Obstruction of Law Enforcement During Civil Disorder; 3) 18 U.S.C. § 1512(c)(2) - Obstruction of Justice/Congress; 4) 18 U.S.C. § 1752(a)(1), (2) & (4) - Unlawful Entry, Disorderly Conduct, and Physical Violence into/in/on Restricted Building or Grounds; and 5) 40 U.S.C. § 5104(e)(2)(D) & (F) - Disorderly Conduct and Physical Violence on Capitol Grounds. On

February 16, 2021, at the defendant's initial appearance, the government orally moved for the defendant's detention pending trial pursuant to § 3142(f)(2) of the federal bail statute. Magistrate Judge G. Michael Harvey presided over a detention hearing on Tuesday, February 23, 2021. After hearing the proffers of the government and the defense, as well as statements from the defendant's brother, a proposed third party custodian, Magistrate Judge Harvey found "by clear and convincing evidence that I cannot fashion conditions or combination of conditions that would reasonably assure the safety of the community," and ordered the defendant held pending trial. *See* Exhibit 1, Transcript, February 23, 2021 Detention Hearing

On March 3, 2021, the defendant was indicted on eight charges for his conduct on January 6, 2021. The defendant was charged with: two counts of Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); one count of Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); one count of Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 2, 1512(c)(2); one count of Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); one count of Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); one count of Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); and one count of Violent Entry and Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(F).

### **FACTUAL BACKGROUND**

This Court is already familiar with the factual background of this case from the Government's Detention Memorandum. Below, we proffer additional evidence as it relates to the defendant's conduct from that January 6, 2021.

*Defendant's Cell Phone*

The defendant was arrested in a vehicle that belonged to his deceased father, and which he recently began driving after he returned from the January 6, 2021 riots.<sup>1</sup> Law enforcement seized the defendant's cell phone, which was located in his deceased father's vehicle at the time of the defendant's arrest, and searched the device pursuant to a search warrant.<sup>2</sup>

While the extract from the defendant's cell phone was only recently received, an initial review of its contents show that the defendant had photographs that were geotagged to Washington D.C. on January 6, 2021 and January 7, 2021. One photograph, shown below, appears to show law enforcement at the U.S. Capitol.



Another photograph, shown below, appears to show the defendant at the Willard InterContinental Hotel. The photograph, which had a capture time of January 7, 2021 at 11:50 am, corroborates

---

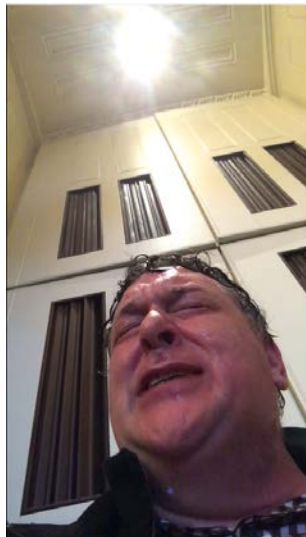
<sup>1</sup> Notably, the defendant drove his personal vehicle to Washington, D.C. on January 5, 2021.

<sup>2</sup> The defense argues that no search warrant was done on the defendant's home because "presumably there was no danger to the community." As the Court is aware, search warrants are executed when there is probable cause of evidence of a crime being located within a specified location or item; they are not issued by a judge based upon a defendant's dangerousness. In this case, the defendant was not arrested at a residence; he had in fact recently changed residences at the time of his arrest.

hotel records from the Willard Intercontinental. The hotel record indicate that the defendant stayed at the hotel the evenings of January 5, 2021 and January 6, 2021, and cited “Women for America First” as his “company,” with an accompanying group code. While the “selfie” style photograph may be unexceptional, it is worth noting that the defendant’s shirt appears to state, “God gave his archangels weapons because even the Almighty knew you don't fight evil with tolerance & understanding.” The “angel” on the shirt appears to be holding a long firearm.



Additionally, the government located a selfie style video in which the defendant appears, wearing a plaid collared shirt and dark jacket, consistent with his appearance in videos discussed in the Government’s Detention Motion.



In the video, the defendant states, “Capitol Police just sprayed me in the eyes twice. I’ve gone through training before for spray, you’re not supposed to put in the eyes. They put it in the eyes, the traitors.”

*Additional Body Worn Camera Footage*

In addition to the body worn camera (“BWC”) footage from Officer M.D. and those in the Hall of Columns, the government located BWC footage from two Metropolitan Police Department (“MPD”) who were verbally accosted by the defendant at 3:09 pm on January 6, 2021 – mere minutes before the defendant entered the Hall of Columns and assaulted Officers M.D. and M.M. In the BWC footage, the defendant approaches officers M.F. and J.A., who were standing against a wall before they made their way to an exterior portion of the Capitol building. The defendant walks up to the officers, aggressively pointing at them and screaming, “This is the United States of America, and you are on the wrong fucking side.” The defendant then walked up to a second group of law enforcement officers and appears to aggressively get in their faces, forcing one officer to push the defendant away from him.

## ARGUMENT

A Magistrate Judge in the United States District Court for the District of Columbia has already presided over a detention hearing for the defendant, evaluated the evidence proffered at the hearing, and determined that the defendant should be held. Contrary to the defendant's claims that he was akin to a rowdy patron at a nightclub, the defendant was a violent grown man who trespassed into the U.S. Capitol when it was closed to the public, interfered with and obstructed Congress's attempts to accomplish its official duties, berated law enforcement who were attempting to protect the Congress and Capitol, and then assaulted law enforcement officers. When law enforcement finally succeeded in removing him from the Hall of Columns vestibule to outside, he tried to force his way back into the building, and assaulted a U.S. Capitol Police Officer for a second time. Ironically, according to the defendant's "selfie" video on his phone, he considered these officers to be "traitors." Magistrate Judge Harvey considered the four factors under § 3142(g) that the Court should consider and weigh in determining whether to detain a defendant pending trial, and determined he should be held. As discussed below, a consideration of these factors shows that the defendant should remain held.

### **Nature and Circumstances of the Offense Charged**

As Chief Judge Howell has noted, "Grave concerns are implicated if a defendant actively threatened or confronted federal officials or law enforcement, or otherwise promoted or celebrated efforts to disrupt the certification of the electoral vote count during the riot, thereby encouraging others to engage in such conduct. These factors measure the extent of a defendant's disregard for the institutions of government and the rule of law, qualities that bear on both the seriousness of the offense conduct and the ultimate inquiry of whether a defendant will comply with conditions of release meant to ensure the safety of the community." *United States v. William Chrestman*, 21-mj-

218 (ZMF), ECF No. 23, at 16. Here, the defendant did not just confront or threaten law enforcement officers, he assaulted them and impeded their ability to do their jobs.

As Magistrate Judge Harvey found, the defendant appeared to be “part of a group of an initial wave of a violent mob that went into the Capitol, reached one of the entrances into the Capitol; that this defendant was part of that group.” Exhibit 1, at 34. Indeed, records for the defendant’s cell phone number indicate that he was first in or near the U.S. Capitol building at 2:37 pm, and Parler video shows him the threshold of an entrance to the U.S. Capitol at approximately 2:47 p.m.<sup>3</sup> Magistrate Judge Harvey also stated he had “no problem” finding probable cause that the defendant “engaged in multiple instances of assaultive conduct, by anyone’s definition: charging, hitting, swatting, pushing law enforcement officers who are clearly doing their job in trying to remove him from the Capitol.” *Id.* Magistrate Judge Harvey further noted that “a lot of the assaults on the law enforcement -- or all of them appears happened after he had been peppered sprayed, once, maybe twice, and he persisted in engaging in violence at the Capitol.” *Id.* Magistrate Judge Harvey concluded, “So as I read it, the alleged conduct does not suggest some momentary lapse of reason, some being caught up in the mob, but an individual who engaged in active, sustained violent conduct at the beginning and -- and looks like the 30 to 45

---

<sup>3</sup> The defendant claims that the government is mistaken and that the U.S. Capitol was first breached at around 1:00 pm, and cites to a National Public Radio article dated January 15, 2021. Laurel Wamsley, What We Know So Far: A Timeline of Security Response At The Capitol On Jan. 6, NPR (Jan. 15, 2021, 5:00 AM), <https://www.npr.org/2021/01/15/956842958/what-we-know-so-far-a-timeline-ofsecurity-at-the-capitol-on-january-6>. According to the article, however, an NPR reporter stated that at around 1:00pm, “We see this huge crush of people coming down Pennsylvania Ave. toward the Capitol. We follow the crowd as it goes up to the Hill, toward the Capitol. There’s scaffolding set up for the inauguration already. But as far as protection, all we really saw were some mesh barriers, some metal fencing and only a small contingent of Capitol Police. And we watched them being quickly overwhelmed.” The defendant thus appears to be referring to when protestors first approached the Capitol grounds, whereas the government’s concern with Mr. Egtvedt is that he was among the first waves of rioters who forced their way into the building while members of Congress were still present and attempting to evacuate.

minutes after the beginning of the assault on the Capitol.” *Id.* at 35. The nature of the defendant’s conduct and offense thus weighs in favor of his detention.

### **Weight of the Evidence Against the Defendant**

The weight of the government’s remains overwhelming. Magistrate Judge Harvey cited the government’s “very strong” and “overwhelming evidence, noted that the screenshots of the videos alone were “compelling,” recognized that the defendant was identified by individuals who knew him well, and recognized that the government has electronic evidence that placed the defendant at or inside the Capitol that day. *Id.* at 35 – 36.

The defendant’s motion attempts to distract from the weight of the government’s evidence by pointing to things the defendant is not charged with – such as stealing property from desks within the Capitol or damaging part of the Capitol. The defendant argues that law enforcement assaulted the defendant, when in fact they had to force him out of the building after he left the Hall of Columns, then reentered, and charged at and began assaulting the female law enforcement who stood in his way when he tried to re-enter the building. The defense’s motion alleges that the defendant was “peaceful,” though the defendant fails to explain how the defendant’s forced entry into the restricted Capitol was in fact peaceful. Defendant’s Motion at 11. The defendant claims that that he has “not yet been identified,” despite the fact that Witness 1 and Witness 2 both identified him in images from the Capitol. Moreover, as discussed above, a selfie video from the defendant’s phone appears to show him in the Capitol on January 6, 2021, discussing how he was pepper sprayed. In short, the defendant attempts to shift the focus from the government’s clear and objective evidence to irrelevant issues. The government’s evidence remains overwhelmingly strong, and clearly weighs in favor of detention.



### **Defendant's History and Characteristics**

The defendant's recent history and characteristics also support the defendant's continued detention. Magistrate Judge Harvey and the government acknowledged that the defendant has no criminal history and no history of non-compliance. Nevertheless, Magistrate Judge Harvey found that there was a record "that the defendant has a very hard time controlling himself," and stated that concerned the Court. Exhibit 1, at 36. This concern over the defendant's lack of control, particularly in light of the defendant's recent violent conduct, weighs in favor of his continued detention.

### **Danger to the Community and Flight Risk**

In deciding to hold the defendant, Magistrate Judge Harvey stated that he was ultimately trying to determine if there was something that could be done to reasonably assure the safety of the community. Exhibit 1 at 36. The Court explained that it was concerned about the defendant's intent, his interviews, and the letters that the defendant wrote to the Sheriff in Garrett County, Maryland, which suggested that "this defendant does not even recognize at this point the present administration and the authority of the government." *Id.* at 37. Magistrate Judge Harvey expressed concern that the defendant believed that members of Congress who were doing their jobs were traitors, and justified what he did that day, and specifically noted that this did not appear to just be a momentary lapse of reason on the defendant's part. *Id.* Magistrate Judge Harvey found that according to the government's evidence, the defendant "persists in his belief that there are, to use his words, historical events currently in play." *Id.* Magistrate Judge Harvey continued to find that the defendant believes that he is a political prisoner in a foreign land, so nothing has changed." *Id.* Magistrate Judge Harvey concluded, "The same events apparently that have caused him to do what he's done continue." *Id.*

Magistrate Judge Harvey’s findings thus are consistent with the United States Court of Appeals for the District of Columbia Circuit’s recent decision in *United States v. Munchel*, No. 21-3010, 2021 WL 1149196, (D.C. Cir. Mar. 26, 2021). As an initial matter, the defendants in *Munchel* were not accused of committing acts of violence, whereas the defendant has been indicted for assaulting two law enforcement officers, among other charges. Critically, however, the defendant’s continued threat to the U.S. government, as evidenced by his references to the ongoing historical events at play, his lack of recognition of the U.S. government, and his opinion that members of the government and/or law enforcement are traitors, place him solidly within the category of defendants who should be detained because there is an articulable threat posed by the defendant.

Citing *United States v. Salerno*, 481 U.S. 739, 751 (1987), the D.C. Circuit explained, “The crux of the constitutional justification for preventive detention under the Bail Reform Act is that ‘[w]hen the Government proves by clear and convincing evidence that an arrestee presents an identified and articulable threat to an individual or the community, ... a court may disable the arrestee from executing that threat.’” *United States v. Munchel*, No. 21-3010, 2021 WL 1149196, at \*7 (D.C. Cir. Mar. 26, 2021). The Court explained that there must be an identified, articulable threat posed by the defendant to an individual or the community and stated that the threat need not be of physical violence, and may extend to “non-physical harms such as corrupting a union.” *Id.* at 7 (citing *United States v. King*, 849 F.2d 485, 487 n.2 (11th Cir. 1988)). Here, as recent as the defendant’s arrest, the defendant was writing letters to the Garrett County Sheriff referring to historical events “currently in play” and referring to Washington, D.C. as a foreign land. Thus the defendant continues to not recognize the federal government, and continues to believe that a historical movement is at play.

The defendant's failure to even address the defendant's statements in his letters to the Garrett County Sherriff is notable, as the defendant's statements in these letters are at the heart of Magistrate Judge Harvey's findings. The letters show that the threat that the defendant will continue obstructing the government's lawful acts is still very much alive. The defendant's willingness to engage in continued assaultive and obstructive conduct towards law enforcement officers, coupled with the lengths he is willing to go to combat perceived government misdeeds – whether it be certifying the Electoral College or ending a global pandemic, should give this Court great concern about the danger he would pose to the community, if released. Magistrate Judge Harvey considered all of this evidence, and determined that there is no condition or combination of conditions of release that could reasonably assure the safety of the community, or that the defendant will appear in the District of Columbia, as required. This Court should find similarly, and deny the defendant's motion for release.

### **CONCLUSION**

Defendant was not a protestor swept up in the swagger of a violent mob – he was a violent instigator. He is unmoored, with little to connect him to the community, and little regard for the authority of the federal government. It is clear that the defendant is both a danger to the community and a risk of flight. Considering all of the factors set forth above, there is no combination of conditions that will reasonably assure his appearance in the District of Columbia and/or the safety of the community. The defendant should therefore be detained pending trial.

WHEREFORE, the government respectfully submits that its Motion for Pretrial Detention should be granted.

Respectfully submitted,

Channing D. Phillips  
Acting United States Attorney  
D.C. Bar No. 415793

/s/ Colleen D. Kukowski  
Colleen D. Kukowski  
DC Bar No. 1012458  
Colleen.Kukowski@usdoj.gov  
Michael C. Liebman  
D.C. Bar No. 479562  
Michael.Liebman@usdoj.gov  
Assistant United States Attorneys  
555 4th Street, N.W.  
Washington, D.C. 20530  
(202) 252-2646 (Kukowski)  
(202) 252-7243 (Liebman)

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Motion for Pretrial Detention was served on all counsel of record via the Court's electronic filing service.

/s/ Colleen D. Kukowski  
COLLEEN D. KUKOWSKI  
Assistant United States Attorney

Date: April 2, 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

United States of America, ) Criminal Action  
 ) No. 1:21-mj-00212-ZMF-1  
Plaintiff, )  
 ) **Detention Hearing** (via Zoom)  
vs. )  
 )  
Daniel Dean Egtvedt, ) Washington, D.C.  
 ) February 23, 2021  
Defendant. ) Time: 2:45 p.m.

---

Transcript of **Detention Hearing** (via Zoom)  
Held Before  
The Honorable G. Michael Harvey  
United States Magistrate Judge

---

A P P E A R A N C E S

For the Plaintiff: **Colleen D. Kukowski**  
(via Zoom) U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, Northwest  
Suite 12101  
Washington, D.C. 20530

For the Defendant: **H. Heather Shaner**  
(via Zoom) LAW OFFICES OF H. HEATHER SHANER  
1702 S Street, Northwest  
Washington, D.C. 20009

Also Present: Richard Egtvedt  
(via Zoom) Da'Shanta' Valentine-Lewis, Pretrial  
Services Officer

---

Stenographic Official Court Reporter:  
(via Zoom) Nancy J. Meyer  
Registered Diplomate Reporter  
Certified Realtime Reporter  
United States Courthouse, Room 6509  
333 Constitution Avenue, Northwest  
Washington, D.C. 20001  
202-354-3118

P R O C E E D I N G S

(REPORTER'S NOTE: This hearing was held during the COVID-19 pandemic restrictions and is subject to the limitations of technology associated with the use of technology, including but not limited to telephone and video signal interference, static, signal interruptions, and other restrictions and limitations associated with remote court reporting via telephone, speakerphone, and/or videoconferencing.)

THE COURTROOM DEPUTY: Your Honor, this is Case 21-mj-212, United States of America v. Daniel Egtvedt. This is scheduled to be a detention hearing held by video.

Would the parties please introduce themselves to the Court, beginning with the government.

MS. KUKOWSKI: Good afternoon, Your Honor. AUSA Colleen Kukowski for the United States.

MS. SHANER: Good afternoon, Your Honor. Heather Shaner with Mr. Egtvedt, also appearing by video from the jail.

THE PRETRIAL SERVICES OFFICER: Good afternoon, Your Honor. Da'Shanta' Valentine-Lewis, Pretrial Services Agency.

MR. RICHARD EGTVEDT: Good afternoon, Your Honor. It's Reverend Richard Todd Egtvedt, Air Force retired officer.

THE COURT: Good afternoon, Mr. Egtvedt.

And, Mr. Daniel Egtvedt, can you hear me? I want to make sure your audio is working.

THE DEFENDANT: Yes, I can.

THE COURT: All right. Sir, I'm going to ask that

1 you please just keep your microphone off, muted. If at any  
2 time you wish to say something, just raise your hand. I'm not  
3 going to let you say anything, but I'll let you speak to your  
4 attorney. So that's how you'll indicate, and I'll make sure I  
5 give you an opportunity to do that; all right?

6 So this matter has been scheduled for a detention  
7 hearing. Is the government ready to proceed?

8 MS. KUKOWSKI: Yes, Your Honor.

9 THE COURT: Ms. Shaner, are you ready to proceed on  
10 behalf of the defendant?

11 MS. SHANER: Yes, Your Honor.

12 THE COURT: And, Ms. Shaner, does the defendant waive  
13 his right to an in-person hearing here today, and is he  
14 prepared to proceed by -- by video to protect his health and  
15 safety and the health and safety of other court participants?

16 MS. SHANER: Yes, Your Honor.

17 THE COURT: Okay. Government, go right ahead.

18 MS. KUKOWSKI: Thank you, Your Honor.

19 On January 6th of 2021, the defendant, in both word and  
20 deed, was part of a violent attempted overthrow of the U.S.  
21 government. The specific words -- this is the people's house  
22 and it's been taken over -- show what his intent was that day.  
23 His actions, furthermore, show that he acted on that intent and  
24 that he, himself, was trying to bring about an overthrow of the  
25 government.

1           He himself engaged in physically violent behavior  
2           rushing into the Capitol building as a part of a mob and then  
3           assaulting several police officers, refusing to leave the  
4           grounds multiple times, causing injury to those officers.

5           The Court's received our detention memo, and the Court  
6           is well aware at this point that the government is not asking  
7           for detention in every single case that comes before the Court.  
8           This case we are, and we're doing that because we -- when the  
9           Court looks at the four factors that the Court should be  
10          considering here: the nature and circumstances of the offenses  
11          that are charged, the weight of the evidence against the  
12          defendant, the defendant's history and characteristics, and  
13          then the nature and seriousness of the danger to any person or  
14          to the community that would be posed by the defendant's  
15          release, I would submit to the Court that all four of these  
16          factors weigh in favor of the defendant being held.

17          What I want to do is take the next couple of minutes to  
18          highlight just a few parts of the defendant's conduct that day  
19          and to talk about these four factors, because I think there's  
20          elements to the defendant's case that really distinguishes him  
21          from others who have been brought before the Court.

22          And I just want to start with when the defendant first  
23          entered the Capitol. As the Court knows, the attempted  
24          overthrow of the U.S. government that day started just about  
25          after 2 o'clock -- 2:00 p.m., on January 6th. More



1 specifically, at 2:20, 2:30 p.m. is when the U.S. Capitol  
2 Police ordered the Vice President and Members of Congress to  
3 start evacuating the building. I say that because that time  
4 frame and that time point is critical.

5 It's 2:37 p.m. when the defendant's phone first started  
6 pinging off towers in the vicinity of the U.S. Capitol, putting  
7 him in or near the U.S. Capitol building the very moment when  
8 U.S. Capitol Police and officers are trying to evacuate our  
9 congressmen and democratically elected leaders out of the  
10 building because protesters -- rioters, I should say -- were  
11 storming into the Capitol.

12 What we see from video evidence is that at 2:47, the  
13 defendant was part of a violent mob that was trying to force  
14 its way into the Capitol building. Now, for context purposes,  
15 again, 2:47 is just moments after the U.S. Capitol Police saw  
16 that rioters were breaking into House Speaker Nancy Pelosi's  
17 office and after one individual was shot fatally as she was  
18 attempting to break into the House Chamber.

19 2:47 p.m. when the defendant's captured on video trying  
20 to enter the Capitol is also when rioters were trying to break  
21 into the U.S. Senate Chamber. Everything the defendant is  
22 doing at that point is part and parcel of that initial wave  
23 that was overwhelming law enforcement inside the building and  
24 posing a direct threat to our lawmakers, onto our represented  
25 members of Congress.

1           When the defendant entered the building, moreover, he  
2 wasn't someone who took advantage of the situation and waltzed  
3 in. He was very much part of a violet mob. When he was  
4 entering, the video footage that -- captures showing him  
5 walking in -- shows Capitol -- or doors to the Capitol extended  
6 open with broken windows. And in the background you hear  
7 people yelling, "This is the next rush. We go with  
8 resistance." And you see the defendant pushing his way in.

9           Once he's in the hallway himself, you see, again, more  
10 video footage and, in fact, another video interview that he  
11 participates in with an individual known as Baked Alaska when  
12 he's talking and extolling others to come, imploring them to  
13 come down to the building, come down to their house. So that's  
14 the context of when he broke and forced his way into the  
15 building.

16           He wasn't someone that capitalized on an opportunity  
17 once the first waves had already gone in, walked in and took a  
18 selfie and left. He very much was a part of that first wave  
19 that directly disrupted Congress's actions.

20           So, next, turning to the context of the assaults  
21 themselves. The assaults began at 3:11 p.m. We know from  
22 watching various videos from MPD body-worn camera that officers  
23 were stationed in the Hall of Columns, which is on the south  
24 side of the building, of the U.S. Capitol. Around 3:04 you  
25 start to hear across the radio traffic -- or across loudspeaker

1 traffic within the Capitol that individuals were pinned in  
2 doors and trapped by rioters.

3 Now, this is a point when multiple members of law  
4 enforcement who are stationed in that hallway, that hallway  
5 that's being used to escort rioters out of the building, go  
6 running further into the rotunda. So those that are in the  
7 hall already now are down numbers. And at the same time that  
8 this is happening, these moments leading up to 3:11, is when  
9 you see at one point a stretcher being rolled into that hall.  
10 And you also see officers being escorted and helped out by  
11 other officers that are walking slowly. They appear -- but we  
12 can't confirm at this point -- to be injured.

13 So this is a hallway that's serving a critical purpose  
14 at this point. It's getting rioters out -- of the building --  
15 at the most critical juncture of these -- of the attempted  
16 overthrow, but then, moreover, it's a place where officers are  
17 going to get treatment and move in and out themselves. They're  
18 coordinating their efforts at this point in figuring out how to  
19 stop the rioters who have just begun running amuck.

20 So when we first start to see the defendant then in the  
21 Hall of Columns, this is the greater context of when the  
22 officers encounter him. He walks down the hallway, which is a  
23 hallway that multiple other rioters, like I said, was being  
24 used to be escorted out of the building. And so when he leaves  
25 the building and then comes back in and is told by an FBI agent

1 in SWAT gear and by U.S. Capitol Officer M.M. to leave again,  
2 you see others are still trying to leave around him at this  
3 point.

4 He then tries to push past Officer M.M., assaulting her  
5 in the process. And as he continues to do that and continues  
6 to charge at her and charge back into the building is when even  
7 more officers have to be taken off this line to go and try and  
8 forcefully remove him at this point. He was acting with such  
9 force and charging at her to such a degree that at one point it  
10 appeared as though there were at least five different officers,  
11 from U.S. Capitol Police, Metropolitan Police Department, all  
12 trying to remove him out of the building. Yet, he continued  
13 charging -- attempting to charge in.

14 He eventually fell to the ground, taking down another  
15 officer, Metropolitan Police Officer M.D., in the process,  
16 severely injuring M.D.'s arm. When Officer M.D. is able to get  
17 up, he walks away. And his body-worn camera footage shows that  
18 as he walks away, he walks up to another one of his colleagues,  
19 reaches out his arm to his colleague and says, "Please pull  
20 hard." And the colleague yanks it with all his weight, and you  
21 hear Officer M.D. grimace as he's happening -- as it's  
22 happening.

23 Meanwhile, as Officer M.D. is going off to get  
24 treatment, the colleagues, the other members of the  
25 Metropolitan Police Department and U.S. Capitol Police then

1 force the defendant, who was still at that point on the ground  
2 refusing to get up and leave, they help lift him to his feet  
3 and then finally move him out of the Capitol building, out of  
4 the set of double doors to the vestibule that was attached at  
5 the bottom of the U.S. Capitol's Hall of Columns there.

6 So at that point they push him finally through. And  
7 what does the defendant do? He falls again, gets back up, and  
8 tries to charge back in. Once again, Officer M.M. from Capitol  
9 Police is standing there in her bike uniform, and she is, once  
10 again, stopping the defendant, putting out her arm to  
11 physically stop him. And he is, again, swatting at her, making  
12 contact with her, hitting her, trying to go back into the  
13 building again.

14 He is finally escorted out, and then we hear, again,  
15 more interviews from him, more commentary where he's talking  
16 about what he was doing and what he hoped for others to do.  
17 And what he says in this commentary and in the interview that's  
18 posted and available on YouTube, he says, "I told them, I said  
19 you are in violation of the Constitution, this is the people's  
20 house, and it has been taken over. And I said, the  
21 Constitution says to preserve and protect against all enemies,  
22 foreign and domestic. You are in violation of that, sirs."  
23 That's what the defendant says about law enforcement and those  
24 individuals who are serving their duty inside the Capitol.

25 So that's the context at issue, Your Honor. The conduct

1       itself, I believe, certainly in the nature of these offenses,  
2       certainly weighs in favor of his continued detention.

3               The seriousness of the conduct is also reflected in the  
4       potential sentences that the defendant could receive. He's  
5       charged with, among other charges -- to include 18 U.S.C. 1512,  
6       which carries a prison sentence of up to 20 years, in addition  
7       to multiple assault charges because multiple officers were  
8       assaulted and physically injured during the course of this.

9               I also want to just take a brief note about the broader  
10       effects of the defendant's actions that day. As I mentioned,  
11       the officers were using the -- that hallway as a means to steer  
12       rioters out of the building. When the defendant began his  
13       assaultive conduct, they couldn't do that anymore. So what  
14       does that mean? That means more rioters were stuck in the  
15       building and officers who are not responding directly to the  
16       defendant then had to reroute others and try to recalibrate  
17       their way of getting these violent protesters, these rioters,  
18       out of the building.

19               It also had a human effect and a toll of those officers  
20       who were directly attacked by the defendant, particularly  
21       Officer M.M. and Officer M.D. They had to keep working that  
22       day. The crisis had only at that point just begun, and they  
23       continued serving long hours both that day and then had to wake  
24       up the next morning and go to work as well.

25               Eventually both of them, after the threat and the crisis

1 had subsided, were able to go home, and they both were out for  
2 extended periods of time. I believe Officer M.M. has still not  
3 returned to work. Officer M.D. has not returned to work, but  
4 that is, in part, due to a family situation that's ongoing.

5 But -- so there's collateral effects here, Your Honor.  
6 These officers were who carrying out their sworn duty then were  
7 not only injured but had to continue carrying on with the  
8 weight of this as they were going about. You can imagine what  
9 Officer M.D. was going through. He had to have another officer  
10 essentially pull his arm, his shoulder, back out so he could  
11 continue going on with his activities, and then he's expected  
12 the rest of the day to deal with additional actions and actors  
13 like the defendant.

14 Those are the actions that happened on January 6th.  
15 What I wanted to do also is just briefly proffer to the Court a  
16 few other elements about the defendant's personal  
17 characteristics and his history as to why he should continue to  
18 be held and held pending trial.

19 As the Court saw, the way the defendant was initially  
20 arrested, and his location was identified so that he could come  
21 into law enforcement custody, came out of an incident that  
22 occurred at a family member's house in Garrett County in  
23 Maryland in a somewhat remote area where police had to be  
24 called because a family member was attempting to take an  
25 elderly family member to an appointment to receive a COVID

1 vaccination. The defendant came over to the house and was so  
2 unruly and so physically preventing the family member from  
3 taking that elderly family member to the COVID vaccination that  
4 the family member was forced to call law enforcement.

5 Law enforcement came, was able to defuse the situation  
6 so that the elderly family member could go on to receive the  
7 COVID vaccination, but what the defendant said to law  
8 enforcement during the course of that encounter, I think, is  
9 particularly notable and probative here, which was that he was  
10 going to have to be arrested before she left to go and get her  
11 vaccination.

12 And then, two, the other thing that he mentioned and  
13 stated to law enforcement, that the vaccine itself, which is  
14 part of a government initiative to try and curb a global  
15 pandemic, was, in fact, going to alter her DNA and to cause  
16 population deaths across the population as a part of a  
17 government plan to control the population.

18 I highlight this because I would submit to the Court the  
19 government [sic] has no respect or recognition for the  
20 authority of the U.S. government. He does not trust what the  
21 U.S. government is doing, and his actions and his words show  
22 that he will go to violent lengths to subvert actions done by  
23 the U.S. government.

24 Again -- and I just want to highlight and conclude on  
25 this note. He himself -- regards himself, I should say, as



1 part of the broader movement here. After the defendant had  
2 been arrested and taken into custody in Maryland, he was  
3 initially held in Garrett County and he wrote two letters to  
4 the sheriffs that are out there. And these are part of the  
5 government's filings as Exhibits 4 and 5.

6 And in those letters, in what was Exhibit 1 [sic], he  
7 refers to there were extenuating circumstances for a  
8 once-in-a-lifetime historical event, and in the second letter,  
9 which is Exhibit 5, he, again, states and refers to his  
10 circumstances that relate to historical events currently in  
11 play. And I want to emphasize the words "currently in play"  
12 there, because in the defendant's mind this is not over. This  
13 is --

14 THE COURT: When was --

15 MS. KUKOWSKI: I'm sorry, Your Honor.

16 THE COURT: When was he arrested?

17 MS. KUKOWSKI: The defendant was arrested on  
18 Saturday -- it was February 13th.

19 THE COURT: Okay. Continue. You were saying.

20 MS. KUKOWSKI: Thank you.

21 And I wanted to highlight the fact that he said  
22 continuing in play. This is a month and some odd days after  
23 the events of January 6th. And this is where his mentality  
24 still is.

25 And then, finally, I just want to conclude on the fact

1 that in both of these letters, in both the government's  
2 Exhibits 4 and 5, the defendant states, "If you release me to  
3 federal agents at this moment, you could place me as a  
4 political prisoner in a foreign land." Your Honor, that is a  
5 direct and bold pronouncement twice that this defendant does  
6 not recognize the authority of the federal government, which by  
7 its very definition would include the authority of this Court.

8 His actions show that he has been violent in the past.  
9 His most recent actions during the course of his arrest show he  
10 is still willing to engage in violence. His actions have hurt  
11 other people, and they could continue to hurt other people.  
12 And we know what his intent was that day; his intent was to  
13 overthrow the government. And we know that up until today and  
14 through at least him writing these letters immediately after  
15 his arrest, he does not recognize the federal government. He  
16 considers it to be a foreign land.

17 And so for those reasons, Your Honor, I would submit to  
18 the Court there is no set of conditions that could be fashioned  
19 here to ensure the safety of the community and then,  
20 furthermore, to ensure the safety of others.

21 THE COURT: What about risk of flight? Are you  
22 arguing risk of flight here or not?

23 MS. KUKOWSKI: Yes, Your Honor. I -- we discussed  
24 risk of flight in our memo. And just briefly here, to  
25 highlight it again, what I would submit is the defendant has

1 changed his appearance. It's a little bit difficult to see at  
2 the moment because of the -- because of the defendant's mask.  
3 But you did actually, in fact, see the defendant then pointing  
4 to his face. He grew a beard. This is notable because, as the  
5 Court could see, it was in Government's -- hold on for one  
6 moment -- Government's Exhibit 3B and 3A -- and I can actually  
7 share my screen to show -- put these up on the screen for the  
8 Court here.

9 So in Government's Exhibit 3A, this is a still shot from  
10 the interview that he gave outside on YouTube where he is  
11 talking about how it is the people's house that has been taken  
12 over. And then Government's Exhibit 3B is his arrest  
13 photograph that was taken by the Metropolitan Police Department  
14 when he was arrested. You see he's grown a beard here, and I  
15 also submit his hair is a bit shorter. But the beard is  
16 particularly notable because his own brother acknowledged that  
17 he has never seen his brother ever in 50-some-odd years grow a  
18 beard before.

19 And it's not just limited in terms of change of  
20 appearance to his beard. He changed the way that he moved as  
21 well. The defendant drove to D.C., I would submit -- the  
22 evidence would support this -- in his own vehicle, in a Toyota  
23 Highlander. There is a license plate reader that -- from the  
24 DEA that showed the vehicle entering the District of Columbia  
25 from the Key Bridge on January 5th. The defendant stopped

1 driving that vehicle and instead started driving his deceased  
2 father's vehicle instead, a vehicle that he, again, was never  
3 known to drive before. He did this after January 6th once  
4 more.

5 And then I would suggest that on top of these two  
6 critical actions that the defendant took, there's other factors  
7 here that show he is a risk of flight. Specifically, we know  
8 he has unstable housing right now. He has proffered that he  
9 previously sold his house. He was at one point living with a  
10 brother, was no living there, and then was living in a  
11 different residence owned by his brother.

12 He is unemployed, and we know for a fact that he  
13 considers himself, again, to be a political prisoner in, quote,  
14 a foreign land, which shows he does not perceive this to be his  
15 home. And I would submit that these affirmative actions that  
16 he took to change his appearance, change the way he's moving  
17 about in society, coupled with his own instability and his lack  
18 of ties to the community and then, again, his mindset right  
19 now, he is still a risk of flight.

20 THE COURT: Okay. Thank you very much.

21 Ms. Shaner.

22 MS. SHANER: Your Honor, is the affidavit in support  
23 of criminal complaint and arrest warrant in evidence?

24 THE COURT: Ms. Shaner, you can proffer whatever you  
25 want. I certainly read it.

1 MS. SHANER: All right. I would put that into  
2 evidence, Your Honor.

3 THE COURT: Okay.

4 MS. SHANER: The government affidavit indicates that  
5 at 2:47 Mr. Egtvedt appeared to have recently been sprayed with  
6 some kind of chemical irritant, and he's seen on the video  
7 before entering the Capitol trying to wipe this off his eyes.  
8 He is not heard screaming anything. What the government  
9 attributes to him were statements made by other individuals.

10 On video, Mr. Egtvedt is --

11 THE COURT: Explain what you were referring to,  
12 Ms. Shaner. You mean when the government says this is the next  
13 rush and --

14 MS. SHANER: Yes.

15 THE COURT: -- with the resistance?

16 MS. SHANER: Yes.

17 THE COURT: Well, I never understood the  
18 government --

19 (Indiscernible simultaneous cross-talk.)

20 MS. SHANER: Well, okay. I'll go through it.

21 THE COURT: Okay.

22 MS. SHANER: The government indicates that --  
23 attributes to this defendant things said by other individuals;  
24 that is, here's the next rush, there's a push with resistance.  
25 And he is pushed in, along with everyone else.

1           At 3:08 he is seen walking. He is never seen with  
2 anything in his hands. He is never seen with a stick, with a  
3 flag, with anything that is used to destroy anything inside the  
4 Capitol or to injure anyone. Later he is seen appearing to  
5 leave, and he is stopped by Officer M.M., and he does touch  
6 her, apparently, in the photograph. The FBI agent does not  
7 describe the conduct of this man as violent or as forcible  
8 assault. He describes him on page 5 as generally noncompliant,  
9 screaming, and incoherent.

10           On page 6 they indicate not that he assaulted  
11 Officer M.D., but that as officers jump on Mr. Egtvedt in an  
12 attempt to push him out of the building, the defendant falls.  
13 Officer M.D. falls as well. Officer M.D. did not recall being  
14 pulled by the defendant. His injury was an accident when this  
15 large individual, Mr. Egtvedt, was knocked down by the police.

16           Again, at paragraph 19, officers describe him as being  
17 noncompliant. Had he been violent and dangerous to them, this  
18 affidavit very clearly would have used those kinds of words.  
19 Again, on page 6 at paragraph 20, he -- he -- the defendant has  
20 fallen, and he is on the ground. When they try to pick him up,  
21 he is noncompliant. Multiple officers then ask him, looking at  
22 him, is he in need of medical treatment. That's not the -- the  
23 officers to the other officers. That's the officers to  
24 Daniel Egtvedt.

25           At 3:11 he's seen to be walking out, and then he's

1 engaged by law enforcement who ordered him to leave. If you  
2 look at the photograph on page 8, Your Honor, you'll see him  
3 walking down the middle of the corridor, and there are about 20  
4 law enforcement officers out there. He gets to the door. You  
5 see him in the photograph on page 9. He is talking to a -- law  
6 enforcement who is pointing him to the door.

7 At paragraph 26 when he is surrounded by officers, it  
8 indicates he resists. It doesn't indicate he goes to the  
9 officers. It doesn't indicate he is assaultive or aggressive  
10 towards the officers. It -- on page 10, paragraph 26 says more  
11 officers came. He resisted and flailed his arms. At page 11,  
12 paragraph 26, it shows where Officer M.D. fell while the  
13 officers were pushing the defendant.

14 In no photo does it show Mr. Egtvedt with anything in  
15 his hands. Finally, Officer A.D. -- at the bottom of  
16 page 12 -- and Officer C.R. assist him where he's fallen and  
17 walk him out through the south door. He falls to the ground  
18 again, and then they, again, offered him medical assistance,  
19 and finally he leaves.

20 Clearly his behaviors by entering the Capitol and  
21 remaining there after he's told to leave support probable cause  
22 that he entered, he was disorderly, and he remained inside the  
23 Capitol after being told to leave. I think it's a little less  
24 clear that he used force, as is required by 18 U.S.C. 111, to  
25 forcefully assault a federal officer.

1           So while I would concede, Your Honor, that as to the  
2           initial two prongs, the strength of the case, there's evidence  
3           that there was law violation. I'm not sure whether there's  
4           proof beyond a reasonable doubt. There is evidence against the  
5           defendant, and the offense charged and the circumstances of  
6           that charge were very upsetting to most people in the  
7           United States of America, but I think in weighing the four  
8           factors in 3142(g), the Court could find that there are  
9           circumstances -- and should find that there are  
10          circumstances -- that would allow him to return to his  
11          brother's home.

12                 Number one, this is a 60-year-old man who -- this is a  
13          nearly 60-year-old man who has never been arrested. He has  
14          never injured anyone. He has never had any law enforcement  
15          problems. While he was inside the Capitol, he did not  
16          forcefully injure anyone. He did not desecrate the Capitol.  
17          He did not break anything. He did not steal anything. He was  
18          loud. He is large, and he is described as being screaming and  
19          incoherent at times.

20                 Most of that is the result of, I mean, some behavioral  
21          issues and the fact that he did not take the medicine that he  
22          has been prescribed for the days preceding January the 6th.  
23          This is a 58-year-old man who's a college graduate who has  
24          lived his entire life doing good works in the community. He  
25          moved in with his brother and his mother in 2019. His housing



1 is stable. He -- the house -- the apartment that he lives in  
2 now is 100 feet across the street from his brother's home. He  
3 can move back into his brother's home if the Court would  
4 require that.

5 Pretrial services found that his brother, Richard  
6 Egtvedt, is eligible for third-party custodianship. If the  
7 Court wants location monitoring, they would request courtesy  
8 supervision from Greenbelt, Maryland. Pretrial services  
9 indicated that his home at 2140 Boy Scout Road, Oakland,  
10 Maryland, where he lives with his mother, his brother could  
11 live in there, or he could live across the street in a condo,  
12 which is less than a hundred yards from his house. Pretrial  
13 services has recommended he's released with supervision by  
14 Greenbelt.

15 This is a man who has some physical and mental issues.  
16 Were he to be released to the custody of his brother, he would  
17 get psychiatric and mental health help at Garrett Regional  
18 Medical Center where he is a patient. His brother would make  
19 sure he takes his medicine twice a day, would make sure he sees  
20 his doctors and his counselors as required, and he would make  
21 sure that he does not leave the area or come into  
22 Washington, D.C. He could have GPS monitoring. He could have  
23 curfew. There certainly are conditions that the Court could  
24 set.

25 I would argue that there is no actual threat of flight.

1 He has a son who's a college student in the Virginia area. His  
2 brother and mother, who are his only family, share a home with  
3 him. And I would proffer his brother to the Court as an  
4 appropriate third-party custodian, and I would ask him a few  
5 questions, if the Court would allow it.

6 THE COURT: Go right ahead.

7 MS. SHANER: Mr. Egtvedt, please state your name for  
8 the Court.

9 MR. RICHARD EGTVEDT: The Reverend Richard Todd  
10 Egtvedt, colonel, United States Air Force.

11 Dan, you need to turn off your mike.

12 THE DEFENDANT: It's off.

13 MS. SHANER: Turn it off. It's not off.

14 Okay. When -- when did you first enter the Air Force?

15 MR. RICHARD EGTVEDT: It would be 1984.

16 MS. SHANER: And when did you retire from the  
17 Air Force?

18 MR. RICHARD EGTVEDT: It would have been effective  
19 31 March 2010.

20 MS. SHANER: Okay. While you were in the Air Force,  
21 did there come a time when you worked along with law  
22 enforcement in the Washington area?

23 MR. RICHARD EGTVEDT: I worked with the FBI in the  
24 Southern Maryland Metropolitan Resident Agency, as well as with  
25 the Customs National Aviation Center located in Oklahoma City,

1 Oklahoma, working counternarcotics activity.

2 MS. SHANER: Since you retired from the Air Force,  
3 how have you been employed?

4 MR. RICHARD EGTVEDT: Since retiring from the  
5 Air Force, I entered into seminary and after four years --  
6 three years of academics and one internship in western PA, I  
7 was ordained and called to serve a congregation where I'm  
8 currently serving located in McHenry, Maryland, called Shepherd  
9 of the Hills Lutheran Church.

10 MS. SHANER: Up until the 6th of January of this  
11 year, have you ever known your brother to use force or violence  
12 against you?

13 MR. RICHARD EGTVEDT: No, that -- I have not had  
14 force or violence directed towards me, even on the events prior  
15 to his arrest on the 13th.

16 MS. SHANER: Up until January the 6th, had you ever  
17 heard that he was involved in any kind of lawlessness or  
18 violence?

19 MR. RICHARD EGTVEDT: I am not aware of any  
20 lawlessness or violence, no.

21 MS. SHANER: When your brother first started taking  
22 psychotropic drugs, who gave them to him?

23 MR. RICHARD EGTVEDT: Upon his arrival in my  
24 residence, I arranged for his medical care, both a primary care  
25 physician, as well as counselors in order to get that

1 initiated. And he included me in his treatment sessions  
2 through the first four to five months of that procedure.

3 MS. SHANER: In January were you supervising his use  
4 of medicine?

5 MR. RICHARD EGTVEDT: January of this year, I was  
6 not -- not supervising. January of the previous year I would  
7 have been, but not this year.

8 MS. SHANER: If the Court would exercise its  
9 discretion and release your brother to you, would you promise  
10 the Court that you would be sure your brother takes all of his  
11 psychiatric medication?

12 MR. RICHARD EGTVEDT: Yes, on my honor, I'll do my  
13 best.

14 MS. SHANER: And do you believe you would be able to  
15 ensure that he would take his medication?

16 MR. RICHARD EGTVEDT: I believe I can, yes, ma'am.

17 MS. SHANER: Are there any firearms in your home?

18 MR. RICHARD EGTVEDT: I live in the middle of the  
19 woods. As such, I do, but those will be removed if that is --  
20 if Dan is able to return to this area.

21 MS. SHANER: Okay. Would you be willing to serve as  
22 a third-party custodian for your brother?

23 MR. RICHARD EGTVEDT: Yes, ma'am, I would be willing  
24 to do so.

25 MS. SHANER: That would require you to bring him back

1 and forth to court for all court appearances, if they were ever  
2 in person.

3 MR. RICHARD EGTVEDT: I understand that, yes, ma'am.

4 MS. SHANER: Could you explain to the Court whether  
5 there was any violence or threat of violence involved when you  
6 called the sheriff on the day your brother was arrested?

7 MR. RICHARD EGTVEDT: I was the one that called the  
8 sheriff on the day my brother was arrested. He had concerns  
9 about the inoculation. My mother had had a rough morning  
10 getting things ready. I was -- got her ready, but I hadn't --  
11 was still in my pajamas. And because of what was going on, I  
12 was afraid that she might not realize that going with him  
13 had -- might have an inference with her getting her  
14 inoculation. And so that's what transpired.

15 MS. SHANER: Okay.

16 THE COURT: My mother has some dementia. I will just  
17 say that for the Court. That's why we're power of attorney.

18 MS. SHANER: Nothing further, Your Honor.

19 THE COURT: Thank you.

20 Government?

21 MS. KUKOWSKI: Your Honor, may I be permitted to ask  
22 Mr. Egtvedt a few questions?

23 THE COURT: Sure.

24 MS. KUKOWSKI: Thank you.

25 Mr. Egtvedt, what do you do for your, quote, 9:00 to

1 5:00, Monday to Friday?

2 MR. RICHARD EGTVEDT: Ms. -- I'm sorry.

3 MS. KUKOWSKI: Kukowski.

4 MR. RICHARD EGTVEDT: AUSA Kukowski. Thank you. The  
5 simple, easy answer is whatever the Lord calls of me, but my --  
6 my schedule is very flexible. I'm with a small congregation.  
7 We do mission outreach in this area.

8 Besides regular things within the parish, I'm also  
9 involved with senior housing in this area, which is part of the  
10 Appalachian portion of Maryland; senior housing, both  
11 subsidized and nonsubsidized, and I also work with veterans in  
12 the area. I've worked with the -- I've been a representative  
13 of my denomination to the Veterans Administration in the  
14 development of the rural clergy training program, which is now  
15 called the Community Clergy Training Program. I'm a trained  
16 trainer, and I was the second person to hold a course for --  
17 this is designed for medical and clergy personnel to better  
18 understand, especially people with PTSD, how they can take  
19 it -- what are the resources that are available through the VA  
20 and how we can best help those folks to obtain the care that  
21 they're required to have.

22 MS. KUKOWSKI: It's fair to say in your ministry you  
23 have a full plate as part your ministry.

24 MR. RICHARD EGTVEDT: Yes, but we don't have a  
25 church, and so I work out of my house.

1 MS. KUKOWSKI: And I'm assuming, though, you are  
2 required to go and interact with your constituents with  
3 administering -- go leave the house from time to time; is that  
4 right?

5 MR. RICHARD EGTVEDT: We have worship. We are  
6 currently worshipping both online and in person on Sundays, and  
7 we do have online worship during Lent, Wednesday evenings at  
8 6 o'clock, if anyone would like to join us.

9 MS. KUKOWSKI: And I think you probably get -- my  
10 question here is: Are you able to stay with Mr. Egtvedt  
11 24 hours a day, 7 days a week?

12 MR. RICHARD EGTVEDT: Well, I promise you, AUSA, that  
13 I will not be in his bed with him.

14 MS. KUKOWSKI: I -- I leave that to the best of your  
15 discretion. But my point is is you do have a relatively full  
16 plate and you have commitments to include taking care of your  
17 mother already; is that correct?

18 MR. RICHARD EGTVEDT: That is correct.

19 MS. KUKOWSKI: And it's -- is it true that when law  
20 enforcement came to your house on February 13th as a part of  
21 the disturbance and the issues with your mother going to  
22 receive her vaccine that you inquired about processes for  
23 having your brother civilly committed?

24 MR. RICHARD EGTVEDT: I inquired about process -- no.  
25 Let me -- no. Let me restate -- let me restate that whole

1 question, if you'll allow me to do so, Your Honor.

2 What I was told by the deputy is that regardless of what  
3 transpired that I might want to go talk to the district court  
4 magistrate out here to see if there's something we can do to  
5 make sure -- because the -- the -- I believe it's a state  
6 police officer. I -- they were -- both them and the county  
7 sheriff. So I'm a little confused which one -- I think -- but,  
8 in any case, they told me that's what I should do as we go  
9 forward. So part of the -- part of the issue was it was  
10 obvious to him, as he told me, that there were medication  
11 issues.

12 MS. KUKOWSKI: And then just prior to February 13th  
13 and the months leading up to it -- I know Ms. Shaner asked you  
14 questions about you were not actively supervising your  
15 brother's medications at that point in time, your brother's  
16 mental health treatment. How often were you interacting with  
17 him?

18 MR. RICHARD EGTVEDT: I would interact with my  
19 brother as things were going on. He would come over and spend  
20 time with Mom, do things. There were times when he would help  
21 me out with something when I had to do something, in order to  
22 be with Mom, just to make sure everything was taken care of in  
23 that regards, and so we worked together on -- on doing things  
24 along those lines, yes.

25 MS. KUKOWSKI: Thank you.



1 THE COURT: Okay. Thank you.

2 Ms. Shaner, anything further?

3 Thank you, sir.

4 MR. RICHARD EGTVEDT: Yes, Your Honor.

5 MS. SHANER: Only one more issue, Your Honor. In  
6 addition to the fact while Mr. Egtvedt is at the jail, he will  
7 not be receiving mental health services. I don't know whether  
8 or not he will be receiving medication. He also has sleep --

9 THE COURT: Well, he can get his medication.

10 MS. SHANER: He --

11 THE COURT: I hope.

12 MS. SHANER: I hope. He also has sleep apnea for  
13 which a physical machine is required, and I understand that  
14 they do not supply that at the jail. He is also obese, which  
15 puts him at a higher risk for COVID at the jail.

16 THE COURT: Okay. Government.

17 MS. KUKOWSKI: Just a couple quick points of argument  
18 here, Your Honor. I have --

19 THE COURT: Ms. Kukowski, before you respond, let  
20 me just get the position of pretrial on -- on the record.  
21 What -- what -- what is pretrial's recommendation, having heard  
22 the hearing here, what's been said during the hearing here  
23 today?

24 THE PRETRIAL SERVICES OFFICER: Good afternoon,  
25 Your Honor. Pretrial still recommends the conditions that are

1 set forth in the pretrial services report.

2 THE COURT: Okay.

3 THE PRETRIAL SERVICES OFFICER: Okay. I have  
4 spoken --

5 THE COURT: No, I see them. I see them. I didn't  
6 know if your position had changed. So thank you.

7 Government, go ahead.

8 MS. KUKOWSKI: Thank you, Your Honor.

9 While I have no doubt that Reverend Egtvedt would do his  
10 absolute best to ensure his brother is not a danger to others  
11 or to the community and follow the directives of the Court, I  
12 would respectfully submit that it is simply beyond his powers.  
13 He already was in regular contact with his brother at the time  
14 of the events of January 6th when his brother traveled down to  
15 Washington, D.C., and he continued to be in contact with his  
16 brother.

17 As things unfolded over the coming weeks, when -- and  
18 ultimately up to the point where his brother came over and was  
19 preventing their mother from going to get her COVID shot, I  
20 would submit it is not fair and not -- just, frankly, would not  
21 be a successful endeavor.

22 Mr. Egtvedt has shown he has intent to overthrow the  
23 government and through his words he still does not trust the  
24 government and through his actions he will take physical action  
25 to stop the government from acting. I don't believe he's going

1 to continue to comply with any conditions that the Court would  
2 impose. I don't believe that it is something that is within  
3 Reverend Egtvedt's control, frankly. I think this is too much  
4 for a man who is already taking care of yet another relative to  
5 add on to his plate.

6 I don't believe that the defendant is going to comply  
7 with any orders and -- I mean, while Reverend Egtvedt joked  
8 about he's not going to be in bed with his brother, yet at the  
9 same time isn't going to be able to force feed him his  
10 medications or things along those lines. This is a grown man  
11 who has shown he has incredible power and incredible obstinacy  
12 is shown by the number of times he refused to follow any  
13 directives to leave the Capitol, how he kept charging back in  
14 after he had fallen to the ground in trying to reenter the  
15 Capitol.

16 And I simply would submit that he -- his behavior and  
17 his personal characteristics show that even with his brother's  
18 best intentions, this third-party situation is not going to be  
19 enough to secure his release to -- or his return to the Court  
20 or to ensure he abides by the Court directives or to ensure the  
21 safety of the community.

22 THE COURT: Okay. Thank you. Mr. Tran, How long do  
23 we have this room?

24 THE COURTROOM DEPUTY: Checking, Judge. I don't see  
25 any other matters after us so we should have it until 5:00.

1 THE COURT: Okay. Well, I'm going to take a moment  
2 to think about this, and I'm not certain if I'm going to be  
3 prepared to rule on this today or not, but let me -- let me  
4 take a moment. I'll return in -- as soon as I can.

5 (Recess taken.)

6 THE COURT: Ms. Shaner, did you have any -- I don't  
7 know why you were meeting with him. I don't need to know, but  
8 do you have anything further you want to say? Did he want to  
9 talk to you for some reason, something more you want to provide  
10 the Court?

11 MS. SHANER: No.

12 THE COURT: Okay. All right.

13 Well, I did want to take a few minutes to think about  
14 this case. These cases are -- are challenging for the Court  
15 and the decisions that -- that we have to make.

16 The government has not sought detention in all of these  
17 cases. Indeed, in the majority of them, they have not. That's  
18 my impression. I don't have those numbers in front of me, but  
19 I handled a great deal of these cases and a great deal of  
20 proceedings where the individuals have been released on  
21 conditions.

22 Most of those individuals, however, have been charged  
23 with misdemeanors, individuals who have not been charged with  
24 assaultive conduct, individuals for which if the government  
25 did not seem to have direct evidence of, you know, the intent

1 of the individuals, individuals who were not involved in an  
2 actual breach of an entryway or door or window into the  
3 Capitol -- into the Capitol -- most of those individuals  
4 entered later in the proceeding -- the proceeding -- the  
5 events, I should say, at the Capitol, went inside, took photos  
6 and left. Describes a lot of the individuals who have been  
7 released on conditions.

8 That's not the situation in this case. Mr. Egtvedt is  
9 being charged with significant federal felonies, assault on a  
10 police officer. It sounds like ultimately if this case is  
11 going to be indicted, there's going to be multiple assault --  
12 not just one, but multiple assaults, each of which would carry  
13 eight years -- up to eight years in jail. Civil disorder,  
14 which is another federal felony offense, carries with it five  
15 years in jail; and then this obstruction of an official  
16 proceeding, an unusual charge, but one that's showing up  
17 increasingly in these cases. The more serious ones, it carries  
18 up to 20 years in jail.

19 So he does face very serious charges, and the Bail  
20 Reform Act requires the Court to look at both the charges  
21 themselves but also the nature and circumstances of what it is  
22 that he's alleged to have done. In this case, in the  
23 complaint -- and I went back a moment ago, Ms. Shaner, to  
24 reread the complaint.

25 And Ms. Shaner, as always, she made a valiant effort to

1 emphasize all of the language that's in the complaint, which is  
2 less problematic and perhaps it's more ambiguous as to what  
3 exactly the defendant did that day. But I have no problem in  
4 reviewing the complaint and, of course, the government's  
5 proffer with respect to this detention request to say that he's  
6 alleged -- probable cause to believe that he engaged in  
7 multiple instances of assaultive conduct, by anyone's  
8 definition: charging, hitting, swatting, pushing law  
9 enforcement officers who are clearly doing their job in trying  
10 to remove him from the Capitol.

11 So as I read the complaint, it does not describe his  
12 passive participation in those events or even his mere  
13 resistance. I think it describes multiple assaults on law  
14 enforcement that were trying to do their job that day. He also  
15 appears to me, as the government indicated, part of a group of  
16 an initial wave of a violent mob that went into the Capitol,  
17 reached one of the entrances into the Capitol; that this  
18 defendant was part of that group.

19 He did a lot of the assaults on the law enforcement --  
20 or all of them appears happened after he had been peppered  
21 sprayed, once, maybe twice, and he persisted in engaging in  
22 violence at the Capitol.

23 It ultimately took five officers -- appears,  
24 approximately five officers -- I've seen the screenshots. I  
25 have not seen the video -- to wrestle him to the ground, and

1 that officer was harmed, injured in the process. He was then  
2 literally shown the door, and he attempted to come back in and,  
3 again, assaulted another officer when he did so.

4 So as I read it, the alleged conduct does not suggest  
5 some momentary lapse of reason, some being caught up in the  
6 mob, but an individual who engaged in active, sustained violent  
7 conduct at the beginning and -- and looks like the 30 to 45  
8 minutes after the beginning of the assault on the Capitol. So  
9 I do think that those are circumstances that distinguish this  
10 case from many of the others and, I do think, support his  
11 detention in this case.

12 The defendant would appear to have been and to be an  
13 individual who is inclined towards violence, unable to control  
14 himself, no respect for law enforcement. The government's  
15 evidence is strong in this case. I have not seen the videos.  
16 I've just seen the screenshots, but apparently there are  
17 multiple videos, both security cameras within the Capitol,  
18 body-worn cameras worn by the police officers who were  
19 attempting to get Mr. Egtvedt out of the Capitol. I've just  
20 seen the screenshots, but they seem compelling to me.

21 We also have the fact that this defendant was -- has  
22 been identified by multiple witnesses who knew him well as  
23 being in those videos, say nothing of the law enforcement  
24 officers who seem to be able to -- at least some of them --  
25 able to identify the defendant as well.

1           The government has electronic evidence, too, placing him  
2           at or inside the Capitol that day. Indeed, the defendant  
3           conducted interviews, it sounds like, when the assault was  
4           going on. I think that that is very strong -- indeed,  
5           overwhelming -- evidence, which is one of the factors I'm to  
6           consider.

7           As for history and characteristics, I -- I hear  
8           Ms. Shaner and I can see the record here. The defendant has no  
9           prior contact -- no prior convictions or even contact with the  
10          criminal justice system, no history of noncompliance because he  
11          hasn't had any contact at all. So that certainly weighs in his  
12          favor, and I have thought about that, and I've considered it.

13          He does seem to be -- be struggling with some mental  
14          health issues, an inability to control himself when -- perhaps  
15          when he's off his meds, perhaps when he's on. I don't know.  
16          But I take that into account too, but I'm not certain if it's  
17          helpful to him today. I would not detain someone just because  
18          they have mental health issues, but it is something that I can  
19          and should consider. And I do consider to the extent there's a  
20          record. And I do think there's a record here -- that the  
21          defendant has a very hard time controlling himself. That  
22          concerns the Court.

23          I mean, ultimately I'm trying to figure out if there's  
24          something that could be done to reasonably assure the safety of  
25          the community. I am concerned about the government's evidence



1 with respect to this defendant's intent, those interviews, and  
2 the letters that he submitted even following his arrest, five,  
3 six weeks later, all of which, I think, suggest, as the  
4 government has indicated, this defendant does not even  
5 recognize at this point the present administration and the  
6 authority of the federal government. That's apparently,  
7 according to his own words, what drove him that day to do what  
8 he did.

9 He believes the members of Congress who were doing their  
10 duty were traitors and justified what he did that day. Again,  
11 I'd be less concerned if it was just a momentary lapse of  
12 reason, but it doesn't appear to be. According to the  
13 government's evidence, the letters that have been submitted,  
14 the defendant persists in his belief that there are, to use his  
15 words, historical events currently in play. That has led him  
16 to believe he's a political prisoner in a foreign land. The  
17 current status of the Washington, D.C. -- of Washington, D.C.,  
18 that has left him feeling that he is a political prisoner in a  
19 foreign land. So nothing has changed. The same events  
20 apparently that have caused him to do what he's done continue.

21 So I combine all this together, and I -- I believe that  
22 there are no conditions that can reasonably assure the safety  
23 of the community at this time. If the defendant believes what  
24 he believes, the mental health issues that he's struggling  
25 with, with the government's evidence that -- little over a

1 month ago that led him to be part of the initial wave into the  
2 Capitol in violent conduct against law enforcement once he was  
3 inside.

4 I don't know what to make of his growing a beard, change  
5 of car. I could be convinced that perhaps living with his  
6 brother would avoid him fleeing, but I am concerned about him  
7 living with his brother, controlling him, a danger that I think  
8 he represents, especially given the circumstances of his  
9 arrest, what happened that day, and that was just a few weeks  
10 ago -- less than a week ago, I guess.

11 So I appreciate that his brother showed up and is  
12 willing to be a third-party custodian, but I can't conclude  
13 based on the record that's before me, including the events on  
14 the Capitol, what happened the day of his arrest, that his  
15 brother can reasonably assure the safety of the community and  
16 can control Mr. Egtvedt, and it might be unfair even to ask him  
17 to do that.

18 So for all these reasons, I do find that the defendant  
19 should be held pending trial. I do find by clear and  
20 convincing evidence that I cannot fashion conditions or  
21 combination of conditions that would reasonably assure the  
22 safety of the community. And it's on that basis that I'm going  
23 to order that he be held pending trial in this case.

24 Ms. Shaner, I want to talk about a next date with  
25 respect to ascertainment of counsel. What's the latest status

1 on that, and what date do you think we should set to do that,  
2 when he'll be in a position to tell me who his counsel is or if  
3 you're going to be his counsel or what's going to happen?

4 MS. SHANER: Your Honor, I believe the family is  
5 negotiating with Kira West.

6 THE COURT: Ah.

7 MS. SHANER: And that's why she observed today. They  
8 have to figure out how to access funds which -- may I ask  
9 Mr. Egtvedt if he has an idea when he would be able to do that,  
10 and then could I set a date, Your Honor.

11 THE COURT: Okay. Mr. Rick Egtvedt?

12 MS. SHANER: Yes, sir.

13 THE COURT: Okay. Yep.

14 MR. RICHARD EGTVEDT: Sorry, Your Honor. I thought  
15 it was off. It was on. I apologize.

16 I believe there -- I believe we will have money  
17 available to -- to get a check to the lawyer tomorrow. Of  
18 course, we're three hours away from her. So unless I need to  
19 drive it down tomorrow to give it to her, it'll be in the mail  
20 tomorrow, in any case.

21 THE COURT: Okay. All we're trying to do is figure  
22 out when's the best next date. So what do you suggest -- when  
23 do you think you'll be in a position to have a hearing where  
24 you can say or Dan Egtvedt can say this -- Ms. West is my  
25 counsel? That's really just the nature of the next hearing.

1 MR. RICHARD EGTVEDT: The nature of the next  
2 hearing. I -- let's see. Today is Tuesday. Your Honor, if I  
3 have to drive down the check tomorrow, I will deliver the  
4 check to Ms. West tomorrow, and then -- then it's her  
5 preparation time -- oh, if it's just an appearance, then it  
6 would be her --

7 THE COURT: It's clearly -- it takes a moment, yeah.

8 MR. RICHARD EGTVEDT: Yeah, it's her schedule. So I  
9 can't speak to that, and she had a 4 o'clock appointment with  
10 another client that she had to leave for; otherwise she could  
11 answer that question directly. I apologize.

12 THE COURT: Okay. Ms. Shaner, what are you going to  
13 propose?

14 MS. SHANER: I'm going to propose March the 5th.

15 THE COURT: Okay.

16 MS. SHANER: Friday, March the 5th for ascertainment  
17 of counsel.

18 THE COURT: All right. That will give you plenty of  
19 time, sir, to get everything squared away.

20 We also need to set a preliminary hearing. He's held.  
21 So that could impact the state too. So it needs to be two  
22 weeks from his first appearance. I don't have that in front of  
23 me.

24 MS. KUKOWSKI: I believe it was the 16th, Your Honor.

25 THE COURT: Okay. So that would take us up to

1 March -- I'm sorry. The 16th. That'll take us out to the 2nd.

2 MS. KUKOWSKI: March 2nd.

3 THE COURT: Why don't we --

4 MS. SHANER: Your Honor, why don't I waive the time  
5 and allow Ms. West to set a date after she enters her  
6 appearance on March the 5th.

7 THE COURT: Okay.

8 MS. SHANER: And should she be able to enter her  
9 appearance earlier, she can notify chambers.

10 THE COURT: Well, why don't we do this: Why don't we  
11 set the 5th as the ascertainment of counsel and a preliminary  
12 hearing.

13 MS. SHANER: Okay.

14 THE COURT: And if -- you know, he may be indicted  
15 before then. It may be that she'll show up and say I need more  
16 time, but at least we'll keep this case on track.

17 MS. SHANER: That's fine, Your Honor.

18 THE COURT: So let's find a time on the 5th. This  
19 will actually be before -- well --

20 MS. SHANER: I won't allow you to set this in front  
21 of any other judge.

22 (Laughter.)

23 THE COURT: No, I better hold on to this if it's  
24 going to be a potential preliminary hearing, although I suspect  
25 there won't be one. But let's go ahead. We'll set it for

1 11:00 a.m. on March 5th.

2 Does that work for the government?

3 MS. KUKOWSKI: Yes, Your Honor.

4 THE COURT: All right. Ms. Shaner, does that -- all  
5 right. 11:00 a.m. That's going to be for ascertainment of  
6 counsel and a preliminary hearing.

7 Mr. Egtvedt, Rick Egtvedt, you just raised your hand.  
8 Yes, sir?

9 MR. RICHARD EGTVEDT: Yes, Your Honor. I'm sorry. I  
10 just want to be -- because he -- I am concerned regardless of  
11 being able to get any other medications ready, if they are  
12 unable to give him a -- it's not just a CPAP. He requires a  
13 BiPAP. In order for him to be able to be fully cognizant, I  
14 encourage the Court to see if we can find some way to enable  
15 that capability. I -- I can -- his pressures and all that  
16 are -- are available, and I can connect with the appropriate  
17 pretrial or whoever it is involved in order to make sure we get  
18 that correct.

19 THE COURT: I had a case about two months ago where  
20 this issue came up, and I reached out to the general counsel.  
21 I reached out to the marshals service. Truly it's the marshals  
22 service, as I understand it, who would be responsible for this.  
23 So it is a possibility.

24 Unfortunately, it takes some time, and I -- I fully  
25 appreciate that this is important. Sleep apnea is -- is a

1 serious issue that needs to be addressed every night. Does he  
2 have a machine, though? Could I -- I'm happy to reach out to  
3 the marshals service. I'm happy to reach out to the general  
4 counsel of the Department of Corrections, like I did before.  
5 But do you have a machine that literally you could get to the  
6 jail and say here's his machine?

7 MR. RICHARD EGTVEDT: Your Honor, we do have his  
8 machine. The jail up here would not take it because, of  
9 course, it has an electrical cord or -- or hose associated with  
10 it. And, I mean, those are the issues that I know. I --  
11 working with folks as I have, I understand the challenges  
12 there, but I know this is -- if we're going to be able to try  
13 to get him back on a good path, this is one of the important  
14 steps that has to be made.

15 THE COURT: Okay. So -- I'm sorry. Where are you?  
16 You are how far away from D.C.?

17 MR. RICHARD EGTVEDT: I'm a three-hour drive west, in  
18 extreme west -- western Maryland in Garrett County.

19 THE COURT: Okay.

20 MR. RICHARD EGTVEDT: I'm so far west the water flows  
21 from the -- where I'm at to the Ohio River.

22 THE COURT: Okay. Well, I will -- I mean, I will  
23 offer your machine. I don't want you to give it to authorities  
24 up there. It's getting to the D.C. jail. That's where he's  
25 going to be. So it may be if I can arrange -- and I know

1 there's an issue with hoses and cords and all the rest.

2 Sometimes it's just there's no outlet, you know.

3 MR. RICHARD EGTVEDT: Understood.

4 THE COURT: But I'm going to offer to him that  
5 you would be willing to, however you're going to do it, get  
6 the -- get his machine to the jail. You would be prepared to  
7 do that?

8 MR. RICHARD EGTVEDT: Your Honor, yes, I would be  
9 prepared to do that. And I can even -- I -- I work as a  
10 chaplain for World and National Scout jamborees. And as such,  
11 I have batteries that go with my machine that -- that perhaps  
12 we can find some way to work with his. I don't know yet. I'll  
13 have to figure that part out.

14 THE COURT: Well, work on that. I'm going to tell  
15 them his requires a cord, but I'll keep in mind that maybe  
16 there's a battery option. I didn't know there was a battery  
17 option.

18 MR. RICHARD EGTVEDT: There are, but whether my  
19 batteries will work with his machine, I can't guarantee that  
20 right now, and I may have to do a quick order to try to make  
21 sure that happens.

22 THE COURT: Okay. Well, I think you start working on  
23 that. I will let Ms. --

24 MR. RICHARD EGTVEDT: Yes, Your Honor.

25 THE COURT: -- Shaner know or Ms. West. I don't



1 know who's going to -- I -- I'm going to ask the government  
2 right now, I'm going to reach out to -- as I said, to general  
3 counsel's office, to the U.S. marshal. I'm going to ask, if  
4 possible, for Ms. Shaner and Ms. West to join me. I don't  
5 think the government needs to be involved in that call, but  
6 I did want to let you know that those calls will be happening.

7 MS. KUKOWSKI: Thank you, Your Honor. If the Court  
8 feels as though we should be involved, we are happy to do so,  
9 but for a medical matter like this, I don't believe it's  
10 necessary.

11 THE COURT: Okay. Ms. Shaner, you also have a  
12 medical alert form that you're going to submit?

13 MS. SHANER: I submitted one with the medicines. I  
14 will submit another with the sleep apnea. If you could ask  
15 Mr. Tran to send me another. I'm sorry. I thought I might  
16 have one on my computer, but if Mr. Tran is --

17 THE COURT: He's going to send it to you.

18 MS. SHANER: Okay. Thank you.

19 THE COURT: Mr. Egtvedt, I don't know this other  
20 term. I know -- I know the CPAP machine. What does he need?  
21 A BiPAP? What?

22 MR. RICHARD EGTVEDT: It's a BiPAP. His upper  
23 pressure is so high that if -- if it -- it if kept blowing  
24 while he's trying to exhale, he would not be able to properly  
25 exhale. And so it has two pressures. The upper one is to

1 clear the airway, and the lower one is to allow the air to come  
2 back out.

3 THE COURT: Okay.

4 MR. RICHARD EGTVEDT: That's how severe his condition  
5 actually is.

6 THE COURT: Okay. BiPAP. It's a new word for me.  
7 I'll be asking for that.

8 MR. RICHARD EGTVEDT: Thank you, sir.

9 THE COURT: Okay. So we've set the next date. And  
10 that will be for ascertainment of counsel, for a preliminary  
11 hearing.

12 Ms. Shaner, I'm going to try to set up a call as soon  
13 as -- I've got another meeting. I'm actually involved in a  
14 mediation. It's been a crazy day, but I will let you know when  
15 I have that call set up. And I would like for you or someone  
16 to join me just so that, you know, I will put the fire  
17 underneath them, but you may need to continue to press more  
18 than I'm going to have time to do.

19 MS. SHANER: Yes, Your Honor.

20 THE COURT: All right then. Anything further,  
21 Government?

22 MS. KUKOWSKI: Nothing further from the government,  
23 Your Honor.

24 THE COURT: Ms. Shaner?

25 MS. SHANER: When is it that -- you want to make the

1 call directly after court?

2 THE COURT: Oh, I don't -- that's my problem, when  
3 it's going to be. My -- my clerk will let you know. We have  
4 to figure it out.

5 MS. SHANER: Okay.

6 THE COURT: All right. Thank you. Parties are  
7 excused.

8 (The proceedings concluded at 4:25 p.m.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF OFFICIAL COURT REPORTER

I, Nancy J. Meyer, Registered Diplomate Reporter,  
Certified Realtime Reporter, do hereby certify that the above  
and foregoing constitutes a true and accurate transcript of my  
stenograph notes and is a full, true, and complete transcript  
of the proceedings to the best of my ability.

Dated this 9th day of March, 2021.

/s/ Nancy J. Meyer  
Nancy J. Meyer  
Official Court Reporter  
Registered Diplomate Reporter  
Certified Realtime Reporter  
333 Constitution Avenue Northwest, Room 6509  
Washington, D.C. 20001