

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

UNITED STATES OF AMERICA	:	Case No. 21-CR-206 (EGS)
	:	
v.	:	
	:	
JONATHAN MELLIS,	:	
	:	
Defendant.	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION FOR TEMPORARY
RELEASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully opposes the defendant’s Motion for Temporary Release from custody to attend funeral services for one week (hereinafter “Def. Mot.”) (ECF Doc. 17). The United States opposes temporary release because, in view of the factors outlined in 18 U.S.C. § 3142(g), there are no conditions or combinations of conditions that can effectively ensure the safety of any other person and the community and reasonably assure the appearance of the defendant, pursuant to 18 U.S.C. § 3142(e), even if the defendant’s release is for a short period of time. Significantly, the defendant has waived any issue of his continued detention since his arrest on or about February 16, 2021, and he has agreed to be held without bond in this case.

For his conduct on January 6, 2021, Mellis is now charged by Indictment with: (1) Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); (2) Obstruction of an Official Proceeding, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; (3) Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon, in violation of 18 U.S.C. §§ 111(a)(1) and (b); (4) Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1) and (b)(1)(A); 5) Disorderly and

Disruptive Conduct in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(2) and (b)(1)(A); 6) Impeding Ingress and Egress in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(3) and (b)(1)(A); 7) Engaging in Physical Violence in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(4) and (b)(1)(A); 8) Disorderly Conduct in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D); 9) Impeding Passage Through the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(E); and 10) Act of Physical Violence in the Capitol Grounds or Buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(F).

Mellis' Violent Conduct and Assaults on Officers on January 6, 2021

Defendant Mellis' violent assault occurred in what is called the Lower West Terrace of the U. S. Capitol Building. The Lower West Terrace, which is a widely recognizable area of the Capitol Building, is located directly in the front-center of the building, facing the Washington Monument. The Lower West Terrace is a very visible area of the Capitol Building that, in public perception, is often used for symbolic or patriotic events, such as presidential inaugurations or the "Capitol Fourth" concert that is annually held on the Fourth of July. Indeed, on January 6, 2021, the Lower West Terrace was undergoing preparation for the inauguration of now-President Biden. Scaffolding had been erected for the media, and stairs, risers, and other flooring were in place to create the stage area upon which the inauguration would take place.

Defendant Mellis came to Washington D.C. to participate in the violent insurrection against the government of the United States. Based on the evidence and the defendant's violent actions and attacks on law enforcement officers protecting the U.S. Capitol, defendant Mellis willfully and deliberately used a large stick/large wooden object - a deadly weapon, and used that weapon

to repeatedly strike or stab at law enforcement officers in the face, head, neck, and body area. See below photos.

MELLIS (in White Cowboy Hat) Striking Law Enforcement Officers with weapon/stick):



MELLIS (in White Cowboy Hat)(Striking/Stabbing at Law Enforcement Officers with weapon/stick):



More broadly, defendant Mellis violently attacked officers while attempting to break through the center doorway of the Lower West Terrace to gain entrance to the U.S. Capitol

Building. He used physical violence against officers who were protecting the entrance, and his individual participation in the larger mob heightened the overall violence and dangerousness of the day.

The government respectfully opposes the defendant's instant request that he be "released on Saturday or Sunday, May 22nd or 23rd, to attend the services for his father and return to custody, May 29th, 2021. [And that] [the defendant] will reside with his mother, Donna Mellis" *See*, Def. Mot. at 1-2. Undersigned counsel for the government expresses condolences to the defendant's family. However, and importantly, the defendant's continued dangerousness to the community and flight risk is too great because, if convicted of some or all of the above-mentioned charges, the defendant will serve a significant amount of time of incarceration.

WHEREFORE, for the reasons stated above, the government respectfully requests that the defendant's request for release to attend his father's funeral service be denied.

Respectfully submitted,

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