

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ETHAN NORDEAN,  
also known as “Rufio Panman,”

Defendant.

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Case No: 21-MJ-195 (ZMF)

**UNITED STATES’ SUPPLEMENT**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully files this Supplement addressing issues raised with regard to its Opposition to Defendant’s Motion to Lift the Stay of the Release Order (Docket Entry 17); Defendant’s Reply Brief (Docket Entry 19); and Defendant’s Supplement (Docket Entry 20).

**1. Judge Mehta’s Ruling in *Watkins***

As noted in the defendant’s reply, the government’s opposition incorrectly characterized a portion of Judge Mehta’s ruling from the bench in United States v. Watkins, 21-cr-28-3. (Docket 19, at 6). The defense is correct that Judge Mehta never reached a determination on the issue of whether 18 U.S.C. § 1361 is a crime of violence under 18 U.S.C. 3142(f)(1)(A). Rather, Judge Mehta found that the rebuttable presumption under 18 U.S.C. § 3142(e)(3)(C) applies to 18 U.S.C. § 1361 and therefore found it unnecessary to decide whether the offense of depredation of government property is a crime of violence.

**2. The Baofeng Radio That Defendant Purchased on Amazon is not the Baofeng Radio Seized by Law Enforcement**

Defendant's reply contends that he did not obtain the Baofeng radio seized by the government until after January 6. As proof, Defendant provides a screenshot of an Amazon order reflecting the purchase and delivery dates for a Baofeng radio. However, based on a comparison of the radio identified in the screenshot and the radio recovered from the defendant's residence, it is evident that the radios are different. Specifically, the Baofeng radio in the Amazon screenshot has a short antenna and a battery that is the same size as the radio unit itself. (Exhibits 1, 2). By contrast, the Baofeng radio seized from Defendant's residence has a larger antenna and a larger battery, as well as a second, longer blade-style antenna. (Exhibit 3). Further, whereas Baofeng radios do not come pre-programmed when purchased, the Baofeng radio seized from Defendant's residence was programmed to communicate on the specific frequency that the Proud Boys used on January 6, 2021.

**3. The Passports Were Not in the Jewelry Box**

Defendant contends that the United States misrepresented the location of the passports that were discovered during the execution of a search warrant. (Docket Entry 19, at 12-13). Specifically, Defendant contends that the passports were not located on the dresser, but rather were inside a jewelry box belonging to Defendant's wife. (Id.; Docket Entry 20). After reviewing Defendant's reply brief, undersigned counsel spoke again with the searching agents and confirmed that the passports were found on the dresser and not in a jewelry box. The location of the passports is shown in FBI photographs which were taken by agents in accordance with FBI protocol. (Exhibits 4, 5). The photographs were taken after the residence was secured and the firearms were rendered safe, but before the actual search began.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of this pleading to be served upon defense counsel via the Electronic Case Filing (ECF) system, on March 2, 2021.

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# EXHIBIT # 1



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# EXHIBIT # 2



# EXHIBIT # 3





# EXHIBIT # 4



# EXHIBIT # 5

