

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
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 :  
 v. : Case No. 21-cr-524 (CKK)  
 :  
 NICHOLAS JAMES BROCKHOFF, :  
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 :  
 Defendant. :

**GOVERNMENT’S CLARIFICATION TO ITS OPPOSITION  
TO DEFENDANT’S MOTION FOR PRETRIAL RELEASE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, clarifies a fact articulated in its opposition to Defendant Nicholas James Brockhoff’s (“Defendant Brockhoff” or “BROCKHOFF”) motion for pretrial release.

On February 8, 2022, the defendant filed a motion for pretrial release. (ECF No. 32.) The government filed its opposition to that motion on February 16, 2022. (ECF No. 34.) BROCKHOFF filed his reply on March 8, 2022. (ECF No. 36.) The Court ruled on March 10, 2022, denying the defendant’s motion. (ECF Nos. 37 and 38.)

In its opposition to the motion for release, the government indicated that it believed BROCKHOFF threw a wrench from his position on the West Terrace, at approximately 2:32 PM, and the wrench injured a law enforcement officer.<sup>1</sup> In his reply brief, BROCKHOFF denied throwing a wrench. In the opinion denying the defendant’s motion, the Court notes there is no photographic or video evidence clearly showing the object or the object making contact with an officer. It is the government’s understanding that the Court’s opinion denying

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<sup>1</sup> The government’s good-faith belief was based on an interview with injured law enforcement officer who described the object that hit him as a wrench, and open-source video of the defendant throwing an object at 2:32 PM.

BOCKHOFF's motion for release gave little if any weight to the defendant's uncharged conduct of throwing an object at 2:32 PM.

Since the time the government filed its opposition to the motion for release, undersigned counsel has viewed dozens of videos from body worn cameras attempting to secure images of BROCKHOFF throwing the object believed to be a wrench. To date, the government has been unable to locate such video. However, the government has found a video that clearly shows the defendant throwing an object at 2:32 PM in the direction of law enforcement officers from his position on the West Terrace. However, this object does not appear to be a wrench, and it appears to hit the ground rather than an officer. The throwing of this object occurs just before BROCKHOFF ascends the stairs, fetches a fire extinguisher, and deploys it multiple times.



The government seeks to clarify that the object thrown does not appear to have been a wrench or to have been the source of the officer's injury. Notwithstanding, the government maintains its position that BROCKHOFF should remain detained pending trial. The defendant used fire extinguishers, which are deadly or dangerous weapons when used as BROCKHOFF did on January 6, 2021, to break police lines on multiple occasions and from at least two different locations; forcibly made his way into restricted Senate rooms; and assisted others in accessing restricted spaces. These, among other factors, establish, by clear and convincing evidence, that

no condition or combination of conditions can be imposed that would reasonably assure the safety of the community if BROCKHOFF were released pending trial.

Respectfully submitted,

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