

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

UNITED STATES OF AMERICA :  
: :  
v. : CRIMINAL NO. 21-CR-117 (TFH)  
: :  
: :  
ALEX HARKRIDER : :

**DEFENDANT'S REPLY TO GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION TO MODIFY RELEASE CONDITIONS**

Mr. Alex Harkrider, through his attorney, Kira Anne West, and pursuant to 18 USC 3142(c)(3), respectfully responds to the government's response to defendant's motion to modify his conditions of release.

**Argument**

What the Magistrate Judge did in Texas in this case is moot. This Court released Mr. Harkrider with restrictive conditions of release which Mr. Harkrider has completely mastered. As the government points out in their response, Dkt. #40, the pretrial officers have deferred to the Court in this matter. *Id.* at p.3. The government assumes facts not in evidence when it states Mr. Harkrider's intention was "to obstruct the historically peaceful transition of power and overthrow the government." *Id.* Moreover, Mr. Harkrider did not "force his way into the capitol." *Id.* The window he went through was already broken and 20-30 people were

already in the small area where Mr. Harkrider allegedly entered. The government is misstating the facts.

But what is most troubling to Mr. Harkrider is that here, the government, which bears the burden of providing justification for pretrial deprivation of liberty, opposes this motion, with generalized unfounded speculation and non-sequiturs. Ultimately, its reasoning is an affront to due process.

First, large numbers of people entered the Capitol building on January 6, 2021. Many of them have been identified and charged with crimes. Others remain unidentified and uncharged. But it is apparent from the public record, including many that have already pled guilty, that these many people acted with a wide diversity of motivations. There is no basis for the conclusion that all those people shared an identical set of motives or beliefs and, therefore, it would be illogical and unfair for the Court to accept the Government's invitation to merely presume that Mr. Harkrider acted on January 6<sup>th</sup>, 2021, in accord with a specific belief or set of beliefs that the Government attributes to the entire population who entered the Capitol.

Second, the Government has proffered no evidence to support its contention that Mr. Harkrider currently stands in agreement with any statement made since January 6, 2021, by former President Trump. Thus, the Government's efforts to rely on the former President's more recent statements to oppose Mr. Harkrider's

motion amount to nothing more than fear-mongering and reliance on a kind of guilt-by-supposed-association.

Finally, and relatedly, the Government's attempt to rely on the Accused's supposed ideological views is a disturbing departure from the duties of federal prosecutors. In 1940, Attorney General (and future Supreme Court Justice) Robert Jackson sternly admonished a gathering of U.S. Attorneys to avoid the "realm" in which "the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to ... the prosecutor himself." Robert Jackson, "The Federal Prosecutor" (1940), at p.5 (<https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/04-01-1940.pdf>).

### Conclusion

Mr. Harkrider's life has been completely upended. He treats his PTSD with doing good-by helping others. All he is asking this Court to do is allow him to volunteer in his community. The combination of conditions that were ordered when Mr. Harkrider was initially released, without the electronic monitoring, would assure this Court of the safety of the community and his presence at trial.

Respectfully submitted,

KIRA ANNE WEST

By: \_\_\_\_\_ /s/  
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**CERTIFICATE OF SERVICE**

I hereby certify on the 29th day of July, 2021, a copy of same was delivered to the parties of record, by email pursuant to the Covid standing order and the rules of the Clerk of Court.

\_\_\_\_\_ /S/ \_\_\_\_\_

Kira Anne West