

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

Case No. 21-CR-175-2 (TJK)

JOSEPH RANDALL BIGGS,

Defendant.

**DEFENDANT BIGGS' SUPPLEMENTAL MEMORANDUM IN
OPPOSITION TO MOTION TO REVOKE PRETRIAL RELEASE**

Defendant Joseph R. Biggs (“Biggs”), by undersigned counsel, files this Supplemental Memorandum of six stand-alone points to add to and augment arguments made today at the 11:30 AM hearing on the United States’ Motion to Revoke Pretrial Release (“Motion”), and in further support of Biggs’ Opposition (see Docket Item 47) to the government’s Motion:

1. Home detention compliance. In addition to stating that he had “no concerns” about the level of compliance with conditions of Biggs’ home detention release and use of his location monitoring device since his release on January 20, 2021, Biggs’ Pretrial Services Officer Charles Sweatt in Orlando on March 29 also informed District of Columbia PSO Christine Schuck that Biggs has been “super compliant” with release conditions. *See*, Docket Item 40 at page 2.

2. Government’s contention that Biggs “planned” and “led” the January 6 entry into the U.S. Capitol. The Proud Boys regularly plan national gatherings, demonstrations and marches (“events”). Biggs has been a mainstay Proud Boys planner and organizer since late 2018. He planned the Portland events of 2019 and 2020. He planned the November and December 2020 pro-Trump events centered around Freedom Plaza. He was involved in planning the January 6 Proud Boys rally starting at The Ellipse, further west of the plaza and south of the White House. In Washington,

D.C., Proud Boy events *always* involve a march to the Capitol. On January 6, the Proud Boys, before meeting on the west grounds of the Capitol, first gathered on the east grounds for photographs by a professional photographer and then mingled with “normie” crowds for about 30 minutes. Next they walked north and around the Capitol back to the food trucks off the west grounds. Proud Boy activities for the November, December and January 6 pro-Trump Washington events had this regime and pattern: (a) marching in the day and (b) monitoring Antifa after dark. Antifa, the well-known Proud Boy nemesis, rarely comes out until dark and is dressed in black. At no time did Biggs plan in advance to enter the Capitol. That was not part of any Proud Boy plan for January 6.

3. Government’s point that Biggs told Proud Boys how to dress for January 6. Biggs did. Members generally are identifiable from “uniforms” of yellow and gold, often featuring dark Fred Perry shirts. This changed after December 12, 2020. On the night of December 12, the previous pro-Trump national event in Washington, D.C., four (4) Proud Boys in a large crowd dressed in “colors” were stabbed at Harry’s Bar in the Harrington Hotel on 11th and F Street by a knife-wielding 29-year-old Washington resident dressed in black and yelling that the bar’s patrons were “nazis” and “fascists.” Police arrived quickly and took him into custody. A similar incident, moreover, had occurred the summer before, late on July 4, 2019, when Proud Boy Chairman Enrique Tarrío and Biggs, also in colors, were assaulted by several members of Antifa through the open window of a cab they had just entered in front of the Harrington Hotel, and Tarrío was badly beaten. Therefore, in advance of January 6 activities in Washington, D.C., Tarrío, Biggs and other Proud Boys mainstays urged others to blend in, and not wear the usual Proud Boys attire so that they would not be so easily identified by potential assailants from Antifa or similar networks.

4. Government's point that Biggs did "fundraising". Biggs and others needed money to fund Washington trips and did promote and talk up efforts to pay for local hotels and Airbnbs. This was also routine and not unusual for large events being planned.

5. Government's contention that Biggs destroyed or help destroy a barrier or fence. Biggs is by training and habit safety-conscious. In 2005, while serving in the military, he completed EMT training at a college near Fort Bragg. He was certified by the 3rd Battalion, 321st Field Artillery Regiment on October 15, 2005 in combat lifesaving before deployment to Iraq the next month. He was recertified as an Emergency Medical Technician in August of 2006 while stationed in Iraq. As he told the FBI in a taped interview on January 18, 2021, he was very concerned about demonstrators he saw outside the Capitol on January 6 climbing on, hanging on or standing on construction scaffolding, and repeatedly urged them to exit the scaffolding. Similarly, he also encountered a short metal barricade which had been partially dislodged and was "sticking into" and harming at least two demonstrators, making it difficult for one of them to breathe. In one instance, he shook a barricade with the help of others so they could completely dislodge it and keep it from causing more damage to demonstrators. It was laid down flat and out of the way so it would cause the least amount of human harm as people flowed up to the Capitol.

6. Government's suggestion that Biggs has an animus toward law enforcement. To the contrary, Biggs and another Proud Boy on January 6 twice came to the aid of a police officer who was being beaten as he lay on the ground with a club by a masked demonstrator in a gas mask and a "bright red hoodie." When Biggs and his companion saw this, the two together grabbed the demonstrator off the police officer and threw him off to the side. The assailant still, however, had his club. Undeterred, the assailant ran back to the police officer and started to beat him again with

the club. Biggs and his companion of course saw this. Without hesitation they again grabbed and “chucked” the police officer’s attacker. This time the attacker didn’t return. Biggs described this same incident to the two Special Agents of the FBI who interviewed him on January 18, 2021.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 6, 2021 he served a true and correct copy of the foregoing Defendant Biggs' Supplemental Memorandum via the Electronic Case Filing (ECF) system upon counsel for the government.

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