

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

UNITED STATES OF AMERICA

v.

THOMAS CALDWELL

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No. 1:21-cr-28-1 (APM)

**GOVERNMENT’S OPPOSITION TO DEFENDANT THOMAS CALDWELL’S
REQUEST TO MODIFY CONDITIONS OF RELEASE**

The United States respectfully opposes, in part, Defendant Thomas Caldwell’s request to modify conditions of release (ECF No. 505). Defendant Caldwell is charged with conspiring with nearly twenty other charged defendants and other uncharged individuals to obstruct the United States Congress’s certification of a presidential election. The indictment alleges that Caldwell helped to organize the individuals who were on standby with guns in a hotel across the river, conduct that this Court has described as among the most concerning aspects of the conspiracy. Under these circumstances, confinement to his property, with permission to leave for religious services and medical appointments, is a completely reasonable and essential level of restrictiveness to ensure the safety of the community, and the government opposes a relaxing of that restriction. The government does not, however, oppose a modification of Defendant Caldwell’s conditions to allow him to utilize the Internet *solely* for the review of discovery materials and communications with counsel in this case.

1. The Court is well familiar with the facts of this case and the arguments previously submitted by the government in contending that Defendant Caldwell should be detained and then opposing an earlier request to modify his conditions of release, *see* ECF Nos. 18, 66, and 203. The government incorporates those arguments to support its opposition here.

2. The government continues to have grave concerns about the fact that Defendant Caldwell is on release in the community. For example, at the hearing held by this Court on February 12, 2021, on the defendant's motion to reconsider his detention, the government proffered evidence regarding a gun designed to look like a cell phone that Defendant Caldwell tried to purchase in late November 2020. The government recently obtained records regarding this purchase, attached as Exhibit 1, which confirm that Caldwell purchased a "Double Barreled .380 Caliber" handgun, on November 21, 2020. The description for this item number from the manufacturer's website describes it as:

a carefully engineered double barreled .380 caliber people can safely carry in their purse or clipped to their side. Ingeniously designed to resemble a smartphone, yet with one click of the safety it opens and is ready to fire. The product was designed with safety as a priority. A brand everyone can trust, a piece they can rely on, over and over.

According to the records recently obtained, on December 23, 2020, Caldwell emailed the store to follow up on the order, writing, "I am eager to receive this weapon." On February 13, 2021, while Defendant Caldwell was still detained in this matter, and one day after the detention hearing at which Defendant Caldwell's purchase of this weapon was relied upon by the Court in maintaining his detention, someone used his email address to write to the store, "Since it appears that this order has not yet shipped (Order #528), I would like to cancel this order and request a full refund."

3. Defendant Caldwell also contributed a weapon to the QRF. In his motion, Defendant Caldwell tries to minimize this contribution by suggesting that a .22 caliber rifle is "a beginner gun," and quotes an anonymous source who said Defendant Caldwell "brought the .22 rifle as a 'show and tell' curio" (ECF No. 505 at 3). Yet Caldwell felt the need to conceal this "show and tell" item under a sheet when carrying it through the hotel to Person Three's room. Defendant Caldwell also contends that this weapon was unloaded. Given the government's


ongoing investigation, we are not prepared to address Defendant Caldwell's contention here. We note, however, that this weapon was stored together with a cache of other weapons and ammunition and, once loaded, would have been capable of firing bullets that could kill or maim people.

4. Additionally, after January 6, 2021, Defendant Caldwell and/or his spouse utilized an electronic device in their home to conduct searches related to relocating to Costa Rica, Panama, and the Bahamas. While Defendant Caldwell's and his spouse's search histories show they had previously searched retiring abroad, the timing and permanence of this relocation research is concerning. For this reason, while the government agrees that Defendant Caldwell may need Internet access to review discovery and communicate with his counsel, the government believes all other uses of the Internet should be restricted.

WHEREFORE, the United States respectfully submits that an easing of Defendant Caldwell's property confinement is not appropriate and requests that his motion to modify conditions of release be denied in that respect, but granted in part to permit him to utilize the Internet *solely* to review discovery and correspond with his counsel in this case.

Respectfully submitted,

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Fw: Order #528 Confirmation — Online Store

1 message

[Redacted]
To: [Redacted]

Tue, Oct 5, 2021 at 1:20 PM

Hi [Redacted]
The email chain below is a full account of our email communication with this email address for Thomas Caldwell.
I will check for any other accounts.

The credit Card Refund information is available below as well.

Thank you,



From: Tom Caldwell [Redacted]
Sent: Friday, April 30, 2021 7:40 AM
To: [Redacted]
Subject: Re: Order #528 Confirmation — Online Store

Thank you so much!!

On Thu, Apr 29, 2021 at 7:09 AM [Redacted] wrote:

Tom,

Thanks for the email.

Here you go. These are the dates of the order and refund

62855578347	171556536	Refund	15-Feb-2021 13:01:44	CALDWELL, THOMAS	D	[Redacted]	USD (570.00)	15-Feb-2021 18:25:58	USD (570.00)
42361736681	171556536	Settled Successfully	21-Nov-2020 11:12:55	CALDWELL, THOMAS	D	[Redacted]	USD 570.00	21-Nov-2020 18:22:52	USD 570.00

From: Tom Caldwell [REDACTED]
Sent: Wednesday, February 17, 2021 8:30 AM
To: [REDACTED]
Subject: Re: Order #528 Confirmation — Online Store

Thank you for your assistance with this -- I greatly appreciate it.

On Mon, Feb 15, 2021 at 11:51 AM [REDACTED] wrote:

Thank you for your confirmation Tom. I did process your refund, and you should see it on your statement in the next few days.

I am sorry that we were unable to get this to you sooner, but we are ramping up and soon hope to ship much closer to the order date.

I see you were told end of December below, and I can understand why you wanted the refund. I see you were very excited about it, and it is a great pistol so if you would like to order your Cellphone Pistol again in the future please let us know and we will be happy to let you know our estimated ship dates and answer any other questions you have.

Hope to chat with you again soon!

Best,

[REDACTED]

From: Tom Caldwell [REDACTED]
Sent: Monday, February 15, 2021 12:52 PM
To: [REDACTED]
Subject: Re: Order #528 Confirmation — Online Store

Yes, please. I would like very much to cancel this order and receive a refund.

Thank you very much.

On Mon, Feb 15, 2021 at 6:50 AM [REDACTED] wrote:

Hi Tom,

Thank you for your email. I am sorry that it has taken longer than expected for your order to ship. We will be ready to ship your order by the end of February if you would like to wait just a bit longer, or if you would still like to cancel your order please let me know and we will refund per your request.

Thank you,



From: Tom Caldwell [REDACTED]
Sent: Saturday, February 13, 2021 7:31 PM
To: [REDACTED]
Subject: Re: Order #528 Confirmation — Online Store

Hello,

Since it appears that this order has not yet shipped (Order #528), I would like to cancel this order and request a full refund.

Thank you.

Any questions, call [REDACTED]

On Mon, Dec 28, 2020 at 9:10 AM [REDACTED] wrote:
Thans for sending this. We will emial you the tracking number once your order ships.



From: Tom Caldwell [REDACTED]
Sent: Monday, December 28, 2020 10:24 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Order #528 Confirmation — Online Store

Thanks for the response! The FFL information you requested is:



All MY info is as follows:

Thomas Caldwell
[REDACTED]

Many thanks!

Tom

On Mon, Dec 28, 2020 at 9:41 AM [REDACTED] wrote:

Tom,

Your message was forwarded here as we handle the shipping.

Sorry for the delay. This Virus going around has us running behind.

We will get ship your order by the end of December.

Please email back the name, address and phone number of the dealer in your area that will be doing the transfer for you. ALSO, please verify your current address and phone number for the packing slip.



From: [REDACTED]
Sent: Thursday, December 24, 2020 7:55 PM
To: [REDACTED]
Subject: Fwd: Order #528 Confirmation — Online Store

----- Forwarded message -----
From: Tom Caldwell [REDACTED]
Date: Wed, Dec 23, 2020, 2:07 PM
Subject: Re: Order #528 Confirmation — Online Store
To: [REDACTED]

Can you please tell me the status of this pre-order? I am eager to receive this weapon.

Regards,

Tom Caldwell



On Sat, Nov 21, 2020 at 12:13 PM [REDACTED] wrote:

Order Confirmation



Hello Thomas Caldwell,

We have received your Online Store order! Thank you for your purchase.

Order #528

Payment status

Paid

Fulfillment status

Awaiting Processing

All Firearms MUST be shipped to an FFL Dealer (Federal Firearm License) We will contact you shortly to get the name, address and phone number of the FFL in your area that will be doing the transfer for you.

Thomas Caldwell

Shipping method

Standard shipping

Your order



Double Barreled .380 Caliber

SKU: #IC380

1 × \$550.00

Items	\$550.00
Shipping	\$20.00
Total	\$570.00

Thanks for shopping with us!

You can check the status of your orders at any time on our [Orders History Page](#) .

We welcome you to our store anytime. If you need assistance or have any questions,
please email us at [REDACTED] We are happy to help!

Sincerely,
Online Store

[REDACTED]