

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No.: 21-CR-026 (CRC)

UNITED STATES OF AMERICA,

Plaintiff,

v. Case No. 21-cr-026 (CRC)

CHRISTOPHER MICHAEL ALBERTS

Defendant.

_____ /

DEFENDANT'S SUPPLEMENTAL MEMORANDUM PROVIDING FURTHER
SUPPORT FOR DISMISSAL ON GROUNDS OF VINDICTIVE AND
SELECTIVE PROSECUTION

COMES NOW, Defendant, CHRISTOPHER MICHAEL ALBERTS,

(hereinafter, "Defendant" or "Alberts"), by and through undersigned counsel, with this Supplemental Memorandum which provides further support for dismissal on grounds of selective prosecution. Alberts incorporates

Mr. Alberts and counsel recently learned of a filing by another Jan. 6 defendant, Garret Miller, in case number 1:21-cr-00119-CJN. Garret Miller's motion, Document 32 in Miller's case, filed 06/24/21 by attorney F. Clinton Broden, details the stark differences between the way the United States is treating *pro-Trump* Jan. 6 defendants such as Garret Miller and Christopher Alberts

compared with *anti-Trump* protestors who took over the Federal building in Portland, Oregon.

Like Alberts, the Portland protestors were accused of assaulting federal officers, committing civil disorders, and related offenses. (But the alleged facts in the Portland cases were generally far more severe and included protestors hitting, choking, and swinging at officers with weapons.) In each case, the United States Attorneys Office (representing both Democratic and Republican presidential administrations) treated pro-Trump protestors more harshly than anti-Trump protestors.

In most cases, the anti-Trump demonstrators had their charges dismissed! Just like Leslie Grimes' January 6-related charges which were almost identical to charges against Christopher Alberts were dismissed!

The selectiveness of the DOJ's approach to protests, riots and demonstrations is clear. When *anti-Trump* protestors demonstrate, disrupt government proceedings and brutally attack federal officers, the DOJ usually dismisses the charges. But when *pro-Trump* demonstrators demonstrate, they are exposed to years in federal penitentiaries for merely brushing or pressing against cops or tossing a traffic cone or a water bottle.

A “large majority of the Portland rioters charged with identical offenses arising out of a “political riot” had their cases dismissed, were offered pretrial diversion, or plead to significantly reduced charges.” Miller’s motion, page 18. “And, unlike Mr. Miller [and Alberts], many of the Portland rioters engaged in serious assaultive conduct such as punching officers, attempting to break bones of officers, putting officers in choke holds or head locks, and alike.” *Id.*

Miller’s 06/24/21 motion is attached. In turn, Miller’s motion contains numerous attached pleadings from Oregon cases, including arrest warrants showing cases involving facts far more egregious in Oregon than the facts alleged in Alberts’ case.

Miller’s motion was denied by Judge Nichols on December 21, 2021 (ECF # 67 in the *Miller* case). Judge Nichols ruled that the government has broad discretion and is privy to more information than the public knows, and that there are differences between the Portland rioters and Jan. 6 protestors. “The Portland rioters’ conduct, while obviously serious, did not target a proceeding prescribed by the Constitution and established to ensure a peaceful transition of power. . . . The circumstances between the riots in Portland and the uprising in the Nation’s capital differ in kind and degree, and the Portland cases (and the government’s

prosecutorial decisions) are therefore not sufficiently similar to this case to support Miller's request for discovery," wrote Judge Nichols.

Nonetheless, the information provided in Miller's motion, combined with the information already provided by Alberts regarding Alberts' differential treatment by federal prosecutors compared with others accused of having firearms on Jan. 6, shows that the Department of Justice is openly persecuting, tormenting and punishing pro-Trump protestors while treating anti-Trump protestors with kid gloves.

ATTACHMENT:

(A). Garret Miller's June 21, 2021 motion regarding selective prosecution, with its own numerous attachments.

Dated: October 3, 2022

Respectfully Submitted,

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify and attest that on October 3, 2022, I caused this document to be uploaded and filed in this case, using the electronic filing system established by the Court. By doing so, I automatically served the document to counsel for the United States.

/s/ John M. Pierce

John M. Pierce