

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

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-cr-28-APM
	:	
v.	:	
	:	
THOMAS CALDWELL,	:	
	:	
DONOVAN CROWL,	:	
	:	
JESSICA WATKINS,	:	
	:	
SANDRA PARKER,	:	
	:	
BENNIE PARKER,	:	
	:	
LAURA STEELE,	:	
	:	
KELLY MEGGS,	:	
	:	
CONNIE MEGGS,	:	
	:	
KENNETH HARRELSON,	:	
	:	
ROBERTO MINUTA,	:	
	:	
JOSHUA JAMES,	:	
	:	
JONATHAN WALDEN,	:	
	:	
JOSEPH HACKETT,	:	
	:	
JASON DOLAN,	:	
	:	
WILLIAM ISAACS,	:	
	:	
DAVID MOERSCHEL, and	:	
	:	
BRIAN ULRICH,	:	

Defendants.

**MOTION TO SEAL FIFTH SUPERSEDING INDICTMENT AND
ARREST WARRANT**

The United States of America, by and through the United States Attorney for the District of Columbia, respectfully moves for an order to place and maintain under seal, until Monday, August 9, 2021, at 12:00 p.m., the Fifth Superseding Indictment and the Arrest Warrant for newly indicted defendant Brian Ulrich, this Motion, the proposed Order attached to this Motion, and any Order granting this motion. In support thereof, the Government states as follows:

1. The United States is investigating allegations that, on January 6, 2021, the 17 defendants listed in the case caption conspired to and did obstruct a Congressional proceeding, and aided and abetted the same, in violation of 18 U.S.C. §§ 371, 1512(c)(2), and 2, and committed related offenses. The first 15 defendants listed in the case caption were included in the Fourth Superseding Indictment. The two newly indicted defendants – David Moerschel and Brian Ulrich – are for the first time included in the Fifth Superseding Indictment, which is being handed up today. The United States is contemporaneously obtaining an arrest warrant for Ulrich. Moerschel has already been arrested on a complaint, in case 21-mj-512.

2. The public disclosure of the Government's indictment could compromise the integrity of the investigation, including the ability of the United States to locate and arrest Ulrich, which also may lead to the destruction of evidence in other locations, including digital devices. Law enforcement is applying for search warrants to search Brian Ulrich's home and seize his electronic devices at the time of his arrest. Thus, a sealing order is necessary to avoid hindering the ongoing investigation in this matter and successfully apprehend Ulrich without incident.

3. Although there is a presumption of access to court proceedings, this presumption can be overridden if "(1) closure serves a compelling interest; (2) there is a substantial probability

that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest.” Washington Post v. Robinson, 935 F.2d 282, 288, 290 (D.C. Cir. 1999) (internal citation and quotation omitted).

4. In this matter, the United States has a compelling interest in preserving the integrity of its investigation and arresting Ulrich. A limited sealing order ensuring that filings related to the Fifth Superseding Indictment and Arrest Warrant are not accessible from the court’s public files is narrowly tailored to serve a compelling interest.

5. Furthermore, the United States respectfully submits that complying with the normal notice requirements of Washington Post would defeat the purpose of the motion to seal. Persons who know the criminal justice system also know that docketing a motion to seal an Indictment and Arrest Warrant, or a resulting sealing order, means that the defendant is charged with a crime, and the United States intends to arrest him. Thus, if this Motion or a sealing order were to become public, it would be the same as making public the Indictment and Arrest Warrant.


6. The United States proposes that the Fifth Superseding Indictment be automatically unsealed and publicly docketed on Monday, August 9, 2021, at 12:00 p.m. The reasons are (a) by that time, Ulrich will either be under arrest or at minimum have notice that the government is seeking his arrest, and (b) the remaining defendants have a status hearing scheduled before Judge Mehta on August 10, 2021, at 10:00 a.m., at which time the Fifth Superseding Indictment will nonetheless become public because the defendants will need to be arraigned on the new charges.

WHEREFORE, the United States respectfully requests that this Court issue an Order directing that the Clerk of the Court place and maintain under seal, until Monday, August 9, 2021, at 12:00 p.m., the Fifth Superseding Indictment, the Arrest Warrant for Ulrich, this Motion, the

proposed Order attached to this Motion, and any Order granting this motion.

Respectfully submitted,

CHANNING D. PHILLIPS
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