

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

UNITED STATES OF AMERICA

v.

NATHANIEL DEGRAVE,

Defendant.

:
:
:
:
:
:
:
:

Case No. 21-cr-88-DLF

**GOVERNMENT’S MOTION FOR AN ACCOUNTING
OF FUNDS RAISED BY THE DEFENDANT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves for an accounting of money the defendant has raised in connection with this case.

As noted in the government’s objections to the Pre-Sentence Investigation Report (“PSR”), ECF No. 105, over the past two years defendant DeGrave has set up at least three fundraising campaigns on the website GiveSendGo using the following handles: using the following handles: FreeNate, “Beijing Biden’s Political Prisoners,” and DC POW (Prisoner of War).

The “FreeNate” GSG account,¹ captured by the government on June 16, 2022 (*see* ECF No. 105, attachment 1), indicated that DeGrave had raised at least \$7,990 in part to “push[] Nathan’s agenda of promoting and democracy that is fair by fighting election fraud” and “fulfill his vision of creating and running the ‘Patriot Palace’ in Las Vegas, starting a news media channel, and making conservative, right-wing news attractive to the new generation.”

¹ Previously available at www.givesendgo.com/FreeNate.

The DC POW GSG account,² captured by the government on January 5, 2022 and featuring a photograph of DeGrave (*see* ECF No. 105, attachment 2), has raised at least \$111,537. DeGrave has linked this GSG campaign to his Gettr account, Nathan DeGrave @jan6political. This Gettr account in turn reposts frequently from DeGrave's confirmed Instagram account, @vegasnate, as noted in the PSR. *See* PSR ¶ 76, ECF No. 107. In an interview with the Washingtonian, DeGrave also appears to confirm that this GSG account belongs to him.³

The "Beijing Biden's Political Prisoners" GSG account,⁴ captured by the government on September 28, 2021 (*see* ECF No. 105, attachment 3), has raised at least \$585. The GSG campaign's statement reads: "Nathan's only crime is his non-violent participation at the mostly peaceful January 6 rally. The corrupt Biden regime has made it clear that if you are a conservative or republican, they will throw you in America's Gitmo."

In total, it appears DeGrave has raised over \$120,000 through these sites. As in the *Sandlin* co-defendant matter, the government submits it would aid the Court in fashioning an appropriate sentence to order an accounting of how much of these funds remains and on what the expended funds were spent.⁵ The government intends to seek a fine; the amount will depend on what that accounting shows. Although DeGrave has had retained counsel since July 2021, he surely has not run up a legal bill anywhere close to \$120,000, as his retained counsel has

² Available at www.givesendgo.com/DCpow. According to the current link, donations would be charged to a vendor named "suppreviewers," which appears to be a business affiliated with DeGrave. *See* <https://www.suppreviewers.com/reviews/liver-stabil/> (featuring supplement review by "Nathan DeGrave").

³ *See* <https://www.washingtonian.com/2022/01/05/the-january-sixers-have-their-own-unit-at-the-dc-jail-heres-what-life-is-like-inside/>.

⁴ Previously available at www.givesendgo.com/G24KT.

⁵ Judge McFadden required a similar accounting in *U.S. v. Mehaffie*, 21-cr-40 (ECF No. 562). A similar motion is also pending before Judge Mehta in *U.S. v. Gardner*, 21-cr-622 (ECF No. 60).

engaged in next to no motions practice and this case resolved via a cooperation plea.⁶

Furthermore, the government understands from discussions with his current counsel that DeGrave has performed in-kind services for his legal team (e.g., revamping their website) as a means of paying down his legal fees. These services should be accounted for as well.

Importantly, the defendant's Guidelines presume that he should pay a fine. *See* PSR ¶ 122 (noting Guidelines fine range between \$25,000 and \$250,000). Moreover, in assessing the DeGrave's financial condition, Probation has determined that he has the ability to pay a fine. *Id.* ¶ 92. In determining whether to impose a fine, the Court should consider, *inter alia*, the defendant's income, earning capacity, and financial resources, as well as whether a defendant has sought to "capitalize" on a crime that "intrigue[s]" the "American public." *See* 18 U.S.C. § 3572(a)(1); U.S.S.G. § 5E1.2(d); *United States v. Seale*, 20 F.3d 1279, 1284-86 (3d Cir. 1994).

Under no circumstances should the defendant be permitted to profit from his criminal conduct. Moreover, he should be required to reimburse taxpayers for his part in causing significant damage to the United States Capitol and placing enormous burdens on the criminal justice system, including his use of an appointed attorney from his initial detention in January 2021 until he retained his current counsel in July 2021.

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar Number 481052

By: /s/ Jessica Arco
JESSICA ARCO
Trial Attorney-Detailee

⁶ Specifically, the only substantive pleadings drafted by DeGrave's retained counsel to date are a nine-page reply in support of Sandlin's motion to dismiss the § 1512 count (ECF No. 55) and an eight-page advocacy letter to the government to facilitate plea negotiations.

D.C. Bar No. 1035204
601 D St., NW
Washington, D.C. 20530
jessica.arco@usdoj.gov
Telephone: 202-514-3204