

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 21-cr-00116
)	
WILLIAM MCCALL CALHOUN, JR)	
<i>Defendant.</i>)	

DEFENDANT’S REPLY TO THE GOVERNMENT’S OPPOSITION TO
DEFENDANT’S RENEWED MOTION FOR A BILL OF PARTICULARS

COMES NOW, Defendant, William McCall Calhoun, Jr., by and through counsel, Jessica N. Sherman-Stoltz, Esq., and respectfully files this reply to the Government’s opposition to his renewed motion for a bill of particulars. In support thereof, he states as follows:

REPLY ARGUMENT

The Government’s response in opposition continues to rely on Defendant’s social media posts as the basis for his pending charges, along with his mere presence at the Capitol on January 6, 2021. The Government has neglected to provide evidence to support the Defendant’s charged illegal conduct on January 6, 2021, including a lack of evidence that the Defendant took any steps to execute any actions or conduct discussed in his pre-January 6, 2021 social media posts. Among other things, the Government has neglected to provide any evidence that the Defendant took, or

attempted to take, any steps of violent, disorderly and/or disruptive conduct while in Washington, DC, or the Capitol Building on January 6, 2021.

In fact, what the Government has said is that the Defendant's "actions that day involved going into the Capitol with Mr. Nalley, spending 30 to 40 minutes inside the Capitol and then...leaving the Capitol." *See* ECF Document No. 140-1, July 11, 2022, Transcript of Motions Hearing, p. 17:17-19.

Defendant is asking the Court to order the Government to provide a bill of particulars apprising the Defendant of his *specific actions on January 6, 2021* that provide the basis of the charges against him. *See* ECF Document No. 144; "Based on his actions on January 6, 2021, Defendant Calhoun is charged with violations of 18 U.S.C. §§ 1512(c)(2) and 2, Obstruction of an Official Proceeding; 18 U.S.C. § 1752(a)(1), Entering and Remaining in a Restricted Building or Grounds; 18 U.S.C. § 1752(a)(2), Disorderly and Disruptive Conduct in a Restricted Building or Grounds; 40 U.S.C. § 5104(e)(2)(D), Disorderly Conduct in a Capitol Building; and 40 U.S.C. § 5104(e)(2)(G), Parading, Demonstrating, or Picketing in a Capitol Building."

WHEREFORE, for the foregoing reasons, and pursuant to Fed. R. Crim. P. 7(f), Defendant respectfully requests that the Court grant Mr. Calhoun's Renewed Motion for a Bill of Particulars and order the United States to file a Bill of Particulars.

Dated: January 12, 2023.

Respectfully Submitted,

WILLIAM MCCALL CALHOUN, JR.

/s/ Jessica N. Sherman-Stoltz

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CERTIFICATE OF SERVICE

I hereby CERTIFY that on this the 12th day of January 2023, a true and correct copy of the foregoing *Defendant's Reply to the Government's Opposition to Defendant's Renewed Motion for a Bill of Particulars* with the Clerk of Court via the CM/ECF system, which will automatically send an email notification of such filing to all counsel of record.

/s/ Jessica N. Sherman-Stoltz

Jessica N. Sherman-Stoltz, Esq.