

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 UNITED STATES’ TRIAL BRIEF

COMES NOW, Defendant, William McCall Calhoun, Jr., by and through counsel, Jessica N. Sherman-Stoltz, Esq., and respectfully files this reply to the United States’ Trial Brief.

STATEMENT OF FACTS

Although the Government’s assertion of events and actions in their statement of facts may depict events and actions that occurred on January 6, 2021, the defendant was not “one of them” that “attacked the United States Capitol, assaulted police officers, and forced members and staff to flee the halls of Congress” (ECF Document No. 152, p. 1). He did not specifically overtake the Capitol building and shut down the Joint Session. He may have been among the first several hundred that entered the Capitol from where he entered, but as the evidence will show, Mr. Calhoun entered through an open door, encountering no law enforcement as he entered, and in the mere twenty-four minutes that he was inside the Capitol, he assaulted no one, was aggressive towards no one, did not threaten or intimidate

anyone, was not loud or disruptive, participated in no chanting, shouting or hollering, and did not touch, damage or take anything. Most importantly, Mr. Calhoun did not obstruct, interfere with, or take any steps, to shut down the Joint Session.

TRIAL PROCEDURE AND EVIDENCE

As part of the Government prepared stipulations, the Defendant agrees and stipulates *that a witness from the United States Capitol Police would testify at trial* that the Capitol building, and grounds were restricted and closed to the public on January 6, 2021 (ECF Document No. 152, p. 2). That agreement and stipulation does not encompass what the Defendant saw, or was aware of, as related to restricted grounds and public closures.

On December 22, 2020, Mr. Calhoun posted on social media that he would be traveling to Washington, DC to physically present on January 6th, not to obstruct the electoral vote count. To interpret Mr. Calhoun's statement of "giv[ing] the GOP some backbone" to mean that "he and others would storm the Capitol Building and try, by their presence, to coerce the electoral result they preferred" (ECF Document No. 152, p. 4) is akin to someone interpreting "noises" as "gunshots." The Government is attempting to use Mr. Calhoun's First Amendment right of free speech and expression of his social media posts as evidence that he intended to come to D.C. to corruptly obstruct or impede an Official Proceeding. To do this, the Government is using social media posts from before Mr. Calhoun was invited and made plans to come to D.C., and before former President Trump

announced the January 6th rally.

It is not undisputed that the defendant travelled to D.C. on “January 6th” (ECF Document No. 152, pp. 3 & 4) and entered the Capitol “during the riot.” However, Mr. Calhoun did not travel to D.C. on January 6th, and he did not travel to D.C. with the intent to interfere with the certification of the electoral college vote, or “stop the steal” (*Id* at 6). By his own admission, the Defendant believed he *may* have trespassed, not “obstructed the electoral vote count” (*Id* at 3). Additionally, Mr. Calhoun’s actual recorded actions inside of the Capitol will show that he made no attempt to, nor did he, obstruct an official proceeding, and his social media posts (posted after he left D.C.) merely narrated the observed or overheard actions that “Patriots” and the “American People” took on January 6, 2021.

After all the evidence and testimony has been presented, the Defendant is confident that the Court will find that the Government did not meet their legal burden in this case and will exonerate Mr. Calhoun of these charges.

Dated: February 28, 2023.

Respectfully Submitted,
WILLIAM MCCALL CALHOUN, JR.

/s/ Jessica N. Sherman-Stoltz
Jessica N. Sherman-Stoltz, Esq.
Virginia State Bar #90172
Sherman-Stoltz Law Group, PLLC.
P.O. Box 69, Gum Spring, VA 23065
Phone: (540) 451-7451 / Fax: (540) 572-4272
Email: jessica@sslg.law

CERTIFICATE OF SERVICE

I hereby CERTIFY that on this the 28th day of February 2023, a true and correct copy of the foregoing *Defendant's Rply to the United States' Trial Brief* 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.
Virginia State Bar #90172
Sherman-Stoltz Law Group, PLLC.