

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>CASE NO. 1:21-cr-00552 (DLF)</b>
	:	
<b>KENNETH JOSEPH OWEN THOMAS,</b>	:	
	:	
<b>Defendant.</b>	:	

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION TO  
MODIFY CONDITIONS OF RELEASE**

The United States, by and through its attorney, the United States Attorney for the District of Columbia, and pursuant to the Court’s July 3, 2023 Minute Order, hereby submits this Opposition to the Defendant’s Motion to Modify Conditions of Release. ECF No. 195. The Defendant—who has now been convicted of five felonies for his criminal conduct on January 6, 2021—seeks to attend the “Truth and Light Freedom Festival,” an event presented by “Jan6 Detainees” where he seeks to speak publicly and fundraise.

**OPPOSITION**

**I. Trial.**

Following trial, the jury convicted the Defendant on the following seven counts, including four assault counts:

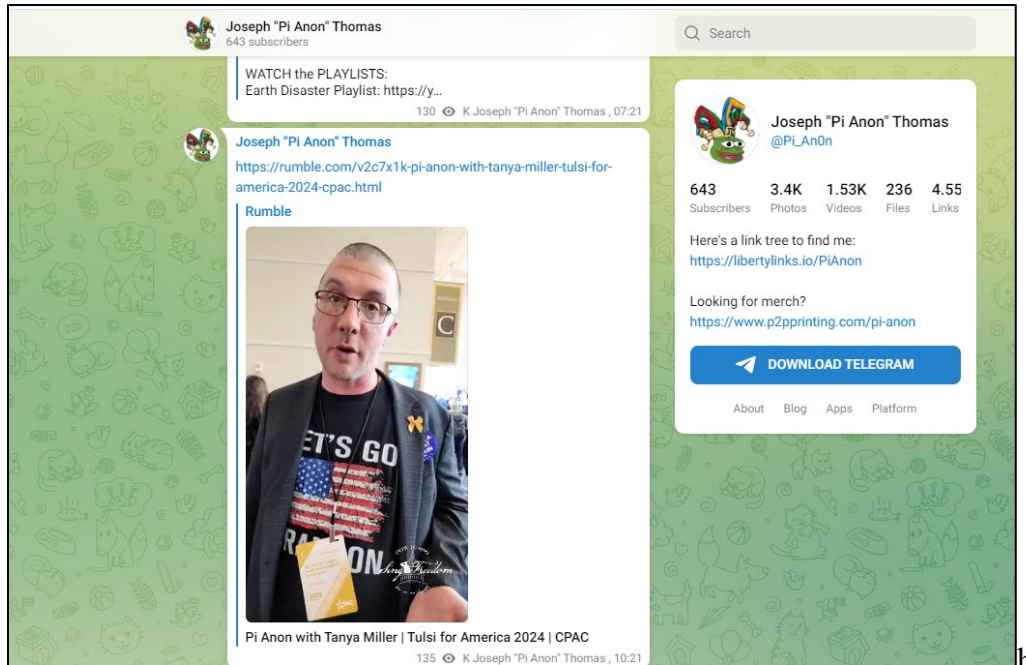
- Count One, Civil Disorder, 18 U.S.C. § 231(a)(3);
- Count Three, Assaulting, Resisting or Impeding Certain Officers, 18 U.S.C. § 111(a)(1);
- Count Four, Assaulting, Resisting or Impeding Certain Officers, 18 U.S.C. § 111(a)(1);
- Count Six, Assaulting, Resisting or Impeding Certain Officers, 18 U.S.C. § 111(a)(1);
- Count Seven, Assaulting, Resisting or Impeding Certain Officers, 18 U.S.C. § 111(a)(1);
- Count Eight, Entering or Remaining in a Restricted Building or Grounds, 18 U.S.C. § 1752(a)(1); and
- Count Nine, Disorderly or Disruptive Conduct in a Restricted Building or Grounds, § 1752(a)(2).

## II. Pre-Trial Violation.

Contrary to his assertion that the Defendant had no pre-trial violations (Mot. at 1) (“Defendant has complied with all pretrial and posttrial conditions.”), in or around March 24, 2023, Thomas violated his pre-trial conditions when he failed to notify his Supervision Officer of his travels to the D.C. metro area to attend the “CPAC” conference (Conservative Political Action Coalition). *See* March 24, 2023 Minute Entry.

There, he mingled with many of the same individuals who will be present at the event proposed here. At least one of these individuals was also actively violating his pre-trial conditions. *See* March 20, 2023, Minute Entry, *US v. Garcia*, 1-cr-00129-ABJ. In fact, that Defendant, Gabriel Garcia, has since been placed on home detention. *See id.* The Defendant then boasted about those actions on social media, including in the first image below, where he is seen with Defendant Garcia:





### III. Defendant's Current Request.

When Defendant violated his pre-trial conditions to attend the CPAC conference as a January 6 activist, he was presumed innocent. The posture today, however, is quite different: the Defendant was convicted by a jury of his peers on five felony charges, four of which were for assault on a federal officer. Therefore, unlike pre-trial release, now, there is a presumption of detention pursuant to 18 U.S.C. § 3143(a)(1).

Despite Defendant's representations, the government has concerns that this convicted felon seeks to associate with the same individuals with whom he committed crimes on January 6, 2021 and has subsequently associated with while violating the terms of his pretrial release. (Govt Ex. 511 (07:44) ("Right now we got a whole list of patriots goin' and are gonna' storm the Capitol.")). Indeed, Defendant Garcia, "Captain Gabriel," is listed as a "speaker" at this event, despite that he is on home confinement; this begs the question whether this gathering will inspire additional criminal activity. *See* ECF No. 195 at 3 (event flyer); March 20, 2023, Minute Entry, *US v. Garcia*, 21-cr-00129-ABJ (placing Garcia on home confinement due to, *inter alia*, his attendance at the

CPAC conference). This concern is underscored by the Defendant's continued social media activity online following his convictions.<sup>1</sup>

### **CONCLUSION**

For the reasons discussed herein, the Government requests that the Court deny the Defendant's request to attend the "Truth and Light Freedom Festival."

Respectfully submitted,

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<sup>1</sup> See, e.g., <https://sing4freedom.us/> (website created by the Defendant following January 6 where he sells merch and collects donations, among other things); <https://rumble.com/c/KekistaniRumblings> (one of Defendant's Rumble accounts where he posts January 6-related materials); [https://t.me/s/Pi\\_An0n](https://t.me/s/Pi_An0n) (Defendant's Telegram account where he actively promotes his activity following January 6, including where he promotes his corporate sponsors and refers to January 6 defendants as "prisoners of war") (all including assertions that his trial convictions on multiple felony assault on law enforcement officer charges were a vindication of his actions on January 6, 2021, and where he downplays the seriousness of those convictions).