

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:
	:
v.	: CASE NO. 21-cr-626 (PLF)
	:
DEREK COOPER GUNBY,	:
Defendant.	:

**DEFENDANT GUNBY’S EMERGENCY NOTICE REGARDING THE
UNITED
STATES’ UNCONSTITUTIONAL THREATS TO RETALIATE AGAINST
GUNBY FOR DEMANDING JURY TRIAL AND DECLINING PLEA OFFER**

COMES NOW Defendant Derek Cooper Gunby (“Gunby”), by and through undersigned counsel John Pierce, with this emergency notice regarding the United States’ unconstitutional recent threats to retaliate against Gunby for demanding jury trial and declining the United States’ plea offer.

On Monday, August 28, undersigned counsel received the following email:

John,

I wanted to let you know that we plan to seek an indictment of Mr. Gunby for obstruction of an official proceeding in violation of 18 USC 1512(c)(2). It looks like the date we will proceed to grand jury will be this Wednesday, August 30, 2023.

Please let me know if you have any questions.

Thanks,

Kyle

Kyle M. McWaters

Assistant United States Attorney

Capitol Siege Section

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA:: v.:
CASE NO. 21-cr-626 (PLF): DEREK COOPER GUNBY.; Defendant.: DEFENDANT GUNBY'S EMERGENCY
NOTICE REGARDING THE UNITED STATES' UNCONSTITUTIONAL THREATS TO RETALIATE AGAINST
GUNBY FOR DEMANDING A JURY TRIAL AND DECLINING PLEA OFFER COMES NOW Defendant Derek
Cooper Gunby ("Gunby"), by and through undersigned counsel John Pierce, with this emergency notice
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and declining the United States' plea offer. On Monday, August 28, undersigned counsel received the following
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official proceeding in violation of 18 USC 1512(c)(2). It looks like the date we will proceed to grand jury will be
this Wednesday, August 30, 2023. Please let me know if you have any questions. Thanks, Kyle Kyle M.
McWaters Assistant United States Attorney Capitol Siege Section 1 United States Attorney's Office, District of
Columbia. This email followed close on the heels of Gunby's demand for a jury trial in this case. Our office, via my
co-counsel Roger Roots, responded with an email to Mr. McWaters asking why, after two years and two months;
with trial scheduled just a month and a few days away, the government was seeking a serious felony indictment
against Gunby. Dear Mr. McWaters: We are getting ready for trial on 4 misdemeanors in Gunby's case, with just
a month and a few days away, the government was seeking a serious felony indictment
against Gunby. Roger Roots Partner-John Pierce Law The government did not respond. It seems obvious from the background
and context, that this escalation of charges is a pattern and practice of the U.S. Attorneys Office, aimed at chilling
constitutional rights and retaliating against those who try to exercise them. This undersigned counsel has
represented several other January 6 defendants who have similarly faced the same extreme retaliation when
they refused to plead guilty. 2013 United States v. Velsicol Chemical Corp., 498 F. Supp. 1255 (D.D.C. 1980),
Judge Parker ordered dismissal of an indictment used as retaliation by the DOJ against a defendant where the
United States threatened the defendant with new charges if the defendant didn't plead guilty. The defendant in
Velsicol Chemical Corp. angered federal prosecutors by declining to plead guilty; instead pleading no contest
and refusing to 'confess' to the allegations. Defendants prays for the protection of this Court and asks the Court
to take notice of the government's treachery, bad faith and perfidy. Dated: August 30, 2023 Respectfully
Submitted, /s/ John M. Pierce John M. Pierce 21550 Oxford Street 3rd Floor, PMB #172 Woodland Hills, CA
91367 Tel: (213) 400-0725 Email: jpierce@johnpiercelaw.com 3 CERTIFICATE OF SERVICE I, John M. Pierce,
hereby certify that on this day, August 30, 2023, I caused a copy of the foregoing document to be served on all
counsel through the Court's CM/ECF case filing system. /s/ John M. Pierce John M. Pierce 4
details?

Respectfully,

Roger Roots

Partner-John Pierce Law

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context, that this escalation of charges is a pattern and practice of the U.S. Attorneys
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defendants who have similarly faced the same extreme retaliation when they refused
to plead guilty.

In *United States v. Velsicol Chemical Corp.*, 498 F. Supp. 1255 (D.D.C. 1980), Judge Parker ordered dismissal of an indictment used as retaliation by the DOJ against a defendant where the United States threatened the defendant with new charges if the defendant didn't plead guilty. The defendant in *Velsicol Chemical Corp.* angered federal prosecutors by declining to plead guilty; instead pleading no contest and refusing to 'confess' to the allegations.

Defendants prays for the protection of this Court and asks the Court to take notice of the government's treachery, bad faith and perfidy.

Dated: August 30, 2023

Respectfully Submitted,

/s/ John M. Pierce
John M. Pierce
21550 Oxnard Street
3rd Floor, PMB #172
Woodland Hills, CA 91367
Tel: (213) 400-0725
Email: jpierce@johnpiercelaw.com

CERTIFICATE OF SERVICE

I, John M. Pierce, hereby certify that on this day, August 30, 2023, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ John M. Pierce

John M. Pierce