

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISAAC ANTHONY THOMAS,

Defendant.

- - - - - x

Criminal Action No.  
1:23-cr-00069-CKK  
Friday, August 18, 2023  
4:54 p.m.

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TRANSCRIPT OF REVOCATION HEARING  
HELD BEFORE THE HONORABLE COLLEEN KOLLAR-KOTELLY  
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

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1 P R O C E E D I N G S

2 THE COURTROOM DEPUTY: Your Honor, this is  
3 Criminal Case 23-069, *United States of America vs. Isaac*  
4 *Anthony Thomas*.

5 Will parties please come to the lectern and  
6 identify yourselves for the record. We'll start with  
7 government counsel first.

8 MR. DREHER: Good afternoon, Your Honor; Adam  
9 Dreher on behalf of the United States.

10 THE COURT: Good afternoon.

11 MR. PIERCE: Good afternoon, Your Honor; John  
12 Pierce on behalf of defendant, Isaac Thomas, who is present  
13 here today as well.

14 THE COURT: All right. I see Mr. Thomas.

15 And we also have the Pretrial Services agent, if  
16 you could identify yourself. She's on Zoom.

17 MS. JAROIS: Good afternoon, Your Honor; Andrea  
18 Jarois on behalf of the Pretrial Services Eastern District  
19 of Michigan.

20 MS. FRIEDMAN: And Jade Friedman with the Pretrial  
21 Services in the District of Columbia.

22 Before we started, I wanted to let you know, I  
23 noticed this morning the documents that I referred to in my  
24 report never got attached; so I printed them out, the hard  
25 copy, and then provided it to both parties.

1 THE COURT: What is it?

2 MS. FRIEDMAN: So it was the referral.

3 THE COURT: You can take your mask down.

4 Otherwise we can't get a record frankly.

5 MS. FRIEDMAN: Sorry. It was the referral  
6 reference with the evaluation he completed in Texas and the  
7 police report with the new charge that was cited with the  
8 Statement of Facts.

9 THE COURT: Okay. So let me go through what we  
10 have in sort of summary form and figure out where we are.  
11 We may or may not be able to finish all of this today.

12 So the first thing is he was supposed to  
13 participate in a program of inpatient/outpatient substance  
14 abuse therapy and counseling, which evidently was connected  
15 to -- seems to have been connected to behavioral things.  
16 I'm not sure why people don't understand what a substance  
17 abuse therapy program is.

18 So he completed an assessment with Insight  
19 Behavioral Health in Flint, Michigan, but he didn't  
20 complete -- and they then -- okay. He had to sign a release  
21 and, okay, then he called Michigan.

22 That, however, was not initially verified and  
23 finally -- so then he called Genesee Health Systems; that he  
24 completed a mental health screening on June 29th, and the  
25 intake assessment was scheduled for July 24th. He didn't

1 complete the intake assessment on July 24th.

2 Then I understand that Mr. Thomas notified his --  
3 the pretrial that he scheduled an evaluation in Texas with,  
4 I don't know, Seay, et cetera. He indicated he completed  
5 it, and no recommendations were made for treatment.

6 Evidently he did go as reported, but the social  
7 worker indicated, the one he contacted, he completed a level  
8 of care assessment, which is only to determine if you need  
9 hospitalization or intense outpatient treatment, but he was  
10 provided with a referral for outpatient treatment.

11 She reported that the defendant indicated he  
12 didn't want to be -- a recommendation for treatment, and he  
13 denied a referral. So I take it the copy of the referral  
14 was what was supposed to be attached, okay.

15 We then have "Verify Your Address." So he was  
16 given permission to go to Texas to inspect a place there  
17 since he's evidently homeless in Michigan and lost his job.  
18 He said he would provide an update on August 4th. No update  
19 was provided, so he now has moved to Texas without any prior  
20 approval from pretrial or the Court.

21 So you're basically not monitored either by  
22 Michigan, because they can't reach out to Texas, and because  
23 you didn't go through the proper procedure for it we don't  
24 have Texas accepting supervision. All right? So an  
25 arrangement obviously should have been made before you

1 permanently moved in terms of indicating where you were  
2 going to be, what services, so that they could indicate  
3 whether they -- you're in an appropriate place.

4 We didn't hear where you were until we got that  
5 affidavit from somebody who is your legal advocate who gave  
6 us, I believe, an address, but nobody else had anything  
7 before that. You were supposed to provide documentation,  
8 and this is with the issue of the use of marijuana for  
9 medical purposes. Use of marijuana is still a federal  
10 offense; however, you can use it medically.

11 We've had problems confirming that the facility is  
12 licensed, so that was I believe the Greenlight Wellness.  
13 There's evidently some question as to whether it's, as I  
14 understand it, licensed.

15 Then there was a medical evaluation by a Dr. Joel  
16 Durinka, D-U-R-I-N-K-A, and we didn't get verification  
17 because some research was done. He seems to be a general  
18 surgeon located in Buffalo, New York. So I'm not sure  
19 that's going to work either.

20 So at this point we have no verification.

21 We also evidently have a pending matter on August  
22 9th, the Burton Police -- which I take it is in Texas; is  
23 that correct?

24 MS. FRIEDMAN: It's in Michigan, Your Honor.

25 THE COURT: I'm sorry?

1 MR. PIERCE: Michigan.

2 MS. FRIEDMAN: Michigan, yes.

3 THE COURT: -- where he's been charged with  
4 threats by computer, telephone, or other communications.  
5 And the last contact that was had with Michigan was on  
6 August 8th, and he's tested positive for marijuana, which  
7 he's obviously using, but we still don't have something to  
8 indicate that he has -- it's a medical marijuana.

9 He was supposed to report certain other things.  
10 He's had a traffic stop in Flint, Michigan, which he didn't  
11 report, but then he was in a car accident in Burton, and  
12 that he did report. Evidently he was convicted, and he had  
13 to pay a fine, and he now has this pending case. I'm not  
14 sure what is to happen.

15 So frankly, since the last time we were here I  
16 don't see improvement. I don't see the medical marijuana.  
17 I don't see that we have the actual full referral for  
18 outpatient. Granted, you know, the evaluation is for  
19 treatment. I don't know what's so difficult about figuring  
20 out whether or not you need treatment, whether it's  
21 outpatient or not.

22 The place that you went to evidently does -- you  
23 know, if you're in need of hospitalization or some emergency  
24 kind of services, I don't think that's been the case. The  
25 question is whether you needed, as I understand it, you

1 know, some outpatient -- some outpatient treatment. You  
2 also need, it would appear, potentially some substance abuse  
3 therapy. It's not clear whether you do or not.

4 The biggest problem that I see, apart from your  
5 not doing what you're supposed to about the medical  
6 marijuana and the issue of having this assessment, is you're  
7 now sitting in Texas where you're not allowed to be.  
8 There's no authority that I've given you to move there, and  
9 we have you without supervision, which is totally  
10 unacceptable.

11 So at this point is there anything, Mr. Pierce,  
12 that you wish to say about this? I mean, he certainly  
13 should know that he can't just move there. He went to see  
14 if it worked. He should have, you know, made sure that they  
15 knew where he was going to live, what he was going to do, et  
16 cetera.

17 And we don't have Texas agreeing to supervise him  
18 because they don't have any information about him, which is  
19 a major problem. And this is an intelligent-enough  
20 individual to know better. He just has decided he's going  
21 to do his own thing, is my assessment, and -- so anything  
22 you want to say?

23 MR. PIERCE: Yes, Your Honor. I would like to say  
24 a few things. And I guess initially what I would say is to  
25 the extent that there is anybody to really blame here, I

1 would offer to take that blame or as much of that blame as I  
2 can before the Court.

3 I think that what is happening here is a  
4 constellation of a few things, and I would say -- one  
5 thing I know for sure, and there's lots of things going on  
6 here and -- that's happening very quickly and probably some  
7 things I don't know. But one thing I know for sure is that  
8 Mr. Thomas is not -- he is not willfully -- he's not  
9 attempting to willfully deny -- I'm sorry, defy what he's  
10 supposed to be doing. He's definitely not doing that.

11 I think what's happened is there has been -- I  
12 have probably been too busy to sort of manage the situation  
13 as well as I probably should have or could have along with  
14 Mr. Thomas, along with Mr. Dreher, along with Ms. Jarois --  
15 I apologize if I get your name wrong. And as I often get  
16 taken to task for sometimes, you know, I have -- I have ten  
17 trials coming up sort of right -- and I know everybody's  
18 busy, but Mr. Thomas has definitely been trying to reach out  
19 to me more than I've been able to be responsive, and --

20 THE COURT: He should be reaching out to a large  
21 degree to Pretrial Services, frankly, and get them from them  
22 in terms of what his plans were. If he had stayed in --  
23 he's evidently been evicted, and he's lost his job in  
24 Michigan.

25 Michigan Pretrial, would they have assisted him in



1 getting him someplace to stay until he got more stable,  
2 Pretrial?

3 MS. JAROIS: Yes, Your Honor, we do offer  
4 resources. We do have community housing options available  
5 that are free of costs that we could have placed Mr. Thomas  
6 at.

7 THE COURT: All right. So instead of drooping off  
8 to Texas, he should have discussed with them getting a  
9 potential placement in Michigan, if nothing else, until  
10 things could be arranged back in Texas, if that's where he  
11 wanted to go, to make sure that where he's going in Texas is  
12 acceptable. It's all the services, et cetera, and where  
13 he's living and whether Texas would take care -- would  
14 accept his supervision.

15 At this point, you know, Michigan is not in a  
16 position to do any supervision in Texas, and Texas is not  
17 going to take supervision without having more information.

18 He's an adult. And so it's nice of you to take  
19 responsibility, but he still should have discussed with them  
20 if there were places to be in Michigan until this was --  
21 until it got moved.

22 MR. PIERCE: I do think all of these things  
23 definitely should have happened, and to some extent and to a  
24 large extent I think Mr. Thomas considers that they did  
25 happen as much as he understood that they needed to. And I

1 think one thing that's happening -- has happened is that  
2 because I personally am so busy and because this situation  
3 has been honestly very sort of fast-moving in terms of,  
4 like, things that are happening and I'm trying to keep up  
5 with them.

6 We've had multiple people at my law firm and also,  
7 as I'm sure Your Honor saw, there's an affidavit Mr. Evans  
8 submitted earlier as sort of an advocate that's sort of  
9 trying to help Mr. Thomas, and there have been multiple  
10 people, including at my firm, including paralegals and  
11 people trying to help --

12 THE COURT: Well, that's very nice, but the  
13 problem -- I looked at the affidavit, and he's checked on  
14 certain things. The question that should have been is that  
15 he should have been discussing this with Pretrial in terms  
16 of coming up with a place to stay. Pretrial Services, as  
17 she's indicated, has places. He could have moved into one  
18 of these places, even if it's temporary.

19 And if he wanted to move to Texas, which I would  
20 be interested to know, he didn't provide enough information,  
21 and he just can't -- he was allowed to visit to see if there  
22 could be some arrangement there, and then he just decided  
23 he's going to live there. He can't do that.

24 Now, one question that I would like to ask the  
25 Michigan Pretrial Services: At this point, in D.C., what is

1       it that you are asking the Court to do? I mean, leaving  
2       aside all the other issues around the cannabis and all the  
3       other things and the government. But I'd be interested to  
4       know whether you want him back in Michigan at a place there.

5               What do you want done with him in terms of the  
6       issue of where he's living.

7               MR. DREHER: Your Honor, if I may jump in before  
8       Pretrial Services?

9               THE COURT: All right.

10              MR. DREHER: After receiving the filing today  
11       through ECF, I did want the Court to be aware that  
12       Mr. Evans, the affiant in what was submitted, had pled  
13       guilty to a January 6th case out of this court before. It  
14       was troubling for the government to learn that, especially  
15       considering that Mr. Thomas himself is charged in actions  
16       related to January 6th.

17              Now, unfortunately I was not -- I did not have an  
18       opportunity to review the entirety of Mr. Evans's file;  
19       however, it's my understanding that he did plead guilty to a  
20       single offense in violation of 1752(a)(1), the misdemeanor  
21       offense.

22              THE COURT: Has he been sentenced?

23              MR. DREHER: Yes, Your Honor.

24              THE COURT: What was his sentence?

25              MR. DREHER: He was sentenced -- it's my

1 understanding that it was a term of probation with 20 days  
2 intermittent incarceration.

3 THE COURT: Okay.

4 MR. DREHER: I don't know the details, and  
5 unfortunately I don't recall the length of the probation,  
6 Your Honor.

7 However, it was very concerning that if this is  
8 the option for Mr. Thomas in Texas, I certainly would oppose  
9 that as a place for him.

10 THE COURT: Okay. One other concern I had about  
11 his getting up and leaving is where he was going. And my  
12 concern, frankly, is that he not stay at a place that's  
13 connected to any of these January 6th issues. Okay?

14 So we're back to -- you know, I can listen to what  
15 he had, but Mr. Evans doesn't answer the question of what to  
16 do with him at this point sitting in Texas unsupervised in a  
17 place that nobody has agreed to.

18 So what is it that you're asking? Is he supposed  
19 to go back to Michigan and stay there? What do you want,  
20 Pretrial?

21 Whoever wants to speak can, but you need to take  
22 your mask off and come up.

23 MR. PIERCE: I'm sorry, can I just, Your Honor, if  
24 I might? If I may?

25 THE COURT: Go ahead.

1 MR. PIERCE: Certainly however Your Honor would  
2 like to proceed, but Mr. Thomas would like --

3 THE COURT: Don't rush. I know it's late, but  
4 rushing isn't helping us.

5 MR. PIERCE: Sorry, Your Honor.

6 Could Mr. Thomas address the Court directly?

7 THE COURT: If you really want him to do so. I  
8 mean, at this point in terms of his -- but you can go ahead  
9 and do so.

10 I mean, he's still pending these charges.  
11 Anything he says is going to be used against him  
12 potentially.

13 MR. PIERCE: I understand, Your Honor, and he  
14 understands.

15 THE COURT: So you've given him advice about what  
16 to say and not say?

17 MR. PIERCE: I mean, generally speaking.

18 THE COURT: Do you know what he's going to say?

19 I suggest you talk to him. He's pretrial, right?  
20 So he's still pending his charges --

21 MR. PIERCE: Yes, Your Honor.

22 THE COURT: -- or charge, and so it would seem to  
23 me that you'd want to know what he's going to say, that he  
24 doesn't create a further problem for himself in the pending  
25 case.

1 MR. PIERCE: I feel confident that I know what  
2 he's going to say to the extent that I need to.

3 THE COURT: All right. So what do you want to  
4 say? You have to get in front of the microphone.

5 THE DEFENDANT: Your Honor, if I could please have  
6 two minutes to address this Court. I wanted to address you  
7 guys to let you know that I am not trying to defy your guys'  
8 orders.

9 Since January 26th of this year my entire life has  
10 been turned upside down. When I got emancipated at 16, I  
11 was able to keep a job, my own lease. I was able to keep a  
12 house, a good job, and a car for all the way up until I was  
13 charged.

14 Once I was charged, people called my job multiple  
15 times, and I was fired as a result of them feeling that me  
16 being employed there would get their license revoked. I  
17 worked at an elderly home serving elderly people for almost  
18 two years.

19 After all of the stuff had went down, I want to  
20 say that the first thing I noticed was that you said that  
21 Pretrial has asked me to get substance abuse and counseling.  
22 Your Honor, I was not made aware of that. I was told that  
23 they only wanted a mental health evaluation. I did not know  
24 they were seeking long-term treatment, so I didn't --

25 THE COURT: I don't think they're seeking long-

1 term treatment. They want to see whether you need some  
2 assistance.

3 THE DEFENDANT: Yes.

4 THE COURT: If you were taking the marijuana for  
5 medical reasons, then it does seem to me, anxiety or  
6 whatever, that perhaps you need some counseling.

7 THE DEFENDANT: Yes, Your Honor. I was able to  
8 set up two separate -- well, three evaluations. The  
9 Insight, the soonest they could get was next year for the  
10 evaluation. I set it up with GHS, but as I was going  
11 through the court process I had thought we had an agreement  
12 of an amount that had to be paid, and at the last minute my  
13 landlord turned it all down, and I got evicted, and I ended  
14 up having a very small time, seven days.

15 THE COURT: Let me move you to what I think is the  
16 key part. I'm probably going to continue this in addition  
17 because we need to get all of these other things resolved.

18 THE DEFENDANT: Yes.

19 THE COURT: But the question that I have is where  
20 is it that he should be located at this point while we sort  
21 all of this out?

22 THE DEFENDANT: Your Honor, I texted Pretrial  
23 Services --

24 THE COURT: I think you should let your attorney  
25 speak. Okay?

1           So you've given explanations for the rest. I'm  
2           not going to deal with that right now.

3           I need to know where he should be from Pretrial in  
4           terms of where we should put him for the foreseeable future.  
5           I don't -- I'm concerned if Mr. Evans, who evidently is  
6           assisting him and has found a place for him, that that not  
7           be another January 6th person.

8           THE DEFENDANT: No, Mr. Evans is not the person  
9           I'm living with. I had texted the address to Andrea weeks  
10          and weeks before moving. And I have not currently  
11          permanently moved down there yet, Your Honor. All I asked  
12          was Mr. Evans -- all he did was speak with Ms. Andrea for  
13          about an hour to ask her what would be the best route if I  
14          could go down there to get -- because the house isn't  
15          livable yet. We haven't even gotten everything sorted out.  
16          We've had some plumbing, some minor stuff --

17          THE COURT: Who is the "we"?

18          THE DEFENDANT: Well, myself. It's a trailer that  
19          I'm renting from somebody down there who owns a pretty large  
20          amount of property.

21          THE COURT: So at this point you don't really have  
22          a place -- so where are you staying now, if it's not  
23          livable?

24          THE DEFENDANT: Well, we are working on it.

25          THE COURT: Who is the "we"?



1 THE DEFENDANT: It's livable -- well, myself.

2 THE COURT: Then why do you keep saying "we"?

3 THE DEFENDANT: And then the people that own the  
4 farm, and I can help you guys provide that. Like that's not  
5 an issue, Your Honor. I was never made aware --

6 THE COURT: Relax. Hold on.

7 So the "we" is you and the people on this farm?

8 THE DEFENDANT: Yes.

9 THE COURT: You keep saying "we," so that's more  
10 than one person.

11 THE DEFENDANT: I'm sorry. I'm sorry. It's me  
12 and my --

13 THE COURT: Slow down.

14 THE DEFENDANT: I'm sorry. My freedom's on the  
15 line, and I'm trying to make this Court understand that I'm  
16 not trying to be defiant to this Court. I really am trying  
17 my best. I've done every evaluation they've asked, but they  
18 won't tell me --

19 THE COURT: Let's not get into anything further.  
20 What I want to do today -- we'll put this off.

21 What I need to do today is where should he go  
22 while we sort this out.

23 MS. FRIEDMAN: Your Honor, you are correct that he  
24 cannot be living in Texas without giving us permission from  
25 that state; so he would have to return back to Michigan

1       until we got a viable address to ask for a transfer.

2               THE COURT:   So do you have a place, if he returns  
3       to Michigan, he could go to?  He's evidently homeless at  
4       this point.

5               MS. JAROIS:  Your Honor, I can look into a couple  
6       of places.  One place in particular is coming to mind.  It's  
7       a long-term residential facility though.  It would be a  
8       commitment of six to twelve months.

9               I would have to do a little more research to see  
10       if I can find something more temporary if Texas is approved  
11       later down the line.

12              THE DEFENDANT:  I have temporary housing in  
13       Michigan as well that I have been able to locate since the  
14       move to Texas --

15              THE COURT:  Let me put it this way.  I think you  
16       need to be back in Michigan; so we have to find a place for  
17       you while we sort this out.  I'm not suggesting --

18              THE DEFENDANT:  I --

19              THE COURT:  Excuse me.

20              THE DEFENDANT:  I'm sorry.

21              THE COURT:  I'm not suggesting that you cannot  
22       potentially move to Texas, but not without having a place  
23       and having it worked up so that we can get supervision in  
24       Texas --

25              THE DEFENDANT:  Yes.

1 THE COURT: -- to be able to follow through with  
2 whatever needs to be done.

3 So we'll leave aside --

4 THE DEFENDANT: I'm sorry, Your Honor --

5 THE COURT: -- the medical marijuana, all this  
6 other stuff. I want you located in some place where you  
7 need to be where you can be supervised while we sort out the  
8 rest of this. Okay?

9 THE DEFENDANT: Yes, Your Honor. I'm sorry,  
10 because of the timing with the eviction, it was really hard  
11 to work that, and we tried to do it fast. And what Andrea  
12 said is we can't approve you to move, but we can approve a  
13 visit, and so as long as you're working on stuff and plan to  
14 come back --

15 THE COURT: So you had -- excuse me.

16 THE DEFENDANT: Yes.

17 THE COURT: You had your visit.

18 THE DEFENDANT: Yes.

19 THE COURT: But at this point, do you have a  
20 place -- if you went back to Michigan today or tomorrow --

21 THE DEFENDANT: Yes.

22 THE COURT: -- do you have a place to stay?

23 THE DEFENDANT: Yes, my Aunt Sherry.

24 THE COURT: Does anybody know about Aunt Sherry?  
25 Has she agreed temporarily until you find something?

1 MS. FRIEDMAN: D.C. Pretrial is not aware of this  
2 Aunt Sherry.

3 THE COURT: I'm sorry, I can't hear you.

4 MS. FRIEDMAN: D.C. Pretrial is not aware of this  
5 person.

6 THE DEFENDANT: This is my first time bringing it  
7 up, Your Honor.

8 THE COURT: I'm sorry?

9 THE DEFENDANT: It's my first time bringing it up,  
10 so I forgot to tell them that, yes.

11 THE COURT: Are you sure she'll take you?

12 THE DEFENDANT: Yes. I've talked with her about  
13 it. So she's a grandparent that just lives on her own now,  
14 and we've been -- she's been very close with me and the only  
15 family member I really have that's left for me.

16 THE COURT: Okay. So what do you want to do in  
17 terms of where do you want to go tonight or tomorrow?

18 Pretrial?

19 MR. PIERCE: I do have a suggestion, Your Honor,  
20 if I might?

21 THE COURT: Go ahead.

22 MR. PIERCE: Mr. Thomas can stay with --  
23 Mr. Thomas can stay with us in our -- I have, and our team,  
24 we have a three-bedroom apartment which myself and my law  
25 firm partner and my paralegal have in D.C., and he can stay

1 with us if this is going to be something that's continued  
2 into next week. That's certainly -- I mean, we can watch  
3 over him and do that, if that's no problem.

4 MS. FRIEDMAN: If Your Honor is inclined to that,  
5 we ask that we put that on record because he does have a  
6 condition to stay out of D.C. So if you would like him to  
7 go --

8 THE COURT: Yes, we'd have to change it.

9 So the question is -- the next time I can see you,  
10 since I'm in the middle of trial, is August 28th.

11 THE DEFENDANT: Yes.

12 THE COURT: I have that day off from trial. So  
13 the question is whether tonight he can stay with them, okay,  
14 and then I would ask Michigan to work on finding him a place  
15 there that he can stay and check into this aunt. What I  
16 would do is check and see.

17 So maybe he can stay until we can figure out the  
18 aunt and go back there and then work on, if we're going to  
19 do Texas, doing it correctly. And then we'll have a  
20 discussion about these other issues that need to be  
21 resolved, which we can do on the 28th.

22 Would that work?

23 MS. JAROIS: I'm sorry, yes.

24 I apologize. It's hard for me to tell who is  
25 being spoken to.

1 THE COURT: I know. It's been a long day.

2 MS. JAROIS: That would be sufficient, Your Honor.

3 As long as I obtain an address and contact information for  
4 this aunt, I can reach out to her and confirm that not only  
5 will she take Isaac but the housing is appropriate, and  
6 there's no weapons or firearms. And then I can also look  
7 into alternative housing, if that needs to be addressed.

8 THE COURT: Okay. So my suggestion is that he  
9 stay at this apartment. We need contact information there.

10 We will check -- they'll check with your aunt to  
11 make sure this is an appropriate place. If it is, then I  
12 want you to go back to the aunt.

13 THE DEFENDANT: Okay.

14 THE COURT: Okay. And then we get all the  
15 information about Texas so that we can do -- they can figure  
16 out whether that's an appropriate place, wherever it is that  
17 you're going, whatever it is you want to set up --

18 THE DEFENDANT: Yes.

19 THE COURT: -- and then make a decision because  
20 they -- until that is all set up, Texas is not going to take  
21 your supervision. I can't have you not supervised.

22 THE DEFENDANT: Yes.

23 THE COURT: So while you're here, you can be  
24 supervised by D.C.

25 Hopefully we can do the aunt quickly, in which

1 case he would go back to Michigan and wait until we see what  
2 is set up for -- you know, for the Texas thing, if that  
3 looks like a move.

4 I would like to continue the hearing about the  
5 other issues until August 28th, where we can pick up the  
6 medical marijuana and all the other issues.

7 Is that workable from Michigan's perspective?

8 MS. JAROIS: Yes, Your Honor.

9 THE COURT: And from D.C.'s perspective? I'll  
10 make an exception that he can stay here pending moving back  
11 to Michigan until we resolve the Texas issue.

12 MS. FRIEDMAN: Yes, Your Honor.

13 THE COURT: All right. So --

14 THE DEFENDANT: Just very quickly, Your Honor, I  
15 want to say thank you for working with me, but I have one  
16 more quick thing because I know the -- I know we're going to  
17 go into detail on the 28th, but with the evaluation they  
18 want done, Pretrial had previously offered to help me set  
19 that up, and I -- and she also told me I also have the right  
20 to, you know, set that up on my own, if I would like to.

21 Can you ask her if she can help me do that in the  
22 meantime so that way when we get there on the 28th we don't  
23 have to say, "Well, we still don't have an evaluation"? Do  
24 you see what I mean?

25 When we have a little bit of time, can you see if

1 she'd be willing to help me set up that evaluation so I do  
2 the right one? Because I've set up three of them, and none  
3 of them are the kind they've asked for.

4 THE COURT: It would be helpful, I think, to have  
5 Pretrial help you because they have places they can send it  
6 to do the appropriate and are customary to doing this.

7 THE DEFENDANT: And I'm sorry I had a little bit  
8 of mistrust at first because of my experience in the system,  
9 the foster system, and so it was hard for me to trust them,  
10 but I will continue to do my best to comply as much as I  
11 can, Your Honor.

12 THE COURT: Okay. Do you know what the next -- in  
13 terms of the charge that he's got, the next time he has to  
14 show up in court in Michigan?

15 MS. JAROIS: Your Honor, the warrant was just  
16 issued on yesterday's date, so there is no next court date  
17 until he appears, and that's for the misdemeanor case.

18 As for the tickets, I am not sure of any upcoming  
19 court dates.

20 THE COURT: Okay. So in terms of you, Mr. Pierce,  
21 are you going to be representing him in this matter or  
22 getting him represented in the threats case?

23 MR. PIERCE: Well, I'm not admitted in Michigan,  
24 but I will find somebody to either represent him, or I'll  
25 pro hac vice in.



1 THE COURT: He should resolve that one so he  
2 doesn't wind up with further issues with that.

3 MR. PIERCE: Absolutely. Yes, Your Honor.

4 THE COURT: Okay. So we'll have him -- we need  
5 the information of where he's going to be. He needs to be  
6 with -- D.C. needs to know it. Michigan Pretrial needs to  
7 know where you're going to be staying. You need to provide  
8 the information to both of them; in addition, your Aunt  
9 Sherry, or whatever her name is, how they can contact her  
10 and where is the address so we know this --

11 THE DEFENDANT: Okay.

12 THE COURT: -- and so that they can start to look  
13 into that. If it looks like it's an appropriate placement,  
14 we can then -- you don't have to come back to court to me  
15 because he's supposed to be in Michigan anyway. I would  
16 have him go and stay with his aunt. Hopefully that can be  
17 done fairly quickly.

18 Do you think so, or not? I don't know what your  
19 caseload is.

20 Michigan?

21 MS. JAROIS: Your Honor, as soon as I obtain the  
22 information, I can call her this afternoon or this evening.  
23 The next time I will be able to get out into the field would  
24 likely be Tuesday, which is I believe the 22nd, and on that  
25 date I could confirm or deny the address.

1 THE COURT: Okay. And then if it turns out  
2 that -- you would know hopefully Tuesday one way or the  
3 other so we can see about sending him back there.

4 MS. JAROIS: Yes, Your Honor.

5 THE COURT: Okay. I've suggested the 28th because  
6 I happen to have a break in my trial. Is that enough time  
7 to get him back and get things sort of sorted out with the  
8 rest, or do we need more time? I'll leave it to pretrial  
9 what they want to do.

10 MS. FRIEDMAN: Your Honor, we could figure out the  
11 residency during that time. I'm sure I could schedule the  
12 mental health assessment with our provider. I don't think  
13 he would be able to be seen by the 28th, but I can certainly  
14 get an appointment scheduled for him by the 28th, if that  
15 makes sense.

16 THE COURT: All right. And one of the things is  
17 to see whether his aunt is willing to keep him for some time  
18 until we take a look at this Texas thing or whether we need  
19 the aunt and then move him up to something else.

20 MS. JAROIS: Correct, Your Honor.

21 THE COURT: All right. In terms of the 28th,  
22 which is unfortunately very full, I'm going to defer to my  
23 law clerk because we moved some stuff earlier today.

24 Hold on one second.

25 (Pause)

1 THE COURT: How about if we did it at 11:00? I  
2 have that 10:30, we should be done by then.

3 THE LAW CLERK: We just need 30 minutes? We have  
4 an arraignment and a status at 11:30.

5 THE COURT: We can push that to -- what time do we  
6 have in the afternoon? It didn't look like much.

7 THE LAW CLERK: Any time after 1:30. We also need  
8 to fit in two other matters. But we can do this at 1:30; do  
9 these at 2:30 and 4:00, for example.

10 THE COURT: All right. So how about August 28th  
11 at 1:30 back here to figure out the rest of this in terms of  
12 setting a plan going forward? And at that point we should  
13 also have some information of what's going to happen with  
14 the other case in Michigan.

15 So the plan is he stays at this apartment, which  
16 you'll provide the information. Can you give me the  
17 address?

18 MR. PIERCE: I certainly -- I'd rather not do it  
19 in open court, Your Honor.

20 THE COURT: If you can do it -- is anybody else  
21 here other than the marshal? And I'll redact it from the --

22 MR. PIERCE: Sure. Yes, Your Honor. It's -- so  
23 it's [REDACTED].

24 THE COURT: Is it an apartment?

25 MR. PIERCE: Yes, Your Honor, [REDACTED].

1 THE COURT: Is it an empty apartment? Is anybody  
2 in there?

3 MR. PIERCE: Well, I'm in there so it's -- no,  
4 it's not an empty apartment. I mean, at this moment it's  
5 empty but myself. My law firm partner and my paralegal's  
6 children live there, but the rest of them are in Montana  
7 right now, so tonight it is empty except for myself.

8 THE COURT: Okay. So you're basically going to be  
9 staying with counsel.

10 All right. And we'll get the address for the --  
11 why don't you give us the -- do you have your Aunt Sherry's  
12 address? I'll redact all these addresses from the --

13 THE DEFENDANT: I do; [REDACTED]

14 [REDACTED]

15 [REDACTED].

16 And my aunt's name is [REDACTED].

17 THE COURT: What's the last name?

18 THE DEFENDANT: [REDACTED].

19 THE COURT: Do you have a phone number?

20 THE DEFENDANT: [REDACTED]. And I'm going off  
21 my memory. My phone's not with me right now, but I can text  
22 that -- I'm pretty sure that's right. I'm 100 percent, but  
23 I want to make sure.

24 THE COURT: All right. So he'll stay with you.  
25 He's in your custody. And then he'll, assuming the aunt is

1 all right -- so either the aunt or somebody else, he'll move  
2 back to Michigan. And then, while he's in Michigan, we can  
3 take a look as to whether it's appropriate to move him or  
4 whatever arrangements are made in Michigan.

5 I do not want him staying with somebody else  
6 involved with January 6th.

7 THE DEFENDANT: Yes. I understand that, Your  
8 Honor.

9 THE COURT: Okay. And then at the 1:30 on 8/28 we  
10 can deal with the issue of -- I don't understand why -- if  
11 he's getting medical marijuana, I don't understand why --

12 THE DEFENDANT: Your Honor, I have a copy of my  
13 card with me. I'm sorry.

14 THE COURT: But does it have anything that  
15 indicates a doctor has authorized it?

16 THE DEFENDANT: It's from the state of Michigan,  
17 Your Honor. They have to authorize it.

18 And I gave the number for Laura, and she --  
19 Ms. Andrea told me she was able to confirm the Michigan one;  
20 that it was just the Greenlight Wellness that she couldn't  
21 confirm their license. And I have no control over that, but  
22 I know it is licensed, and it is a valid card with my  
23 picture.

24 THE COURT: I'm going to -- let's not get into all  
25 of this at this point.

1 THE DEFENDANT: Okay. I understand.

2 THE COURT: But we do need the address and a  
3 couple of other things.

4 Anything further from probation D.C.?

5 MS. FRIEDMAN: No, Your Honor.

6 THE COURT: You know, can you give me -- pronounce  
7 your last name. I don't want to butcher it.

8 MS. JAROIS: Yes, Your Honor, it's "Ja-ris."

9 THE COURT: "Ja-ris," okay.

10 Ms. Jarois, anything else from you?

11 MS. JAROIS: Nothing further, Your Honor. Thank  
12 you.

13 THE COURT: All right. I will do an order that  
14 sets this out so it's pretty clear where he's going to be  
15 staying and everything else.

16 And, Mr. Thomas, pay attention. Talk to Pretrial  
17 Services about these arrangements so we'll make sure that  
18 they work, and we'll see whether it's useful to have you go  
19 to Texas or not or wherever you're going to be staying.

20 THE DEFENDANT: Thank you, Your Honor.

21 THE COURT: How did you come up with this place in  
22 Texas?

23 THE DEFENDANT: Well, might I add, Your Honor, I  
24 did not want to move to Texas. I had to leave my furniture,  
25 my family behind.

1 THE COURT: So let me interrupt you a second.

2 THE DEFENDANT: Yes.

3 THE COURT: If you found another place in  
4 Michigan, do you want to stay there?

5 THE DEFENDANT: Yes. If it's a residential  
6 facility, no; but if they can find housing, I would  
7 absolutely.

8 I did not want to be in Texas. It was really a  
9 last-minute thing. And I reached out to Treniss Evans and  
10 to my attorneys, and they had some connections with people  
11 down there in Texas.

12 MR. PIERCE: To be clear, Your Honor, for the  
13 record, I had nothing to do with advising anybody to move to  
14 Texas.

15 THE COURT: Okay. But it sounds as if he's not  
16 actually interested in moving to Texas, so it would be  
17 easier if we could just make sure we made a more permanent  
18 arrangement for him in Michigan, if that's where he wants to  
19 stay.

20 Now, I understand you had a job in Texas. Do you  
21 have a job there or not?

22 THE DEFENDANT: So I was hired for Wal-Mart. I  
23 haven't started yet because as soon as I was about to start  
24 they -- I had to head down here for the hearing down here.

25 THE COURT: Okay. So then I would -- if he wants

1 to be in Michigan, let's see if we can assist him in terms  
2 of getting something in terms of working.

3 Where were you -- were you living in Flint, or  
4 were you living someplace else?

5 THE DEFENDANT: Burton, Michigan, which is a  
6 suburb of Flint. So it's kind of like -- it's all in  
7 Genesee County. It's like a city next to it, kind of.

8 THE COURT: It would be easier, frankly, if we  
9 left him in Michigan. If he doesn't really want to go to  
10 Texas, then let's focus on getting him situated back in  
11 Michigan.

12 So I would not look at getting anything done in  
13 Texas. Let's get back to Michigan about whatever his  
14 evaluations or whatever else he needs. Okay?

15 All right. Anything else, Ms. Jarois?

16 MS. JAROIS: Nothing else, Your Honor. Thank you.

17 THE COURT: Government?

18 MR. DREHER: Not related to this, Your Honor. I  
19 would just assume that on the 28th the Court would be  
20 willing to receive evidence or exhibits or testimony?

21 THE COURT: Yes. I'll see, you know, wherever we  
22 are at that point, and I'll leave it to you as to what  
23 information needs to be provided depending on whether  
24 there's been any progress.

25 MR. DREHER: Yes, Your Honor.



1 THE COURT: All right. The parties are excused,  
2 then, at this point.

3 THE DEFENDANT: Have a good day, Your Honor.

4 THE COURT: Mr. Thomas, don't screw this up.

5 THE DEFENDANT: I'm going to do my best, Your  
6 Honor. Thank you.

7 THE COURT: All right. The parties are excused.

8 (Whereupon the hearing was

9 concluded at 5:33 p.m.)

10  
11 **CERTIFICATE OF OFFICIAL COURT REPORTER**

12  
13 I, LISA A. MOREIRA, RDR, CRR, do hereby  
14 certify that the above and foregoing constitutes a true and  
15 accurate transcript of my stenographic notes and is a full,  
16 true and complete transcript of the proceedings to the best  
17 of my ability.

18 Dated this 25th day of September, 2023.

19  
20  
21 /s/Lisa A. Moreira, RDR, CRR  
22 Official Court Reporter  
23 United States Courthouse  
24 Room 6718  
25 333 Constitution Avenue, NW  
Washington, DC 20001