

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

ZACHARY REHL, DEFENDANT

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CASE NO. 21-CR-175-3

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**DEFENDANT'S MEMORANDUM IN OPPOSITION TO DETENTION**

Defendant, Zachary Rehl, by and through his counsel, Shaka M. Johnson, Esquire respectfully submits the following Memorandum in Opposition for Detention. The Government cannot establish by clear and convincing evidence that there is no condition or combination of conditions that will reasonably assure the safety of other persons and the community if the defendant is released pending trial. See 18 U.S.C. § 3142(e). Therefore, this Court must enter an order releasing the Defendant on appropriate conditions that will assure the appearance of the Defendant as required and th4 safety of any other person and the community.

Under 18 U.S.C. 3142(e)(3), a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the person as required and safety of the community if the Court finds that there is probable cause to believe that the person committed an offense as outlined in the subsection. Here, the Defendant has been charged with 18 U.S.C. § 371—conspiracy, 18 U.S.C. §§ 1512(c)(2),2—obstruction of an official proceeding and aiding and abetting, 18 U.S.C. §§ 231(a)(3), 2—obstruction of law enforcement during civil disorder and

aiding and abetting, 18 U.S.C. §§ 1361, 2—destruction of government property and aiding and abetting, 18 U.S.C. § 1752(a)(1)—entering and remaining in a restricted building or grounds, 18 U.S.C. § 1752(a)(2)—disorderly conduct in a restricted building or grounds. As indicated in the Government’s Motion for Detention, the Defendant has been charged with destruction of government property, which is specifically enumerated in 18 U.S.C. § 2332b(g)(5)(B) and carries a maximum sentence of ten years in prison and is a crime of violence under 18 U.S.C. § 3156.

In determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, the court shall take into account the available information concerning: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the person; (3) the history and characteristics of the person; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release. *See* 18 U.S.C. § 3142(g).

### **DISCUSSION**

**1. Nature and circumstances of the offense charged.** Admittedly, the crimes for which the Defendant has been charged are very serious; however, detention is not warranted in this case. As proffered by the Government, Mr. Rehl is not alleged to have acted as a principal in the destruction of government property, but instead is culpable because of the actions of his co-conspirators.

**2. Weight of the evidence against the Defendant.** The Government proffers and provides a photograph of Mr. Rehl at the Capitol on January 6, 2021; however, as indicated above, the Government does not allege that Mr. Rehl acted as a principal in any destruction of government property. Moreover, the Government is relying on statements that Mr. Rehl made after the incident in a private chat celebrating what occurred on January 6, 2021. Mr. Rehl although stating that the officers should be tarred and feathered for attempting to keep them out of the Capitol, his actions on January 6, 2021 supports that those were merely words. He did not injure anyone or try to cause injury to any officer that was present protecting the Capitol. Had Mr. Rehl had the desire to cause injury to anyone, he could have been among the group of people who did those things, but instead he only marched and breached the Capitol with the flow of the group but did nothing more. There was no destruction or tampering done inside the Capitol by Mr. Rehl. His words following the incident were not words of incitement or words to encourage more actions, nor does those words implicate a lack of remorse. Therefore, the weight of the evidence against him does not favor detention.

**3. History and Characteristics of the Defendant.** Mr. Rehl stands before the Court today as a 35-year-old man. He was born and raised in Philadelphia, PA, where he was raised by his mother, Tonya Zwanetski, and father, Robert Rehl, until he was approximately 8 years old. It was at this time his parents got a divorce. Mr. Rehl subsequently lost his father by means of suicide on his 12<sup>th</sup> birthday. His mother later married Mr. David Zwanetski, whom he maintained a positive

relationship with. He still maintains a close relationship with his mother and stepfather, who both reside in the District of Columbia.

Mr. Rehl is married to Amanda Rehl, a woman he has built a life with here in Philadelphia for the last 10 years. Mr. Rehl and Amanda entered into the bonds of matrimony on May 5, 2018. Mrs. Rehl expresses her intentions to support Mr. Rehl throughout these criminal proceedings and would ensure his compliance with the rules and regulations imposed by the court if he is ordered released. Mr. Rehl has a 16-year-old daughter, Kiley Rehl, whom he spends time with; however, his visits have been lessened since the onset of the COVID-19 pandemic. He is expecting the birth of the newest member of the Rehl family on June 30, 2021. He is looking forward to the many experiences associated with being a parent of a newborn. Mr. Rehl is very close and dedicated to his family. His strong family ties and ties to this community supports that he will appear for court.

**Military Service:** Mr. Rehl has a strong background of service to his country. On October 15, 2008, Mr. Rehl, inspired by the vision of service they provided, joined the United States Marine Corps. He joined knowing that the country was still in violent conflict, and that, at any time, he could be deployed to Iraq or Afghanistan as his brother had been. He was stationed far from his East Coast roots in Yuma, Arizona. Joining the Corps provided, for the first time, a stable life for Mr. Rehl. The discipline of the Corps gave him needed structure and support, and the brothers he met gave him a new family. Mr. Rehl threw himself full-heartedly into the service, and was promoted to the rank of Corporal E4, a position

of responsibility and authority. The USMC acknowledged his service in multiple ways. He earned the Marine Corps Good Conduct Medal after 3 years of “honorable and faithful” service without any infractions. He was recognized with both the Global War on Terrorism Service Medal and the National Defense Service Medal for serving during a time of war and for combatting global terrorism. Like a true Marine, Mr. Rehl also volunteered his time above and beyond the minimum. He worked extra hours recruiting new Marines and soldiers, for which he was given the Navy Unit Commendation. His volunteer work in organizing and fundraising for the Yuma Airshow (a recruiting event) was so valuable a rare Letter of Appreciation was written on his behalf. Mr. Rehl’s Commanding Officer would also write a Letter of Appreciation describing his excellent service upon his separation from the USMC. Mr. Rehl provided a vital service to our nation as a Traffic Management Specialist. He completed, and later oversaw, the shipment of materials to Marines overseas. The contents of those packages ranged from family letters to rifles and other critical supplies. Without his skills, the Marines serving overseas would not have the physical or emotional equipment needed to complete their incredibly important jobs. ***See Attachment A***—Zachary Rehl’s Certificate of Release or Discharge.

As a member of the Traffic Management team, Mr. Rehl suffered a lower back injury caused by repetitive lifting of boxes. This injury requires daily use of heavy-duty painkillers, and created a situation where Mr. Rehl was at risk of developing a dependency simply by continuing the proper course of treatment. In addition, during a routine training exercise, Mr. Rehl suffered a severe shoulder injury along an obstacle course. Micro-fractures spread throughout his shoulder where they rubbed against his AC joint, slowly

and painfully grinding it away. The injury grew worse and worse over time, eventually requiring a surgery that still was unsuccessful in treating the problem or in relieving Mr. Rehl's significant pain. The lower back pain caused by his work ensuring the delivery of critical supplies also led to a hernia which occurred suddenly as Mr. Rehl opened a car door. The injury was so serious that he had to be physically carried to the hospital. Mr. Rehl's combination of injuries and unsuccessful surgery led to his Honorable Medical Discharge in May of 2012. The extent of his medical issues is documented in medical records in the possession of Veteran's Affairs. A review of his records would show that he suffers from lumbar degenerative disc disease, complications from his right shoulder resulting in pain, weakness, and loss of movement, post-traumatic symptoms, generalized anxiety disorder, a hernia, and gastroesophageal disease (GERD) caused by his stress.

**Education:** Since his disabilities prevent him from doing the type of work he loved doing as a Marine, Mr. Rehl had to choose a new career plan. Mr. Rehl decided to lean on his experience in sales and his talent for operations management and decided to pursue a business degree in marketing. He obtained a B.A. in Business from Temple University in 2016. **See Attachment B**—Copy of Temple University Degree awarded to Zachary Rehl.

**4. Nature and seriousness of the danger to any person or the community that would be posed by the person's release.** Mr. Rehl does not pose a danger to any person or the community. His service to our country supports this position. He joined the Corps during a time of war and constant terrorism; willing to put his body on the line for the U.S. His actions in service were vital in keeping our troops supplied and emotionally healthy. He was deemed trustworthy enough to merit a role of major responsibility in the USMC—a

military branch that believes strongly in honor and service. Despite the physical and psychological scars left by his time as a Marine, Mr. Rehl has reintegrated well into society, especially considering the path that disability and inability to continue to serve has had on many veterans who return home from serving our country abroad. Prior to this incident, Mr. Rehl had some infractions with the law; however, nothing about those previous incidents suggests that if this Court was to release him now, he would pose a danger. Moreover, although present, Mr. Rehl did not engage in any activity that were violent or destructive.

### CONCLUSION

As a veteran, father, and community member, Mr. Rehl has assuredly rebutted the presumption in favor of detention. Moreover, the Government has not shown through clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of the community if he is released. Although violence occurred on that day, Mr. Rehl was not involved and should not have to wear the full freight of a situation that spiraled out of control. Moreover, Hugh and Kimberly Zielinsky, his in-laws, have stated that they will act as third-party custodians for Mr. Rehl. Mr. Zielinsky has worked for the City of Philadelphia for over 30 years. He is prepared to state under oath that he will be responsible for ensuring that Mr. Rehl meets all of his release conditions. Additionally, the Government posits that pre-trial release would allow the defendant to remain in the same circumstances in which he and others planned and launched the attack on January 6; however, Mr. Rehl is willing to stipulate that he will refrain from all internet access and that all mobile and electronic devices in the house are subject to search.

**WHEREFORE**, the Defendant respectfully request the Court enter an order releasing Mr. Rehl pending trial on such conditions that would assure appearance of the Defendant as required and the safety of any other person and the community of detention in this matter.

DATED: May 17, 2021

Respectfully submitted,

/s/ Shaka M. Johnson  
Shaka M. Johnson, Esquire

**Law Offices of Shaka Johnson, LLC**  
1333 Christian Street  
Philadelphia, PA 19147  
(215) 732-7900  
Shaka@shakajohnsonlaw.com



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V.

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**CERTIFICATE OF SERVICE**

I, Shaka M. Johnson, Esquire through Michelle Peterson, Esquire, hereby certify that on this 17<sup>th</sup> day of May 2021, I caused a true and correct copy of the instant Memorandum to be served via the Court's electronic notification system upon:

Luke Jones, Esquire  
Assistant United States Attorney  
District of Columbia  
Luke.Jones@usdoj.gov

DATED: May 17, 2021

Respectfully submitted,

/s/ Shaka M. Johnson  
Shaka M. Johnson, Esquire

**Law Offices of Shaka Johnson, LLC**  
1333 Christian Street  
Philadelphia, PA 19147  
(215) 732-7900  
Shaka@shakajohnsonlaw.com

# **Attachment A—Zachary Rehl’s Certificate of Release or Discharge**

CAUTION: NOT TO BE USED FOR  
IDENTIFICATION PURPOSESTHIS IS AN IMPORTANT  
RECORD. SAFEGUARD IT.ANY ALTERATIONS IN SHADED  
AREAS RENDER FORM VOID

## CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) REHL ZACHARY WILLIAM		2. DEPARTMENT, COMPONENT AND BRANCH USMC-11		3. SOCIAL SECURITY NUMBER 159 66 3662	
4a. GRADE, RATE OR RANK CPL	b. PAY GRADE E4	5. DATE OF BIRTH (YYYYMMDD) 19850618	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) 20120530		
7a. PLACE OF ENTRY INTO ACTIVE DUTY FORT DIX, NJ		b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) 871 WILLOW STREET, SOUTHAMPTON, (BUCKS), PA, US, 18966			
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND HQHOSDN MCAS YUMA, AZ		b. STATION WHERE SEPARATED IPAC MCAS YUMA, AZ RUC 45644			
9. COMMAND TO WHICH TRANSFERRED N/A			10. SGLI COVERAGE <input type="checkbox"/> NONE AMOUNT: \$ 400,000		
11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) 3112- TRAFFIC MANAGEMENT SPECIALIST ( 3 YEARS)		12. RECORD OF SERVICE		YEAR(S)	MONTH(S)
		a. DATE ENTERED AD THIS PERIOD		2008	10
		b. SEPARATION DATE THIS PERIOD		2012	05
		c. NET ACTIVE SERVICE THIS PERIOD		03	07
		d. TOTAL PRIOR ACTIVE SERVICE		00	00
		e. TOTAL PRIOR INACTIVE SERVICE		00	00
		f. FOREIGN SERVICE		00	00
		g. SEA SERVICE		00	00
		h. INITIAL ENTRY TRAINING		00	07
i. EFFECTIVE DATE OF PAY GRADE		2011	12	01	
13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) MARINE CORPS GOOD CONDUCT MEDAL, GLOBAL WAR ON TERRORISM SERVICE MEDAL, NATIONAL DEFENSE SERVICE MEDAL, LETTER OF APPRECIATION, NAVY UNIT COMMENDATION, RIFLE SHARPSHOOTER BADGE.		14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) BASIC DISTRIBUTION MANAGEMENT 2009			
15a. COMMISSIONED THROUGH SERVICE ACADEMY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
b. COMMISSIONED THROUGH ROTC SCHOLARSHIP (10 USC Sec. 2107b) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
c. ENLISTED UNDER LOAN REPAYMENT PROGRAM (10 USC Chap. 109) (If yes, years of commitment: _____) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
16. DAYS ACCRUED LEAVE PAID RLB 0.0	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION				YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
18. REMARKS GOOD CONDUCT MEDAL PERIOD COMMENCED 20111014. DELAYED ENTRY PROGRAM 20080828 TO 20081013. MEMBER CONTRIBUTED \$1,200 TO THE MGIB. DISABILITY 10%. VA CODES 5201/5019/0000.  45644-2012-0477					
The information contained here in is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.					
19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) 120 E FORT ST SHIPPENSBURG PA 17257		b. NEAREST RELATIVE (Name and address - include Zip Code) TANYA M ZWANETSKY (MOTHER) 871 WILLOW ST, SOUTHAMPTON, PA 18966			
20. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) PA OFFICE OF VETERANS AFFAIRS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
21a. MEMBER SIGNATURE 	b. DATE (YYYYMMDD) 20120502	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title, signature) MCCAIN LETICIA M 1097419546		b. DATE (YYYYMMDD) 20120502	

DD FORM 214, AUG-2009

PREVIOUS EDITION IS OBSOLETE.

MEMBER - 1  
Adobe Designer 8.0

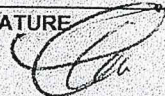


CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES

ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

**CORRECTION TO DD FORM 214,  
CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

This Report Contains Information Subject to the Privacy Act of 1974, As Amended.

1. NAME (Last, First, Middle) REHL, ZACHARY W.		2. DEPARTMENT, COMPONENT AND BRANCH USMC-11		3. SOCIAL SECURITY NUMBER (Also, Service Number if applicable)	
4. MAILING ADDRESS (Include ZIP Code) 120 E. FORT ST. SHIPPENSSBURG, PA 17257				159	66
5. ORIGINAL DD FORM 214 IS CORRECTED AS INDICATED BELOW:					
ITEM NO.	CORRECTED TO READ				
BLK 18	SEPARATION DATE ON DD FORM 214 BEING CORRECTED: 20120530 DOCUMENT PREPARED FOR FINANCE OFFICERS ENDORSEMENT ONLY. REF DD214 #45644-2012-0477. -----AND NO OTHERS-----				
45644-2012-0041					
6. MEMBER REQUESTS COPY 6 BE SENT TO (Specify state/locality) PA OFFICE OF VETERANS AFFAIRS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
a. MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
7. DATE (YYYYMMDD)	8. OFFICIAL AUTHORIZED TO SIGN				
20120424	a. TYPED NAME (Last, First, Middle Initial) MCCAIN, L. V.	b. GRADE GS7	c. TITLE SEPS CHIEF, BY DIR	d. SIGNATURE 	



**Attachment B**—Copy of Temple University Degree awarded to  
Zachary Rehl

Case 1:21-cr-00175-TJK Document 85-2 Filed 05/17/21 Page 2 of 2

# TEMPLE UNIVERSITY

OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

BY AUTHORITY OF THE BOARD OF TRUSTEES AND UPON RECOMMENDATION  
OF THE FACULTY HEREBY CONFERS UPON

**Zachary William Rehl**

THE DEGREE OF

**Bachelor of Business Administration**

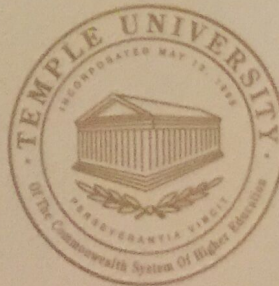
TOGETHER WITH ALL THE RIGHTS PRIVILEGES AND HONORS APPERTAINING  
THERETO IN RECOGNITION OF THE SATISFACTORY COMPLETION  
OF THE COURSE PRESCRIBED BY THE FACULTY OF THE UNIVERSITY

IN TESTIMONY WHEREOF THE UNDERSIGNED HAVE SUBSCRIBED  
THEIR NAMES AND AFFIXED THE SEAL OF THE UNIVERSITY

GIVEN AT PHILADELPHIA PENNSYLVANIA ON THIS TWENTY NINTH DAY OF  
JULY TWO THOUSAND AND SIXTEEN

*Patrick J. Connor*  
CHAIR OF THE BOARD OF TRUSTEES

*Frank K. Wasol*  
SECRETARY



*Richard M. Engle*  
ACTING PRESIDENT

*Moshe Pratt*  
DEAN