

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

UNITED STATES OF AMERICA :
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:
:
v. : **Criminal No. 21-MJ-355**
:
:
CHRISTOPHER JOSEPH QUAGLIN, :
:
Defendant. :

**GOVERNMENT'S MEMORANDUM
IN SUPPORT OF PRE-TRIAL DETENTION**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this memorandum in support of its oral motion that the defendant, Christopher Joseph Quaglin, be detained pending trial pursuant to 18 U.S.C. § 3142(f)(1)(A) [Crime of Violence] and 3142(f)(1)(E) [Dangerous Weapon]. There are no conditions or combinations of conditions which can effectively ensure the safety of any other person and the community, pursuant to 18 U.S.C. § 3142(e).

The government respectfully requests that the following points and authorities, as well as any other facts, arguments and authorities presented at the detention hearing, be considered in the Court's determination regarding pre-trial detention.

Factual Background

The Attack on the United States Capitol on January 6, 2021.

1. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, located at First Street Southeast, Washington, District of Columbia. During the joint session, elected members of the United States House of Representatives and Senate met in the United States Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which took place on November 3, 2020.

2. The United States Capitol is secured 24 hours a day by security barriers and USCP occupy various posts throughout the grounds. Restrictions around the United States Capitol include permanent and temporary security barriers and posts manned by USCP. USCP officers wore uniforms with clearly marked police patches, insignia, badges, and other law enforcement equipment. Only authorized people with appropriate identification are allowed access inside the United States Capitol. On January 6, 2021, the exterior plaza of the United States Capitol was also closed to members of the public.

3. The January 6, 2021 joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Michael R. Pence was present and presiding, first in the joint session, and then in the Senate chamber.

4. As the proceedings continued in both the House and the Senate, and with Vice President Pence present and presiding over the Senate, a large crowd gathered outside the United States Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the United States Capitol building and USCP were present, attempting to keep the crowd away from the Capitol building and the proceedings underway inside. As the certification proceedings were underway, the exterior doors and windows of the Capitol were locked or otherwise secured.

5. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and past officers of the USCP, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by the USCP or other authorized security officials.

6. A short time later, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. As such, all proceedings of the United

States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the United States Capitol, including the danger posed by individuals who had entered the United States Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the United States Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

7. After the Capitol was breached, USCP requested assistance from MPD and other law enforcement agencies in the area to protect the Capitol, keep more people from entering the Capitol, and expel the crowd that was inside the Capitol. Multiple MPD officers and other law enforcement officers came to assist.

8. During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the United States Capitol building without authority to be there.

Facts Specifically Related to Quaglin

9. Based on an initial review of publicly available video footage, USCP surveillance footage, and body worn camera (“BWC”) footage of officers that responded to the Capitol on January 6, 2021, an individual wearing a red, white, and blue shirt, a black helmet with a camera affixed to the front of it, and a gas mask, who has been identified as Quaglin, as described below, can be seen repeatedly assaulting multiple law enforcement officers guarding the Capitol.

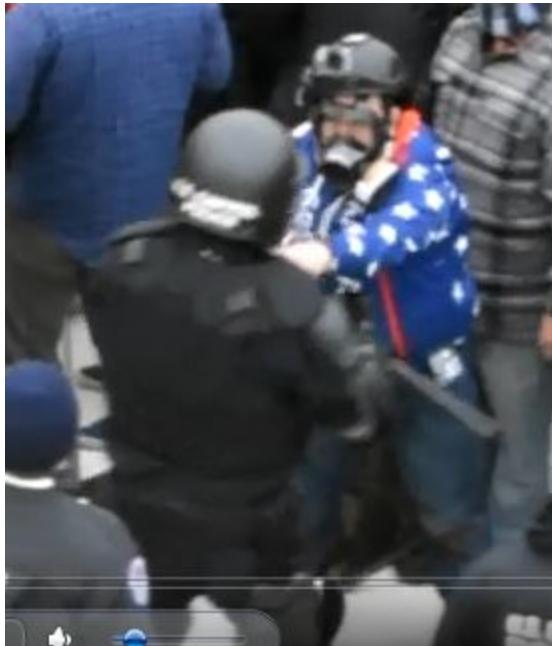
10. Specifically, around 1:36 p.m., as captured on police BWC footage, numerous rioters were at the police line around the Capitol, with fences separating the crowd and the officers. Quaglin approaches the police line separated by the fence and starts engaging with the MPD Officers at the line. Seemingly unprovoked, Quaglin shouts the following statements towards the

MPD Officers: “You don’t want this fight. You do not want this fucking fight. You are on the wrong fucking side. You’re going to bring a fucking pistol, I’m going to bring a fucking cannon. You wait! You wait! You wait! Stay there like a fucking sheep! This guy doesn’t know what the fuck is going on.” Several seconds later, Quaglin grabs onto the fence and appears to shake it and push against it while the MPD Officers are on the other side of the fence. A still from the video is below with a red box around Quaglin and the video is attached as Exhibit A.



11. In addition, as captured on multiple USCP surveillance videos, around 2:06 p.m., numerous rioters gathered on the grounds below the Lower West Terrace and attempted to breach the police line.

12. As shown in one of the USCP surveillance videos included as Exhibit B, around 2:11 p.m., Quaglin can be seen pointing at a USCP Officer holding the perimeter around the Lower West Terrace. (For each of the video exhibits where it seemed useful, like this one, the government has added red boxes around Quaglin where possible.) Quaglin then shoves that officer, as captured in the still shot below. Notably, one of the individuals he is seen interacting with and who grabs Quaglin by the shoulder to stop him after he pushes the officer, is Ethan Nordean. Nordean is one of the Proud Boys members indicted for conspiring to obstruct Congress’s certification of the electoral college vote.

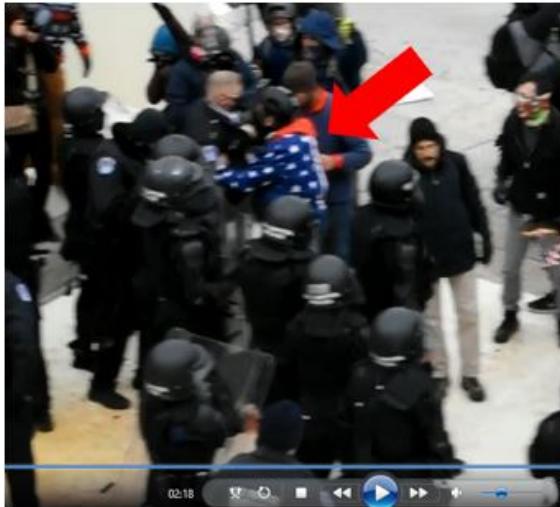


13. In a subsequent USCP surveillance footage, believed to be around 2:14 p.m. and attached as Exhibit C, Quaglin walks through the crowd and approaches the USCP Officers located at the police line. Quaglin then begins to verbally engage a USCP Officer. Quaglin continues to get closer to the USCP Officer while appearing increasingly agitated and pointing his finger towards USCP Officer. Quaglin then proceeds to hold and push the USCP Officer by the neck, which appeared to contribute to the USCP Officer starting to fall. (Note: Due to obstructions in the view of this portion of the event, it is unclear to the affiant whether the USCP Officer completed the fall). A still from this video is shown below with a red arrow above Quaglin.

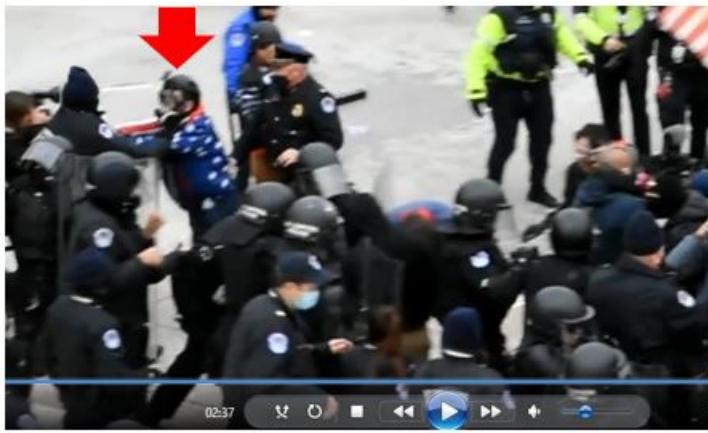


14. Approximately 1 minute later, as Quaglin appears to be yelling at the officers and shaking a glove at them, another USCP Officer pushes Quaglin back. Then, as numerous rioters are engaged in physical altercations with multiple law enforcement officers, Quaglin appears to

physically strike and shove the USCP Officer. Several seconds later and as numerous law enforcement officers are responding to the various altercations, Quaglin appears to physically push the USCP Officer again, as captured in the still below with a red arrow pointing to Quaglin.



15. Quaglin then physically pushes another USCP Officer multiple times and also pushes another USCP Officer. Several seconds later, Quaglin physically pushes an MPD officer and, shortly after, then walks towards another USCP Officer and physically pushes and wrestles with that USCP Officer, as captured in the still below with a red arrow above Quaglin.



16. In another USCP video, believed to be around 2:17 p.m. and included as Exhibit D, Quaglin and other rioters rip one of the barrier fences being used to keep the crowd out of the Capitol out of the hands of MPD officers, as shown in the still below with a red arrow pointing to Quaglin.



17. Then, around 2:34 p.m., as captured on BWC footage and included in Exhibit E, an unidentified rioter pushes down a USCP officer. Another officer steps in front of the fallen officer. Quaglin can then be seen lunging forward and pushing that officer down. Multiple officers then drop their shields as they begin to retreat backwards. Quaglin and other unidentified individuals can then be seen picking up the shields and passing them backwards, as captured in the stills below with a red box around Quaglin.



18. As the officers continue to retreat backwards, around 2:36 p.m., Quaglin once again can be seen on BWC footage (Exhibit F) lunging at an MPD Officer. Other rioters then pull Quaglin back and guard the officers as the officers fall back into a stairwell, as shown in the stills below with a red box around Quaglin.



19. By 2:40 p.m. on January 6, 2021, protesters had engulfed the west side of the United States Capitol and were climbing on the scaffolding in front of building as well as various features of the building. Although the Capitol Building had already been breached and protesters had flooded in through several entrances, a group of MPD officers and members of the USCP or other agencies had been able to hold their position and deny entry through the very prominent entrance of the Lower West Terrace, which is shown below.



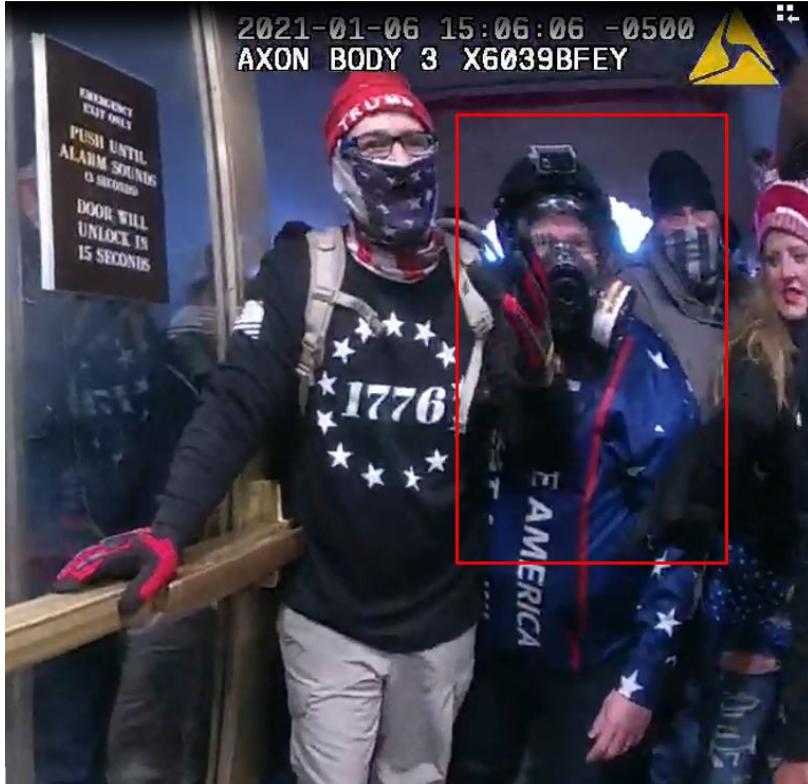
20. Around 2:40 p.m., a group of officers were maintaining a line at the second set of glass doors inside the tunnel. Officers reporting to the scene rushed to the tunnel from within the building while protesters outside of the tunnel continued to summon more men to push their way through the tunnel. A growing number of protesters made their way into the tunnel with a variety of tools and weapons. The tunnel became the point of an intense and prolonged clash between

protesters and law enforcement at the United States Capitol. Many of the protesters in the tunnel were recording video and many of the videos circulated and continue to circulate on Internet channels, social media, and the news.

21. Portions of the rioters' effort in the tunnel to get through the Lower West Terrace doors were captured both in video surveillance from a USCP camera in the tunnel and in video footage posted to YouTube (hereinafter, YouTube Video 1). In YouTube Video 1, which is attached as Exhibit G, a large group of rioters attempted to break through the line of uniformed law enforcement officers who were in place to prevent rioters from entering the Lower West Terrace door of the United States Capitol. Law enforcement officers are at the front of the line attempting to stop numerus rioters from gaining access to the United States Capitol Building.

22. At approximately 3:03 p.m., Quaglin can first be seen on USCP surveillance footage entering the tunnel with the rioters. Quaglin can be seen pushing his way to the front of a large crowd attempting to push past the police guarding the doors. Quaglin continues to try to push past the law enforcement officers guarding the Lower West Terrace Exterior Doors for approximately the next 15 minutes during which he can be seen on video attacking officers with a stolen riot shield and spraying them with a chemical irritant. (Beginning around 13 minutes into the video, when Quaglin is clearly visible in the video, the government has added a red box around Quaglin where possible in Exhibit G.)

23. Specifically, as captured both on BWC footage and in YouTube Video 1, Quaglin sprays a chemical irritant at MPD and USCP officers trying to stop the rioters from entering the Capitol. Specifically, around 3:06 p.m., Quaglin is visible at the front line of the rioters attempting to get past the law enforcement officers guarding the Lower West Terrace doors, as shown in the still from BWC footage below with a red box around Quaglin.



24. Around 15:30 in YouTube Video 1, which corresponds to approximately 3:06 p.m.¹, Quaglin sprays a chemical irritant at MPD and USCP officers trying to stop the rioters from entering the Capitol. At around 15:46 in YouTube Video 1, which corresponds to approximately just before 3:07 p.m., Quaglin then again sprays a chemical irritant directly into the face of an MPD Officer, who does not have a face shield or gas mask protecting him. This is captured in the still below, where (as indicated by the added red square) the orange spray from the black canister can be seen headed straight for the officer's face.

¹ This time is approximate and based on a review of the EXIF data for the related video and a comparison to the timestamp for available surveillance video capturing the same events.



25. Based on the lettering on the canister, the shape, and the coloring of the canister, the canister used by Quaglin (which is visible in the still shots below from BWC footage) appears likely to be an MK-9 OC spray sold online.



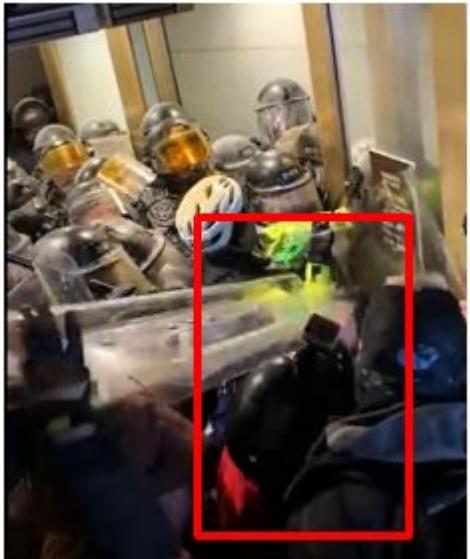
26. MK-9 OC spray, pictured below, is described in online marketing materials as follows: when used according to proper guidelines, the product is “intended to cause varying degrees of pain and injury, which are temporary.” If “used incorrectly, CTS less-lethal products may cause damage to property, serious bodily injury or death.”

<https://www.combinesystems.com/product/mk-9-level-3-oc-products>.



27. Around 3:08 p.m., as captured in YouTube Video 1, rioters inside the tunnel use police riot shields and police riot batons to combat uniformed law enforcement officers. Rioters can also be overheard planning and implementing a rotation of rioters to have the “fresh” rioters up front to combat law enforcement, with various unidentified individuals yelling “we need fresh patriots in the front” and “we need fresh people.” Rioters are heard instructing the front line of rioters to make a “shield wall” to prevent law enforcement from controlling rioters with oleoresin capsicum spray (“O.C. spray”). Multiple rioters then use the stolen shields to push against the line of officers as additional rioters add their weight and push too. Around 19:30 in YouTube Video 1, which corresponds to approximately 3:11 p.m., Quaglin can be seen with the rioters at the front of the line pushing up against that same MPD Officer whom Quaglin sprayed in the face and other law enforcement officers with a shield. Quaglin then continues pushing as the entire group of rioters yell “heave ho” and put their collective mass behind him and the others at the front of the line.

28. Another YouTube Video shot within the tunnel around the same time (“YouTube Video 2”), attached as Exhibit H, shows a different angle of that confrontation, where Quaglin can be seen using a stolen shield to push up against law enforcement officers and then hitting that same MPD Officer in the side of the neck and face, as Quaglin and other rioters twist the shield to the side.



29. As other rioters from the front-line leave, Quaglin remains near the front line. For example, he is captured on BWC footage around 3:15 p.m. at the front-line of the rioters and still holding a shield, as shown in the still below. He remains at the front until approximately 3:18 p.m. -- when he can be seen on USCP surveillance footage being pushed out of the tunnel with other rioters.



Identification of Quaglin

30. Law enforcement received a tip from an anonymous source providing four “Live” videos recorded from a Facebook account with the vanity name “Chris Trump.” The videos did not list the URL of the Facebook account or the official user name. (A Facebook user can display a vanity name that is different than their official user name and a Facebook user can change their vanity name without changing the official user name.) Each video was a selfie-style video showing an individual identified by the anonymous tipster as “Christopher Quaglin, NJ. Extremist.” In one of the Live videos provided by the tipster, Quaglin, as shown in the still below, can be seen walking towards the Capitol in the same outfit that Quaglin is seen wearing in the footage described above and holding a gas mask. Quaglin states “Trump is speaking and everyone is walking there. And I am walking there [showing Capitol building to camera]. And I am ready [showing gas mask in hand]. We will see how it goes. Proud of your boy.” (The video is attached as Exhibit H.)



31. In another one of the videos, shot after Quaglin had returned to his hotel and changed out of the red, white and blue hoodie, Quaglin notes: "When you guys see the footage, I was the guy in the red, white, and blue uhh hoodie and the black helmet...I'm absolutely on a loop on Fox News...I got punched pretty good...It was a great time, I got bumps and bruises." In that video Quaglin appears to be standing in the alleyway immediately adjacent to the Motto Hotel at 627 H Street NW, Washington, D.C. in the evening hours after the riot on January 6, 2021. A distinctive parking sign and a pipe that forms a right angle are visible in the video frame. Law enforcement visited the alleyway and confirmed that the area visible in Quaglin's video was in fact taken in that alleyway adjacent to the Motto Hotel. (This video is attached as Exhibit I.)

32. In another video taken in his hotel room, Quaglin appears shirtless with a large tattoo visible on his chest and on his arm as he narrates while cooking a steak in his shower. Quaglin states, "It's the first step . . . I'm exhausted, I've been pepper sprayed like twenty fucking times, I'm sure I'm going to make the news." (This video is attached as Exhibit J.)

33. Law enforcement confirmed that Quaglin (whose listed address is in New Jersey) rented six rooms at the Motto Hotel in Washington D.C. between January 5, 2021 and January 7, 2021 which appears to be the same hotel that can be seen in some of the Live videos provided by the tipster and the same alleyway as confirmed by law enforcement.

34. In addition, law enforcement interviewed a witness, Witness 1, who has known Quaglin for years, although Witness 1 had not seen him in person for several years. Witness 1 has

followed and corresponded with Quaglin on social media for years. Witness 1 saw Quaglin's Live videos on January 6, 2021 on his account with the vanity name "Chris Trump." Witness 1 confirmed that the Live videos described above are some of the same videos Witness 1 saw on January 6, 2021 and that those videos all show Quaglin. Witness 1 also stated that he/she saw a photograph that the FBI had published seeking additional information from the public and that he recognized that individual as Quaglin. (The photograph, "Photograph 58 AFO" below, was taken from BWC footage described in paragraph 10 above.)²



Photograph #58 - AFO

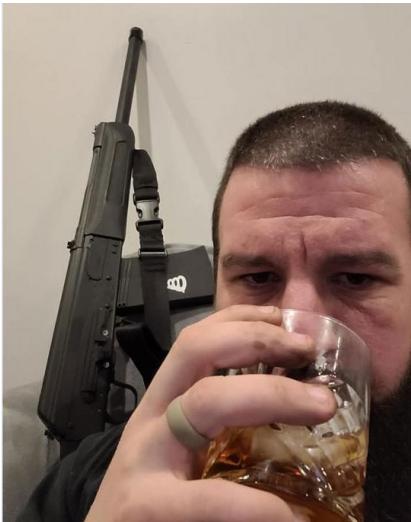
35. Witness 1 noted that Quaglin used multiple accounts on Facebook and Instagram and was frequently banned for inflammatory posts online. Witness 1 indicated that Quaglin frequently posted on his social media accounts about the 2020 Presidential election, about going to the Capitol on January 6, 2021, and pictures of firearms. Many of Quaglin's posts were deleted on January 7, 2021. Witness 1 indicated that Quaglin posted multiple pictures of himself prior to the January 6, 2021 events where he was visible with a beard and consistent in appearance with the "Photograph 58-AFO."

36. Law enforcement submitted search warrants for multiple social media accounts identified as belonging to Quaglin by Witness 1 or based on a review of subscriber data. Based on

² Law enforcement also received five tips indicating that Photograph 58 looked like various individuals that are not Quaglin. Thus far, law enforcement is not aware of any corroboration for these tips and is not aware of any evidence linking those individuals to the Capitol on January 6, 2021. One anonymous tip did identify another individual in a YouTube video at the protests on January 6, 2021 (but not taking part in the siege of the Capitol building) in what appears to be the same "Make America Great Again" hoodie as the one Quaglin is wearing on January 6, 2021. However, that individual has no facial hair, has no gas mask, has no helmet with a video camera attached to it, is carrying a large flag on a fishing pole, and has a large button pinned to his hoodie that is not visible in any of the video associated with Quaglin.

an initial review of the comments, photos, and videos posted to Quaglin's social media accounts, there are many posts indicating he participated in the storming of the Capitol on January 6, 2021, as described above. For example:

- The following post on November 5, 2020: "You upset? Think it's off? Voter fraud? Antifa says fuck you and they stole the election. You americans aren't welcome here anymore.
#IMFIGHTINGBACK If you like, share it!!!! We need people!!!!"
- The following messages sent on November 5, 2020 to another person on Facebook: "I'm going to war"; "I'm writing my letter to my wife and people will have it. But I might not even make it back"; "I'm bringing the big cock"; "I'm taking jin to a knife fight"; "I'm really ready to just the kamikaze.";
- The following messages sent on November 6, 2020 to another person on Facebook: "Its over"; "I'm fighting if not"; "Like on the streets in dc. Full body armor.";
- The following messages sent on November 6, 2020 to another person on Facebook: "Looking forward to a war";
- The following attempted post on November 6, 2020: "Stand back. Stand by. Trump might walk away losing the presidential election in 2020 due to fraudulent voting. (I highly doubt that, but it might happen). The only way he walks away from the presidency, without being taken away in handcuffs and not completely sparking a civil fucking war is as follows: VOTER. ID. LAW. has to be passed by all 3 branches, and the house and Senate. It will be a unanimous vote. If trump steps down, this must happen. Otherwise, #letshaveawar";
- The following messages sent on December 13, 2020 to another person on Facebook who claimed to be in D.C.: "Good! Fuck u btw. If I would have known u were going I would have given u a gas mask and my helmet";
- The following photo posted on December 13, 2020:



- The following post on December 17, 2020 “Because I know something you don't know.”

Accompanied by the following photo:



- The following messages sent on December 20, 2020 to other people on Facebook: “Listen. Come to DC. Don't be a bitch”; “U coming to DC on the 6th?” Similar messages were sent to others as well on December 20, 2020.³
- The following post on December 20, 2020 “Guy: you think you're the only one prepared? I got a p100 too! Me: that doesn't help against pepper spray dude. A p100 is not a gas mask.”

³ In one of those messages asking someone to join him on the 6th, Quaglin stated: “I need 5 good men to hold each other's back, not back out or run if antifa attacks. Are you coming to dc?” However, in a later message, asking someone to join his group going to D.C., he stated: “I don't think antifa will even show up.” “Its the cops if it gets ugly.”

- The following photo and message sent on December 22, 2020 to another person on Facebook
“Thats my basement gun room. I have been planning for this since fucking Bush left office and obama came in”



- The following post on December 22, 2020: “Who wants to go to dc? I have an extra double twin bed available”
- The following messages sent on December 22, 2020 to another person on Facebook: “Oh, its happening. I'm bringing gas masks, body armor, and other things”
- The following messages sent on December 22, 2020 to another person on Facebook: “I got 3 cans of bear spray” “Huge cans”; “And fas masks”; “Gas”;
- The following messages sent on December 23, 2021 to another person on Facebook: “I got like 9 rooms. If u need one ill transfer 1 to u”; “I figured ill save them for our crew first. Stay close. Stay safe”; “If u need a ride down, we have space. You'll be in the back back seat of the suburban though”; “Merry Christmas. We can talk after new years. Our group will be carrying

huge bear mace cans. Fyi” ... “U know like 1000 militia are gonna be there”; “Ar15, the whole get up”; “I don't think antifa will even how up”; “Its the cops if it gets ugly”; “Buy a gas mask if anything”; “You'll get it from ebay by time”; “Not p100!”; “Just make sure the filter is good for pepper spray”;

- The following post on December 24, 2020 with the caption “so bad ass”



- The following messages sent on December 24, 2020 to another person on Facebook: “Ya, I was thinking of that. Ill have bear spray. (The gel stuff that shoots 30 feet) and the big can”
- The following message sent on December 25, 2020 to another person on Facebook: “Ya. I'm bringing gas masks” followed by this photo:



- Multiple messages to others on Facebook regarding reserving rooms and rates, such as the following message sent on December 30, 2020 to another person on Facebook: “Are u going to dc? I got 1 spare bilunk bed room” and then sending this photo



- The following messages sent on January 7, 2021 to another person on Facebook: “It was wild”; “A guy died in my arms”;
- The following messages sent on January 7, 2021 to another person on Facebook: “I was in the middle of it” and attaching a photograph that appears to be taken from the West Terrace of the Capitol of the crowd on January 6, 2021;
- A message sent on January 7, 2021 indicating that he had deleted his other account and telling the other person to use “whats app or telegram”;
- Another message on January 7, 2021 responding to a question about how he made out last night, stating “It was crazy” and “Text me on what's up app or telegram”; and
- A message sent on January 8, 2021 claiming “We only pushed our way. I know I didn't hit any cops.”

37. Finally, law enforcement submitted a search warrant for the Google accounts linked to Quaglin through his known Facebook accounts. Google location data places the phone belonging to Quaglin in and around Washington, D.C. from January 5-7; specifically, at the Motto Hotel, at the Washington Monument, and at the United States Capitol. On January 5, 2021, Quaglin conducted multiple searches for “Motto by Hilton Washington DC City Center” and pulled up driving directions for two Chick-fil-A restaurants in Northeast Washington, D.C. On January 6, 2021 Quaglin conducted multiple Google Maps queries for areas near the National Mall in Washington, D.C.

38. Quaglin’s Google account history shows multiple Google searches indicating his involvement in the storming of the Capitol. For example, on January 8, 2021, it includes multiple searches for “guy gets bear sprayed at capital.” On January 20, 2021 Quaglin’s Google account history shows visits to a webpage titled, “Countries where you can buy citizenship, residency, or passport.” Quaglin’s Google account history shows eight visits to the FBI’s “seeking information” for Capitol violence between January 28, 2021 and January 31, 2021. Further, a review of Quaglin’s Gmail accounts show multiple purchase notifications from a Costco credit card in Washington, D.C. -- specifically, multiple charges at the Motto Hotel on January 5, 2021, multiple charges at a Walgreens convenience store at 801 7th St NW, Washington, D.C. on January 6, 2021, and \$128.80 spent at China Town Liquor in Washington, D.C. on January 7, 2021 – both businesses that are a short walking distance from the Motto Hotel.

Additional Evidence Relating to Quaglin’s Connection to the Proud Boys

39. In addition to the comment he makes (“Proud of your boy”) in a video on the 6th, described in paragraph 30 above, and his interactions with Nordean on camera, which are described in paragraph 12 above, there is also additional evidence of Quaglin’s membership in the Proud Boys.

40. First, law enforcement interviewed a witness that has known Quaglin personally for years and followed him on social media, Witness 2. Witness 2 stated that a few months before the

national election, Quaglin informed Witness 2 that Quaglin was thinking of joining the Proud Boy and met with members of the Proud Boys in New York. (Witness 2 also confirmed that Quaglin travelled to Washington D.C. on January 6, 2021, booked several rooms there, and deleted his Facebook account afterwards. Witness 2 recalled video posts on Quaglin's account near the White House on the South Lawn, but not any involving the Capitol.)

41. Second, Quaglin's social media accounts included additional comments indicating both his membership in the Proud Boys and his efforts to coordinate activity on January 6, 2021. (Many of the same comments indicated his planning for violence on January 6, 2021.) For example:

- On November 3, 2021, above a photo of a story about the Proud Boys, he posted “Proud to be one.”;
- On November 6, 2020, he posted about Trump possibly losing the election and began the post with the words: “Stand back. Stand by.” After discussing the need for a voter ID law, the post ended with the words “Otherwise, #letshaveawar.”;
- On December 22, 2020, after someone sent him a message saying “And I want to join The proud boys,” he replied: “In time . They are working out a woman's group.”;
- On December 24, 2020, he sent a message stating “The militia is going FULL FUCKING GEAR” “Pro trump”; and
- On December 26, 2020, in connection with a discussion about the knife laws in Washington D.C. and what armor and weapons he was planning on bringing with him on January 6, 2021, Quaglin also posted “Bigger the group the better. And we aren't repping any proud boy colors fyi. Keeping it as invisible as we can.”

42. Quaglin's social media account also included additional comments indicating his membership in some other similar group and his past acts of violence for his ideological beliefs. Specifically:

- On November 6, 20201, as part of a conversation about what was going on in Georgia related to the election and what should be done, Quaglin noted “I've been doing shit for weeks”; “I literally punched antifa on camera for weeks. I fucking did way more then that”; “I will fucking kill you in your sleep. Understand that I have a mindset that will best you.”; “It's not a threat.”
- After the person he is talking to replied: “Wtf are u talking about u do know ur not talking to a biden supporter,” Quaglin replied: “Once u want to get into my group, we are in” “I could use your engineering”; “I have been beginning a group for 2 years”; “Proud boys dont even know about it.”

Procedural History

43. On April 6, 2021, U.S. Magistrate Judge Zia Faruqui issued a warrant to arrest the defendant on violations of 18 U.S.C. § 231(a)(3) (Certain Acts During Civil Disorder), 18 U.S.C. § 111(b) (Assaulting, Resisting, or Impeding Certain Officers or Employees While Using a Deadly or Dangerous Weapon), and 18 U.S.C. § 1512(c)(2)(Obstruction of an Official Proceeding) stemming from the defendant’s involvement in the insurrection at the United States Capitol on January 6, 2021.

44. On April 7, 2021, FBI agents arrested the defendant at his residence in North Brunswick, New Jersey and brought him before a U.S. Magistrate Judge in the District of New Jersey for an initial appearance and removal to this District. At that hearing that afternoon, the government asked the Court to detain the defendant without bail pending removal and trial in this district. U.S. Magistrate Judge Quraishi denied this detention motion and released the defendant. The government sought a stay of the Magistrate Judge’s decision to release the defendant and a hearing to review the decision to release the Defendant.

ARGUMENT

45. There are four factors under § 3142(g) that the Court should consider and weigh in determining whether to detain a defendant pending trial: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the defendant; (3) his history and characteristics; and (4) the nature and seriousness of the danger to any person or the community that would be posed by his release. *See* 18 U.S.C. §3142(g). In consideration of these factors, the government respectfully submits that there are no conditions or combinations of conditions which can effectively ensure the safety of any other person and the community. In addition, the analysis emphasized by the D.C. Circuit recently in *United States v. Munchel*, No. 21-3010, 2021 WL 1149196 (D.C. Cir. Mar. 26, 2021), supports the conclusion that detention is appropriate here.

Nature and Circumstances of the Offenses Charged

46. During the course of the violent siege of the U.S. Capitol on January 6, 2021, over 100 law enforcement officers reported being assaulted or injured by the violent mob while attempting to protect the U.S. Capitol and the individuals inside of the building. These assaults occurred both inside of the Capitol, as well as on the steps outside of the Capitol and the grounds of the Capitol, where the enormous mob included numerous individuals with weapons, bulletproof vests, and pepper spray who were targeting the officers protecting the Capitol. Additionally, the violent crowd encouraged others in the crowd to work together to overwhelm law enforcement and gain unlawful entry into the U.S. Capitol.

47. What is extremely troubling about the defendant's role in this attack is the planning and group coordination involved, the way he armed himself in advance, the repeated nature of his attacks, the length of time he was engaged in fighting law enforcement, and the escalation of his violent assaults.

48. First, the Defendant did not just come to Washington D.C. on a whim and get caught up in the fervor of the mob. The Defendant planned to come on that day and, to use his words, engage in a “war.” Even without access to the social media account he deleted after January 6, which is presumably the “Chris Trump” account from which he posted the videos viewed but Witness 1, the social media evidence available shows months of Quaglin planning to come to Washington D.C. and engage in violence. For instance, as early as November 5, 2020, the defendant seemed to be contemplating actions in a self-proclaimed “war” that were so extreme he might not survive, noting that he was “writing my letter to my wife” and “might not even make it back.” Over the next two months, he reserved additional hotel rooms for others and repeatedly reached out to others asking if they would come.

49. Second, the Defendant planned to engage in violence, noting that he bought three huge cans of bear spray and a gas mask. He then came to Washington D.C. and while, to use his words, “everyone” was walking to hear Trump speak, he headed directly to the Capitol with a helmet and gas mask in hand (and presumably the huge can of bear spray he later used on the police). He intended to engage in violence at the Capitol, armed himself for it, and then headed there before the rest of the crowd.

50. Third, over and over again, he threatened and attacked law enforcement officers guarding the Capitol on January 6, 2021. First, at 1:36 p.m., threatening the law enforcement officers guarding the Capitol and explaining that they would bring a pistol and he was “going to bring a fucking cannon.” Then shoving an officer at 2:11 p.m., pushing an officer by the neck around 2:14 p.m., striking another officer at 2:15 p.m., then pushing three more, and then ripping the barrier away from the police at 2:17 p.m. Second, around 2:34 p.m., as law enforcement officers were all retreating as the crowd pushed forward, he repeatedly lunged at officers backing away and then passed around the shields they dropped during the retreat. Finally, after law enforcement was

finally left guarding the Lower West Terrace doors to the Capitol, Quaglin joined a violent group of rioters repeatedly attacking the officers as they tried to push into the building. Quaglin was involved in that attack from around 3:03 p.m. to 3:18 p.m., when law enforcement finally successfully pushed the rioters out of the tunnel. He repeatedly sprayed law enforcement with the canister of O.C. spray he brought with him – including aiming directly into the face of an officer with no face guard as he was very close to Quaglin. Quaglin also helped violently fight the officers with stolen riot shields, even hitting the same officer he had sprayed in the face in the neck with a shield.

51. As the *Munchel* panel noted, “those who actually assaulted police officers . . . are in a different category of dangerousness than those who cheered on the violence or entered the Capitol after others cleared the way.” *Munchel*, 2021 WL 1149196, at *8. Here, Quaglin did not just assault one officer, he assaulted many. He used both his body and also the “huge” can of “bear mace” he bought in advance and carried over state lines specifically for this purpose. Quaglin came prepared to withstand law enforcement efforts to stop his illegal actions – wearing a helmet and a gas mask he researched in order to make sure it would withstand pepper spray. He completed these assaults on multiple officers, despite the fact that he was in an extremely public setting, around people filming his behavior, and in the presence of many additional different law enforcement officers. Finally, he planned these actions for months and recruited others to join him, even renting six other hotel rooms for others. With all of these factors taken into consideration, the nature and circumstances of these offenses overwhelmingly weigh in favor of detention.

Weight of the Evidence Against the Defendant

52. The second factor to be considered, the weight of the evidence, also clearly weighs in favor of detention. The evidence against the defendant is also quite strong and compelling. As noted above, the defendant was observed on U.S. Capitol surveillance cameras, social media videos

(much posted by himself), and media footage attacking law enforcement officers and attempting to unlawfully enter the U.S. Capitol. A witness that has known him for years identified him in some of those videos. Additionally, social media evidence captures the defendant admitting that he purchased a gas mask and bear mace in advance of the attack as part of his plans for January 6, 2021. The evidence against this defendant is overwhelmingly strong, and accordingly, the weight of the evidence weighs heavily in favor of detention.

Defendant's History and Characteristics

53. The government recognizes that the defendant has no prior convictions and limited prior contacts with law enforcement. All of which weighs in favor of release. In addition, his steady housing and community connections weigh in favor of release. However, the defendant's actions, as demonstrated by his apparent willingness to repeatedly engage in assaultive behavior, while armed, as part of a violent mob attacking law enforcement officers, should give this Court great concern about the danger he would pose to the community, if released.

54. Moreover, some of the other characteristics about the Defendant weigh in favor of detention. For example, after his participation on the attack on the Capitol was over, he showed no remorse or concern about the violence he committed. Rather, Quaglin boasted about the prominent role he played, noting that he was on a “loop” on the news and adding that this was the “first step.”

55. Similarly, the depth of his beliefs, and the fact that he seemed willing to become a martyr, is particularly concerning. As mentioned above, his social media account shows that on November 5, 2020 he sent the following to another person on Facebook: “I'm going to war”; “I'm writing my letter to my wife and people will have it. But I might not even make it back”; “I'm bringing the big cock”; “I'm taking jin to a knife fight”; “I'm really ready to just the kamikaze.” Quaglin was preparing for the possibility that he would not survive the next steps. Such fervor, and

the willingness to lose his life in order to go to “war” demonstrates that he poses a clear danger to the community.

56. In addition, Quaglin is a self-proclaimed member of the Proud Boys, an extremist group whose members have been indicted for conspiring to obstruct Congress’s certification of the Electoral College vote on January 6, 2021. Indeed, Nordean, one of the indicted members of the group, can be seen interacting with Quaglin moments after Quaglin pushes an officer guarding the Capitol around 2:11 p.m. Whether in connection with that group, with another group he claimed to have been a part of for years, or by himself, Quaglin has also indicated that he has engaged in violence like this before in the name of his ideological beliefs. Specifically, on November 6, 20201, as part of a conversation about what was going on in Georgia related to the election and what should be done, Quaglin noted: “I’ve been doing shit for weeks”; “I literally punched antifa on camera for weeks. I fucking did way more than that.”

57. Finally, Quaglin has since tried to destroy evidence of the crimes he committed on January 6, 2021. For example, as he explained in a conversation online with another person on January 7, 2021, he deleted his other Facebook account, which would presumably be the “Chris Trump” account he posted videos on from January 6, 2021.

Danger to the Community and Flight Risk

58. The fourth factor, the nature and seriousness of the danger to any person or the community posed by a defendant’s release, also weighs in favor of the defendant’s detention. The charged offenses involve violent assaultive conduct, and the assaults became more violent and dangerous when the defendant armed himself with a shield and bear spray. He armed himself and assaulted law enforcement with the intent to unlawfully enter the U.S. Capitol and stop the functioning of our government as it met to certify election results. The danger the defendant caused

by assisting the violent mob cannot be understated. The defendant was a spoke in the wheel that caused the historic events of January 6, 2021, and he is thus a danger to our society and a threat to the peaceful functioning of our community.

59. Quaglin's dangerousness is not limited to his past actions, but presents a future threat. It is difficult to fathom a more serious danger to the community—to the District of Columbia, to the country, or to the fabric of American Democracy—than the one posed by someone who knowingly and eagerly engaged in a violent insurrection to occupy the United States Capitol and abort the certification of a lawful and fair election. Every person who was present without authority in the Capitol on January 6 contributed to the chaos of that day and the danger posed to law enforcement, the United States Vice President, Members of Congress, and the peaceful transfer of power. However, Quaglin's specific conduct severely aggravated that chaos and danger.

60. The defendant's highly public assaults of officers at the Capitol Building, his use of bear mace he bought in advance of the riot, and the way he armed himself in advance with a gas mask and helmet, all illustrate his danger to the community. The United States submits that the defendant's lack of respect for the rule of law and his unwillingness to abide by lawful government orders goes directly to his future dangerousness. The D.C. Circuit has recognized that a "Court's finding as to [a defendant's] potential compliance is relevant to the ultimate determination of 'whether there are conditions of release that will reasonably assure ... the safety of any other person and the community.'" *Munchel*, 2021 WL 1149196, at *5; see also *United States v. Hir*, 517 F.3d 1081, 1092-93 (9th Cir. 2008) (explaining that release conditions require "good faith compliance" and that the circumstances of the charged offenses indicate "that there is an unacceptably high risk that [the defendant] would not comply...with the proposed conditions"); *United States v. Tortora*, 922 F.2d 880, 886-90 (1st Cir. 1990). The defendant's actions established that his own personal beliefs override the rule of law and that he will readily resort to violence to halt the legitimate functions of the United States government

with which he disagrees. Such blatant disregard of the law and the valid authority of our government weigh in favor of detention. If Quaglin is unwilling to obey orders or to conform his behavior to the law while in full view of many law enforcement officers and a host of cameras, it is unlikely that he would adhere to this Court's directions and release orders, thereby demonstrating his continued dangerousness.

61. The fact that the unique circumstances that arose on January 6, 2021, are unlikely to arise in precisely the same context a second time does not minimize his future dangerousness. In contrast to the defendants in *Munchel*, Quaglin's pre-planned choice to use violence as a means to his ends, and his physical attack on officers protecting the Capitol and the people inside it, prove that he poses a threat regardless of the unique circumstances of January 6, 2021. His willingness to arm himself and access to weapons generally, connection to the Proud Boys, efforts to organize and recruit other to participate on January 6, 2021, boasting over his violent actions afterwards, efforts to delete evidence, willingness to become a martyr, and claims of having committed violence in the name of his ideological beliefs in a public manner previously, all add the danger he poses to the community if released.

CONCLUSION

WHEREFORE, the United States respectfully requests that the Court grant the government's motion to detain the defendant pending trial.

Respectfully submitted,

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