

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

UNITED STATES OF AMERICA	:
	:
v.	: No. 21-CR-447-3 (CJN)
	:
JOSHUA CHRISTOPHER DOOLIN,	:
	:
Defendant.	:

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

The United States, by and through its attorney, the Acting United States Attorney for the District of Columbia, respectfully submits this opposition to Defendant Joshua Doolin’s Motion to Modify Conditions of Pretrial Release. The government respectfully opposes the Defendant’s motion and asks that the conditions of release remain the same.

Procedural Posture

On June 25, 2021, the defendant was charged by complaint (the “Complaint”) with: (1) Assaulting, Resisting, or Impeding Certain Officers or Employees, in violation of 18 U.S.C. §§ 111(a)(1) and (b), (2) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1); (3) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); (4) Engaging in Physical Violence in a Restricted Building or Grounds, in violation of 18 U.S.C. 1752(a)(4); and (5) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. § 5104(e)(2)(F).

The defendant was arrested in the Middle District of Florida on June 30, 2021 and

presented in that district on that same date. At that proceeding, Magistrate Judge Thomas G. Wilson ordered that the defendant be released, subject to conditions that included a \$50,000 unsecured bond, GPS monitoring, and the surrender of all firearms.

On July 1, 2021, a grand jury in the District of Columbia returned indictment 21 Cr. 447 (the “Indictment”) charging the defendant with (1) Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority, in violation of 18 U.S.C. 1752(a)(1) (Count Sixteen of the Indictment) and (2) Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2) (Count Seventeen of the Indictment).

On July 8, 2021, the defendant was presented and arraigned in the District of Columbia. At that proceeding, Magistrate Judge G. Michael Harvey, after hearing from the parties, ordered that the defendant be released, subject to conditions that included stand-alone GPS monitoring and the surrender of all firearms. *See* Dkt. 22.

On July 30, 2021, the defendant, through counsel, filed a motion seeking to modify these conditions of release and remove the stand-alone GPS monitoring condition. Dkt. 35.

Factual Background

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

The United States Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized individuals with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected

members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the U.S. Capitol to certify the vote count of the Electoral College for the 2020 Presidential Election, which had taken place on November 3, 2020. The 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 Pence, who is also the President of the Senate, was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Michael Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the U.S. Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the U.S. Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

At approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, and Vice President Michael Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the U.S. Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During the course of the violent protests, several individuals were armed with weapons including bats, pepper spray, sticks, zip ties, as well as bulletproof vests and anti-tear gas masks. During the course of the violent protest, several law enforcement officers were assaulted and injured by these violent protesters 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.

2. The Defendant's Conduct

On January 6, 2021, Doolin, along with his four codefendants – Jonathan Pollock, Joseph Hutchinson, Michael Perkins, and Olivia Pollock -- engaged in a coordinated effort to attack law enforcement officers at the U.S. Capitol. Doolin, his codefendants, and others who engaged in the assaults were part of a larger group of individuals, many of whom are related and/or from the same area of Florida, who appear to have traveled together to and from Washington, D.C. Many of these individuals also moved together from the Washington Monument to the Capitol grounds on the afternoon of January 6, 2021.

Throughout the course of the day, Doolin's co-defendants, with whom he traveled for much of the afternoon, assaulted U.S. Capitol Police ("USCP") and/or Metropolitan Police Department ("MPD") officers who were protecting the west side of the Capitol building, at times using improvised or found weapons. Several members of this group wore military-style ballistic vests. Doolin himself, at various times, carried chemical spray, zip ties, and a riot shield.

A. Preparations for January 6, 2021

In the days before January 6, 2021, the defendant exchanged text messages with another individual ("Individual-1") regarding his plans to travel to Washington, D.C. with the Pollocks – the family of co-defendants Jonathan and Olivia Pollock – and others. During the course of the

exchange, the defendant and Individual-1 discussed whether and how to bring firearms and ammunition with them:

Date and Time	Participant	Message
04 Jan 2021 23:06:20	Individual-1:	R u going to DC tomorrow ?
04 Jan 2021 23:09:13	Individual-1:	Anyone want to go to Washington DC tomorrow to the Trump Rally?
04 Jan 2021 23:20:15	Doolin:	Thinking about it still not 100%
04 Jan 2021 23:26:35	Individual-1:	Ok I decided I'm going I went & told my boss I'm taking off I dont know but this could be a turning point for our country. Maya flash in the pan ! Or maybe a day to remember hopefully where millions show up ! & actually makes something change. There's no way to lol Should I ask POTUS Trump to meet us 😊 😊
04 Jan 2021 23:27:15	Individual-1:	If u do bring a jacket
04 Jan 2021 23:27:28	Individual-1:	I've got \$
05 Jan 2021 05:07:44	Doolin:	I guess I'm going to go bring my-your AR ¹
05 Jan 2021 05:09:33	Individual-1:	Put it in a case for travel If y'all join up with a group like the proud boys y'all might be able to open carry. Do u have Ammo I didn't know I got another At
05 Jan 2021 05:10:05	Doolin:	Another what?
05 Jan 2021 05:10:13	Doolin:	No but Jonny² will have mags
05 Jan 2021 05:10:38	Doolin:	I heard the leader of the proud boys got arrested as soon as he got off the plane
05 Jan 2021 05:11:12	Individual-1:	Ar not At

¹ The Government believes that this is a reference to an AR-15, a popular lightweight, semiautomatic rifle.

² The Government believes that this is a reference to co-defendant Jonathan Pollock.

* * *		
05 Jan 2021 05:15:14	Individual-1:	What time is Everyone leaving from the Pollock's
05 Jan 2021 05:26:44	Doolin:	Be there at 5:45
05 Jan 2021 05:26:49	Doolin:	I think pulling out at six

Then, on the morning of January 6, 2021, the defendant expressed his intention to another individual (“Individual-2”) to “storm” the Capitol later that day:

Date and Time	Participant	Message
06 Jan 2021 11:22:42	Doolin:	Like we are just waiting on the word to go to the capital!!!
06 Jan 2021 11:23:41	Doolin:	Trump should be coming up any minute! Then to the Capital!
Wed, 06 Jan 2021 11:26:52	Individual-2:	<i>Liked “Like we are just waiting on the word to go to the capital!!!”</i>
06 Jan 2021 11:26:57	Individual-2:	<i>Liked “Trump should be coming up any minute! Then to the Capital!”</i>
06 Jan 2021 11:27:12	Individual-2:	Don't get killed on your birthday bro!
06 Jan 2021 11:27:18	Doolin:	Where are you!
06 Jan 2021 11:27:37	Doolin:	I wouldn't mind dying with my family storming the capital on my birthday!

B. The Defendant's Conduct on January 6, 2021

At approximately 2:04 p.m., co-defendant Joseph Hutchinson, pushed from behind by co-defendant Michael Perkins and Associate-5,³ charged at the line of police officers with riot shields stationed on the west side of the Capitol building at the top of a set of steps. Co-defendant Hutchinson squared off in a fighting stance, and began directing punches at the faces of officers in the line. *See* Complaint (Dkt. 1) ¶ 34(b). Meanwhile, co-defendant Jonathan Pollock and Associate-2 ran towards the line of officers. Associate-2 was holding a flagpole,

³ The individuals referenced in the Complaint as Associate-2 and Associate-5 have not been charged in connection with this investigation.

which he used to push other rioters out of his way. The defendant followed Associate-2 partway up the steps and retrieved the flagpole after Associate-2 dropped it. Jonathan Pollock seized a riot shield that a police officer was holding and engaged in a tug-o-war with the shield for several seconds, until Jonathan Pollock pulled the officer down the steps, broke the officer's grasp, and took the shield:⁴



Government Exhibit 1.1

⁴ In the Government's exhibits, Doolin is notated in maroon, Jonathan Pollock is notated in green, Hutchinson is noted in grey, Perkins is notated in dark blue, Olivia Pollock is notated in light blue, Associate-2 is notated in orange, and Associate-5 is notated in red.



Government Exhibit 1.2



Government Exhibit 1.3

See Complaint ¶ 34(c).

Jonathan Pollock, pushed from behind by two other rioters, and holding the riot shield in front of himself, then charged up the steps and slammed into the police line. Doolin, bracing a flagpole on his shoulder, advanced up the steps behind Jonathan Pollock, pointing the end of the flagpole at the line of officers.



Government Exhibit 2.1



Government Exhibit 3.1



Government Exhibit 1.4

It appears that Doolin was turned back by chemical spray and dropped the flagpole. Perkins then picked up the flagpole dropped by Doolin and threw it in the direction of Jonathan Pollock and the line of police officers.



Government Exhibit 3.2

See Complaint ¶¶ 34(d), (e).

Meanwhile, a police officer was pulled into the crowd of rioters at the base of the steps. As several other police officers rushed into the crowd to assist the officer, Perkins picked a flagpole up off of the ground. Perkins thrust the flagpole into the chest of a police officer who was running to assist the officer in the crowd, then raised the flagpole over his head, brought the flagpole down in the direction of another officer, and appears to have struck that officer in the back or the back of the head. *See* Complaint ¶¶ 34(f), (g).

Less than half an hour later, at approximately 2:31 p.m., body-worn camera (“BWC”) footage from an MPD police officer in a different location on the west side of the Capitol building captured the defendant again engaging with a line of police officers. When the defendant disengages, it is clear that he is carrying a canister of chemical spray, which, based on the images above, he did not appear to be carrying earlier:



Government Exhibit 4.1



Government Exhibit 4.2

The defendant was still carrying this canister approximately half an hour later, at 2:58 p.m., as he stood by while Jonathan Pollock attempted to pull an MPD officer over a railing. *See* Complaint ¶¶ 37(b), (c). By this point, the defendant was also carrying zip-tie handcuffs in his belt:



Government Exhibit 5.1



Government Exhibit 5.2

Later in the afternoon on January 6, the defendant, along with Jonathan Pollock, made his way to the lower west terrace of the Capitol building – the site of several intensely violent assaults on law enforcement officers that day. Publicly-sourced video⁵ and still images depict the defendant positioned on the steps leading up to an entrance – marked by an archway – to an interior tunnel into the Capitol building.⁶ The defendant is only a few rows back from the front of the mob of rioters, is holding a riot shield in front of himself, and appears to be waving or gesturing to other rioters to come closer to the archway. He is also still carrying the cannister of chemical spray:



Government Exhibit 6.1

⁵ The video, which was posted on YouTube by a self-described freelance photojournalist / videographer, is available at <https://www.youtube.com/watch?v=IBUOVQmE5GQ>. There is no time stamp on the video, but based on the events depicted, the Government believes that the portion depicting Doolin was filmed prior to 4:30 p.m. on January 6, 2021.

⁶ Police officers were stationed in this archway and tunnel on January 6, 2021 and, for several hours, battled with violent rioters who attempted force entry into the building.



Government Exhibit 6.2

C. Defendants' Arrests and Pre-trial Release

The defendant and three of his co-defendants – Hutchinson, Perkins, and Olivia Pollock – were arrested on June 30, 2021. The defendant was released, subject to bail conditions, later that day. The defendant maintains that he has remained in compliance with the terms of his release since then and the Government has not received any report otherwise. A fifth defendant, Jonathan Pollock, who is Doolin's friend and relative, has yet to be apprehended. Jonathan Pollock was the most violent member of the defendants' group (*see* Complaint ¶¶ 33(b)-(j), 34(c)-(d), 35(b)-(h), 37(b)-(d), 38(b)-(f)) and remains a fugitive.

The Court Should Not Modify the Conditions of the Defendant's Pre-trial Release

The defendant seeks to have the stand-alone GPS monitoring condition of his release removed; however, he cites no change in his circumstances that decreases the danger he presents to the community or that warrants revisiting Judge Harvey's determination. Indeed, it is clear

from the defendant's own actions and communications that he was not someone who "unwittingly found himself in the center of a maelstrom" on January 6, 2021. *United States v. Dresch*, 21 Cr. 0071 (ABJ), 2021 WL 2453166, at *7 (D.D.C. May 27, 2021). Rather, he and his associates contemplated bringing weapons and ammunition – an "AR" (or AR-15) and "mags" (magazines) – with them to the Capitol. On the morning of January 6, the defendant anticipated that violence would occur and enthusiastically welcomed it ("I wouldn't mind dying with my family storming the capital on my birthday!"). Once at the Capitol grounds, the defendant consistently associated himself with a group of individuals – including his co-defendants – who committed a series of assaults on law enforcement officers and armed himself with chemical spray, zip ties, and a riot shield. The defendant chose not only to remain within the violent mob, alongside his violent associates, but to press closer towards the Capitol building, while armed offensively and defensively.

The Government appreciates that the defendant has, in the five weeks since his arrest, been compliant with his conditions of release. However, his compliance is expected. Although any failure to comply could result in revocation and being placed in no-bond status, it does not necessarily follow that compliance should result in further reduction of the defendant's conditions of release. Rather, apparent compliance is some evidence that the defendant's existing conditions are currently working to ensure community safety.

Further, the defendant's current conditions of release, while providing for the protection of the community by keeping tabs in the defendant's location, do not significantly hinder the defendant's ability undertake daily activities, including supporting himself and his family. The defendant was able to obtain and maintain employment, and has not identified any other activity that has been unduly restricted by his current conditions of release.

The defendant has demonstrated a tendency toward violence and a willingness to impede and obstruct the right and lawful function of government. The current conditions of release continue to balance allowing the defendant to maintain his employment and care for himself and his family, protecting the safety of the community, and ensuring his continued appearance before the Court. Nor are they inconsistent with the conditions set for other “non-violent” participants in the attack on the Capitol on January 6, 2021. *See, e.g., United States v. Munchel*, 21 Cr. 118, Dkts. 61, 62 (imposing home detention, enforced by GPS monitoring, as a condition of release for defendants who, although armed with a taser and zip tie handcuffs, “assaulted no one on January 6; . . . did not enter the Capitol by force; and . . . vandalized no property” *United States v. Munchel*, 991 F.3d 1273, 1283 (D.C. Cir.)).

For the foregoing reasons, the government respectfully requests that the Court deny the defendant’s motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Opposition to Defendant's Motion to Modify Conditions of Release was served on all counsel of record via the Court's electronic filing service.

/s/ Benet J. Kearney
BENET J. KEARNEY
Assistant United States Attorney

Date: August 5, 2021