

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

UNITED STATES OF AMERICA,

v.

WILLIAM ALEXANDER POPE,

Defendant.

Case No.: 1:21-cr-00128-RC

MOTION TO COMPEL ‘RAINDROP THEORY’ DISCOVERY

In ECF No. 147 at 12, I notified the Court of my intent to counter the government’s ‘Raindrop’ prosecution theory, with a ‘Raindrop’ defense theory that shows how the government contributed to flooding the field. I expanded on that in and ECF No. 225 at 7, pointing out that current FBI agents cheered as people went up the steps, entered the government’s alleged restricted area, and took photos on the Capitol. In this motion, I will continue to expand on this defense, laying out the broader raindrop theory; that the government creating the conditions for the field flooding was an act of inducement, and that there was a heavy presence of undercovers in the crowd contributing to the flood. This is not an entrapment by estoppel defense (C.R.M. 645), which requires evidence both of inducement and lack of predisposition. Instead, Raindrop Theory is an entrapment by outrageous government conduct defense (C.R.M 648), since the magnitude of the government’s actions on and before January 6 were so outrageous and shocking that they constitute an induced entrapment of all who were at the Capitol regardless of predisposition. We now have a growing body of evidence, including the testimony of former Capitol Police Chief Steven Sund, to show this was the case. In the pages ahead, I outline the probable cause that justifies the Court compelling additional Raindrop Theory discovery.

Background of the Raindrop Legal Theory

Raindrop Theory, which connects individual actions to a collective outcome which the individual is found responsible for, was first introduced on June 17, 2022 by the District Court in *United States v. Rivera*, 21-cr-00060-CKK, No. 62 at 13, when Judge Kollar-Kotelly ruled that:

Just as heavy rains cause a flood in a field, each individual raindrop itself contributes to that flood. Only when all of the floodwaters subside is order restored to the field. Many rioters collectively disrupted Congressional proceedings, and each individual rioter contributed to that disruption.

After the D.C. District Court created, endorsed, and repeated¹ the ‘Raindrop’ legal theory, the government then adopted it and propagated its use in numerous other January 6 cases. This led to defense teams seeking to preclude the government from using the ‘Raindrop Theory’ in trial. Examples of such motions in limine include *United States v. Gunby*, 21-cr-00626-PLF, No. 56, *United States v. Gray*, 21-cr-00495-ABJ, No. 76, and *United States v. Westbury*, 21-cr-00605-RC, No. 114.

In the case of *Gunby*, Judge Friedman² found that “Mr. Gunby’s conduct did not occur in a vacuum, and thus the actions of others may be relevant, and indeed necessary, to the government’s case against Mr. Gunby” and Judge Friedman permitted the government to “introduce evidence about the rest of the crowd” (21-cr-00626-PLF, No. 57 at 10).

¹ Judge Kollar-Kotelly repeated the Raindrop Theory in the case of *United States v. McAndrew*, 21-cr-00730-CKK, No. 59 at 15, to find the defendant guilty.

² Judge Friedman noted in *Gunby*, that “This Court – joining other judges of this district – agrees with Judge Kollar-Kotelly’s reasoning” on use of the Raindrop Theory (21-cr-00626-PLF, No. 56 at 8).

In the case of Westbury, the government argued in opposition of the defendant's motion in limine that "the government should not be precluded from arguing that the defendant was in fact a raindrop in that storm" (21-cr-00605-RC, No. 114, at 2). Denying defendant Westbury's motion, Judge Contreras found that, "Each additional person, no matter how modestly behaved, increased the chaos within the building, the police's difficulty in restoring order and the likelihood of interference with the Congress's work" (February 2, 2024, Minute Order).

Since this Court will not allow the government's use of 'Raindrop Theory' to be precluded in January 6 trials, I am instead adopting the 'Raindrop Theory' as a legal defense to show that agencies had intelligence but did not alter their security posture, thus allowing conditions to exist that induced the field flooding; and that persons in the crowd were working undercover for the same government agencies, and that their mere presence as raindrops, even if "modestly behaved," increased the chaos and flooding of the field.

The Criminal Resource Manual (CRM) No. 645³, outlines the elements of entrapment: (1) government inducement, and (2) the defendant's lack of predisposition. Under the raindrop theory, the mere presence of individuals⁴ "contributes to that flood," thus meeting the inducement element for entrapment (as we already know that some of the individuals at the Capitol were government assets). Since the inducement element is present, the legal battle would then fall to whether I, or any other defendant, was predisposed to parade, picket, etc.

³ CRM 645 Entrapment Elements, can be accessed here: <https://www.justice.gov/archives/jm/criminal-resource-manual-645-entrapment-elements>

⁴ Undercover government agents and assets within the crowd are raindrops, (just as the government argues that protestors and journalists in the crowd were raindrops), and induced flooding of the field because by the nature of their disguise, they were perceived to be water, thus affecting the actions of protestors and uniformed police.

However, while I'm more than ready to fight the battle over predisposition, CRM No. 648⁵, allows 'Outrageous Government Conduct' as an additional defense to entrapment regardless of a defendant's predisposition. In *United States v. Russell*, 411 U.S. 431 (1973), the Supreme Court acknowledged that "we may someday be presented with a situation in which the conduct of law enforcement agents is so outrageous that due process principles would absolutely bar the government from invoking judicial processes to obtain a conviction." There would seem to be no greater test of 'outrageous government conduct' than any government operations at the Capitol related to the January 6 cases, which constitute the broadest and most unprecedented prosecutions in American history. I am arguing that the scope and nature of government presence and involvement at the Capitol on January 6, 2021, is "shocking to the universal sense of justice" and violates the "fundamental fairness" mandated by the Due Process Clause of the Fifth Amendment (*United States v. Russell*, 411 U.S. 432, 1973).

Therefore, since I intend to use Raindrop Theory in the context of Outrageous Government Conduct as a defense, I am seeking all discovery related to failure to act on intelligence to enhance the Capitol's security posture, and all discovery related to undercover government operations at the Capitol, since such discovery is needed to demonstrate outrageous government conduct and will be exculpatory to my defense within the framework of the Raindrop legal theory (which has been endorsed by numerous judges on the District Court).

The Two Inducing Components of Outrageous Government Conduct on January 6

In my Raindrop Theory defense, I intend to show that the government induced flooding of the field on January 6 in two ways: (1) The government allowed conditions to exist that made

⁵ CRM 648 Entrapment – Outrageous Government Conduct, can be accessed here: <https://www.justice.gov/archives/jm/criminal-resource-manual-648-entrapment-outrageous-government-conduct>

flooding possible by withholding intelligence and intentionally maintaining a reduced security posture; and (2) The government saturated the crowd with their own agents and informants (raindrops), including at the initial breach points, which caused the field to be flooded. Either one of these demonstrate Entrapment by Outrageous Government Conduct, but the presence of both more thoroughly evidences outrageous government conduct and induced entrapment. However, I am also going to provide evidence that individuals connected to government agencies were actively working to move people to the Capitol, which makes these two factors more outrageous.

Outrageous Conduct by the Federal Bureau of Investigation

On January 6, 2021, Steven Sund was Chief of Capitol Police. In his book *Courage Under Fire*⁶, Sund recounts that the FBI failed to provide critical intelligence or even standard briefings to Capitol Police that would have resulted in a change in security posture at the Capitol (p. 265). Sund also notes that there have been multiple reports that “FBI confidential informants, sometimes referred to as ‘special employees,’ were also in the crowd and that some may even have participated in the attack on my officers and breached the Capitol itself” (p. 265).

There is more to this than speculation. As I noted in ECF No. 81 at 15, MPD Officer Alioto’s bodycam recorded FBI informant James Ehren Knowles inside the Capitol. In *United States v. Nordean*, 1:21-cr-00175, (D.D.C.), the government stipulated that there were numerous informants within the Proud Boys. We also know that FBI informant Michael Alan Jones, like Knowles, was involved with the initial entry onto Capitol grounds and was captured on video punching an officer and entering the Capitol, yet Jones has not been charged for January 6.⁷

⁶ Sund, Steven. A. (2023). *Courage under fire*. Blackstone Publishing.

⁷ More on FBI informant Michael Alan Jones: <https://www.declassified.live/p/who-is-michael-jones-fbi-informant>

In ECF Nos. 212 and 225, I noted that former FBI Liaison to Capitol Police John Guandolo was on Capitol grounds, inside the government's alleged restricted area with active FBI agents, and that those agents clapped as people went up the steps, took pictures on the steps, had extended discussions with uniformed FBI SWAT teams, and introduced Guandolo to other FBI agents who were in the January 6 crowd at the Capitol. Guandolo admits they stayed at the Capitol until late into the evening.

Guandolo's assertion that he was introduced to other FBI agents and law enforcement on Capitol grounds is supported by the fact that at least 39 FBI Special Agents and 10 FBI JTTF Task Force Officers have sworn in January 6 case charging documents that they were on duty on January 6, 2021 (See Exhibit 1). For instance, Special Agent Michael J. McGillicuddy attests that he was "assigned to the Shift 1 Operations Group, which was forward deployed to the vicinity of the United States (U.S.) Capitol." One of these affiants, FBI Special Agent Benjamin Bullington, notes that he was in uniform with the FBI SWAT team at the Capitol, but most make no such clarification that their clothing visibly identified them as FBI.

Bullington's Statement of Facts also notes that he is assigned to the FBI's Safe Streets Task Force. This is significant because at least two of the undercover MPD Electronic Surveillance Unit (ESU) officers from January 6 are also JTTF Task Force Officers with this same program. For instance, MPD Detective Scott Brown is listed in the MPD Ops Plan for January 6 (See ECF No. 139 at 2) and was identified by attorneys for defendant Pezzola in *United States v. Nordean*, 21-cr-000175, ECF No. 748 at 3, as a Task Force Officer who was in the Electronic Surveillance Unit that was made available by the FBI for Proud Boys attorneys to interview. The fact that Detective Brown was identified as relevant to the Proud Boys case (in the middle of trial) implies that Brown was interacting with the Proud Boys at the Capitol on

January 6.⁸ This is further evidenced by the fact that Brown attests in sworn Statement of Facts for Couy Griffin (21-cr-00092-TNM), and Vitali Gossjankowski (21-cr-00123), that Brown was on duty on January 6, and detailed to the FBI's Safe Streets Task Force. This drives home the point that FBI affiants who attested that they were on duty on January 6 were working undercover at the Capitol.

We also see this in USCP Special Agent John Ford's Affidavit for Mark Squatrito (2021 CMD 000390)⁹ dated January 15, 2021. Ford attests that on January 6, he was on duty with the Capitol Police Counter Surveillance Team, which is an undercover unit. In Global Discovery, there is further evidence of Ford being undercover on January 6, including USCP Counter Surveillance Team group emails and text messages where Ford shared a photo of the East Side of the Capitol. The USCP countersurveillance team also discussed movements of the Proud Boys before they were on Capitol grounds, and coordinated their response to the RNC and DNC.¹⁰ Ford's sworn affidavit again demonstrates that it is typical in January 6 charging documents for undercover operatives to attest that they were on duty on January 6, without fully divulging their undercover status.

This is also evidenced by the agents and officers who were in uniform, explicitly attesting to their uniformed status, while those, like Special Agent Ford and Detective Brown, who were

⁸ I previously requested discovery on FBI TFO Brown in ECF No. 139 at 31.

⁹ Squatrito is one of the few January 6 defendants to be handled by the D.C. Superior Court. Ironically, while the government tells me that Global Production Letters are designated as sensitive, the government filed Global 1-20 on Squatrito's public docket on November 11, 2022.

¹⁰ The fact that undercover USCP Counter Surveillance Teams responded to the RNC and DNC was previously disclosed by Congress and reported by journalist Steve Baker (who is being prosecuted by the DOJ for his journalism on January 6, 2021, and subsequent inconvenient reporting). However, to prevent confusion, I want to be clear that I have seen no evidence that Special Agent Ford responded to the DNC. For more: <https://hotair.com/headlines/2024/01/18/j6-dnc-pipebomb-was-discovered-by-a-plainclothes-cop-n605664>

both undercover, omitted those details. For instance, in addition to Agent Bullington, who was in uniform with the FBI SWAT team, MPD Officer Dalvin Haynes, and Capitol Police Officer Joseph Bruno explicitly state that they were in uniform at the Capitol in charging documents. In *United States v. Fitchett*, et al, 21-cr-00041, Document 1, Bruno attests “I was detailed and deployed in uniform at the United States Capitol Building.” In *United States v. Alberts*, 21-cr-00026, Document 1-1, Haynes attests “I was on duty, in full uniform, serving as part of Civil Disturbance Unit (CDU) 53 deployed to the U.S. Capitol grounds.”

I believe the 49+ FBI Agents and FBI JTTF Task Force Officers who have attested that they were on duty on January 6, is only a small fraction of the number who were actually working at the Capitol. This is because in many January 6 charging documents, the affiant does not say they were on duty, even though it is documented elsewhere. For instance, Exhibit 1, Figures 1 through 4 show that FBI Special Agent Daniel J. Senters attested himself in different ways in different cases. In the cases of Blake Austin Reed and Jack Jesse Griffith (21-cr-00204-BAH),¹¹ Agent Senters noted he was on duty on January 6, but did not list his FBI unit. In the cases of Eric Torrens (21-cr-00135-RBW) and Matthew Bledsoe (21-cr-00171), Agent Senters omitted that he was on duty on January 6, but did add that he was assigned to the FBI’s Safe Streets Task Force (the unit Agent Bullington and at least two undercover MPD ESU officers are also in). Without the Reed and Griffith charging documents, we wouldn’t know Agent Senters had been on duty on January 6.¹² For this reason, it is likely that hundreds of other FBI agents were also on duty on January 6, but have not overtly disclosed their on-duty presence.

¹¹ Initially Blake Reed and Jack Griffith had the same case number but slightly different Statements of Fact. Bledsoe and Torrens had different case numbers, but their cases were eventually combined with Reed and Griffith.

¹² FBI Special Agent Lynda W. Thomas is another example of an affiant who noted she was on duty on January 6 in at least one case (See Jordan Revlett), but omitted this statement in others (See Brent Bozell).

Table 1: Affiants who swore in case charging documents that they were on duty on January 6.

Agency	Position	Affiant	Unit
Army	Special Agent	Charles D. Robertson	U.S. Army Counterintelligence and FBI JTTF
DHS-FPS	Special Agent	Kevin Palomino	DHS Federal Protective Service assigned to the FBI North Texas JTTF
FBI	Special Agent	Alejandro M. Flores	
FBI	Special Agent	Alexis Brown	Washington Field Office: Criminal Division
FBI	Special Agent	Amie C. Steimen	Washington Field Office: International Corruption Squad
FBI	Special Agent	Andrew McIntyre Mason	Washington Field Office
FBI	Special Agent	Benjamin J. Bullington	Washington Field Officer: Safe Streets Task Force & SWAT Team
FBI	Special Agent	Bryon J. Speakes	
FBI	Special Agent	Christopher Keefe	
FBI	Special Agent	Christopher R. Potts	Nashville Resident Agency of the Memphis Field Office: JTTF
FBI	Special Agent	Daniel J. Senters	Washington Field Office: Safe Streets Task Force
FBI	Special Agent	Darren Jefferies	Counter-Intelligence Division
FBI	Special Agent	Elizabeth J. Ward	
FBI	Special Agent	Gary Battista	FBI New York: Joint Terrorism Task Force
FBI	Special Agent	James L. Dvorsky	
FBI	Special Agent	Jamie Stranahan	Washington Field Office: Public Corruption and Civil Rights Squad
FBI	Special Agent	Jared Horan	Washington Field Office
FBI	Special Agent	Jason T. Coe	Washington Field Office
FBI	Special Agent	Jennifer Schick	
FBI	Special Agent	Jonathan Fugitt	Washington D.C.'s Cross Border Task Force: Violent Crimes
FBI	Special Agent	Josh Miller	Washington Field Office: Criminal Branch
FBI	Special Agent	Julie K. Williams	
FBI	Special Agent	Kenneth R. Shappee	Washington Field Office
FBI	Special Agent	Kevin M. Helson	
FBI	Special Agent	Kevin T. Larkin	
FBI	Special Agent	Lynda W. Thomas	Washington Field Office
FBI	Special Agent	Matthew Bruno	
FBI	Special Agent	Michael Attard	Counter-Terrorism Squad
FBI	Special Agent	Michael J. McGillicuddy	Washington Field Officer: Shift 1 Operations Group
FBI	Special Agent	Michael P. DiCaprio	FBI Albany: Joint Terrorism Task Force
FBI	Special Agent	Mustafa Kutla	
FBI	Special Agent	Patrick Muteteke	Newark Field Office: Joint Terrorism Task Force
FBI	Special Agent	Paul J. Fisher	Washington Field Office: Squad CR-18
FBI	Special Agent	Peter W. Wall	
FBI	Special Agent	Riley Palmertree	
FBI	Special Agent	Ronald E. Miller	Washington Field Office: Securities Fraud Squad
FBI	Special Agent	Ryan V. Romack	Washington Field Office
FBI	Special Agent	Samad D. Shahrani	Washington Field Officer: Hi-Tech Organized Crime Squad
FBI	Special Agent	Seth Webb	
FBI	Special Agent	Stephen R. Hart	
FBI	Special Agent	Timothy J. Ervin	
JTTF	Task Force Officer	Gerald Sheridan	Joint Terrorism Task Force
JTTF	Task Force Officer	Jonathan J. Begor	FBI New York: Joint Terrorism Task Force
JTTF	Task Force Officer	Jordan Good	FBI: Joint Terrorism Task Force
JTTF	Task Force Officer	Kenneth Hale	FBI: Joint Terrorism Task Force
JTTF	Task Force Officer	Neil Larson	FBI Philadelphia: Joint Terrorism Task Force
JTTF	Task Force Officer	Peter Schrammel	FBI New York: Joint Terrorism Task Force
MPD	Detective	Yaroslav Babich	MPD: Mass Processing Center
MPD	Officer	Dallan Haynes	MPD: Civil Disturbance Unit 53
MPD/JTTF	Detective	Scott F. Brown	MPD SID/ESU & FBI Safe Streets Task Force
Navy NCIS	Special Agent	Daniel J. Meyers	Naval Criminal Investigative Services
USCP	Officer	Americo Nepa	Capitol Police
USCP	Officer	Daniel Amendola	Capitol Police
USCP	Special Agent	James Soltres	Criminal Investigation Section
USCP	Officer	Joseph Bruno	Capitol Police
USCP	Special Agent	Robert Flock	Threat Assessment Section
USCP	Special Agent	John Ford	Counter Surveillance Team

While FBI agents have acknowledged that they were on duty on January 6, not all of them have explicitly said they were present at the Capitol. However, the omission of an explicit statement of presence does not rule out actual presence. Most reasonable people would take the plain language of “On January 6, 2021, your affiant, [Agents Name], was on duty,” to imply that the agent was on duty at the location and time of the incident being charged. The contextual information of the agent’s attestation of facts implies that “on duty” on January 6, refers to on duty at the Capitol while events were transpiring.

This is significant because while most of the FBI affiants work out of the FBI’s Washington Field Office, there are also several from out of district who have also attested that they were on duty on January 6. See Table 1. These include FBI Special Agent Christopher Potts from the Nashville Resident Agency of the FBI’s Memphis Field Office; FBI Special Agent Gary Battista of the FBI New York JTTF; FBI Special Agent Michael DiCaprio of the FBI Albany JTTF; and FBI Special Agent Patrick Muteteke of the Newark Field Office JTTF. There are also several out of district JTTF Task Force Officers who have attested they were on duty on January 6, including: FBI TFOs Jonathan Begor and Peter Schrammel of the FBI New York JTTF; and FBI TFO Neil Larson of the FBI Philadelphia JTTF. Additionally, DHS Special Agent Kevin Palomino, who is assigned to the FBI Dallas JTTF, has also attested that he was on duty on January 6, 2021. All of their statements are included in Exhibit 1.

FBI TFO Neil Larson is another example of an affiant attesting that they were on duty in some cases, while omitting it in other charging documents. In the affidavit for Rachel Myers and Michael Gianos (22-cr-00074-JMC, Document 1-1), Larson attests that on January 6 he was “on duty performing my official duties as a Task Force Officer.” Larson also included the context that he was specifically referring to his duties with the Philadelphia Field Office Joint Terrorism

Task Force, being, “tasked with investigating criminal activity including criminal activity occurring on and around the United States Capitol grounds.” The Court should note that TFO Larson used the word “occurring,” denoting present tense (events in real time), rather than the past tense ‘occurred.’ However, in the charging documents for Edward McAlanis (21-cr-00516-DLF, Document 1-1), and Michael James Dickinson (21-cr-00649-EGS, Document 1-1), Larson omitted all references to him being “on duty” on January 6.

There is now ample evidence that the FBI had a heavy presence at the Capitol on January 6, which is even more alarming considering the fact that we now know they had intelligence that was not shared with other agencies. This constitutes outrageous government conduct.

Outrageous Conduct by the Department of Homeland Security

As noted in the previous section, DHS-FPS Special Agent Kevin Palomino attested that he was on duty on January 6. Earlier this year, I by bizarre chance also met an off-duty DHS employee from Kansas City, who did not know who I was. He wasn’t open about the nature of his work, so I joked with him that he probably went undercover as Patriot Front. He responded, “Proud Boys,” and added “you want to go to the Capitol?” I then jokingly asked, “Oh, were you there?” The DHS employee then acknowledged that he was, but that he was wearing a ski mask. Afterwards, he attempted to walk that back by claiming his job was mainly paperwork and that he didn’t get involved in the “CIA type shit” that DHS does. It was an unsettling interaction.¹³

¹³ Oddly enough, I also encountered a former DHS employee this year who was trying to tell me about their recent trip to the border as part of widely hyped ‘patriot’ convoy. They didn’t know who I was, and I didn’t know their background in DHS, but during the course of the conversation I was able to ascertain that they had retired from a DHS agency and that they had traveled to the border under the auspices of promoting the convoy while being paid as an independent consultant for the Department of Homeland Security.

During my research of January 6 and other protests, I have gained a greater understanding of undercover DHS operations and I now believe there were numerous DHS assets in Washington and at the Capitol on January 6.¹⁴ Yet even if this were not the case, the Department of Homeland Security has induced the field flooding by withhold key intelligence that affected the security posture at the Capitol.

As Chief Sund notes in his book *Courage Under Fire*, “DHS never produced a bulletin specific to the date or to the joint session of Congress,” even though they were collecting “troubling information” that would have warranted disseminating intel to Capitol Police (p. 269-270). Instead, the DHS distributed only their standard national summary to local law enforcement on January 5, that stated “nothing significant to report” (p. 270). This systemic failure by DHS has led to the Courts handling hundreds of January 6 cases, including mine, that should have never existed. The Raindrop Theory conditions for flooding the field would have never existed without Outrageous Government Conduct by DHS inducing a relaxed security posture. In the Navy, Captains are held accountable for the loss of a ship resulting from their failed leadership. Yet while hundreds of non-violent citizens who exercised First Amendment rights now fill the Court system, nobody from DHS has been charged for their causal role.

Outrageous Conduct by Capitol Police Intelligence

As noted in the previous section on the FBI, the Capitol Police did have undercover officers like Special Agent John Ford working on January 6. In ECF No. 81 at 15, I also pointed out that in MPD Officer Luke Foskett’s bodycam recording, a Capitol Police officer inside the

¹⁴ MPD Officer Rodger Currie’s bodycam recording shows MPD motorcycle police going to a DHS facility to use the bathroom, and the DHS police mentioned that they’d had “a million people come here.” See Exhibit 2: <https://rumble.com/v4t4p93-exhibit-2-20210106-first-amendment-assembly-downtown-no-incident.html>

Capitol described ways to identify USCP undercovers who were mixed in with the crowd.¹⁵ Video recorded by defendant Timothy Allen Hart (21-cr-00540) also captured uniformed Capitol Police summoning and giving orders to plain clothes individuals in the crowd during the first minutes at the west front of the United States Capitol.¹⁶ Of course, some Capitol Police officers, such as Lt. Byrd, and Agent Lazarus, were also wearing suits.

There is no question that Capitol Police had officers in plain clothes working on January 6. The exact nature and extent of their involvement is not yet known, but at minimum, they were raindrops on the field. However, the most outrageous government conduct from Capitol Police came from their intelligence division, which failed to share crucial information with Chief Sund, which resulted in the House and Senate Sergeant declining National Guard assistance in advance of January 6. This led to a more relaxed security posture that never should have existed. As Chief Sund assessed in his book, “I have learned that the intelligence the IICD provided to assist in our planning and preparations for January 6 was neither complete nor accurate. Indeed, it was seriously flawed. . . by far the biggest factor contributing to our lack of preparedness on that day” (p. 248-250). If it were not for these failures,¹⁷ I would have never perceived Capitol grounds to be open to the public,¹⁸ and there would be no entry into the Capitol, or charges filed. These failures were the result of outrageous government conduct, and they resulted in a trap for the hundreds of Americans who have now been charged for January 6.

¹⁵ MPD Officer Foskett’s bodycam recording was previously included as exhibit 81-2. See from the 33 minute mark: <https://rumble.com/v29wy6w-exhibit-81-2-bodycam-footage-from-officer-luke-foskett.html>

¹⁶ A clip of Timothy Allen Hart’s footage of uniformed Capitol Police directing non-uniformed individuals can be viewed here: <https://x.com/FreeStateWill/status/1773467507464016252>

¹⁷ Chief Sund also noted, “This was a colossal USCP intelligence failure, plain and simple” (Sund, p. 250)

¹⁸ Every other time I have visited Washington, the U.S. Capitol grounds were fully open to the public, and when I walked up to the Capitol on January 6, the lawn was already full of people, so nothing seemed out of the ordinary.



Figure 1: In the first minutes at the west front, uniformed Capitol Police could be seen giving orders to plain clothes individuals.

Outrageous Conduct by D. C. Metro Police

I've previously detailed outrageous conduct by D.C. Metro Police in several filings, including in detail in ECF No. 139 and 147. Documented behaviors include repeatedly urging people to advance up the steps to the Capitol, thanking people who removed fences, and congratulating people who broke windows. It has now been reported that one undercover MPD Investigator has been disciplined for their actions at the Capitol on January 6, but the government has not yet produced discovery on this disciplined officer to defendants.¹⁹

As I previously noted in ECF No. 147 at 13, MPD Lt. Shane Lamond was also undercover on Capitol grounds for several hours on January 6 (and before I arrived at the Capitol), and Lamond was allegedly in direct communication with the Proud Boys. The government has charged Lamond for his involvement with the Proud Boys, suggesting that

¹⁹ See article on disciplined undercover MPD investigator: <https://washingtoncitypaper.com/article/691034/d-c-police-inspector-disciplined-for-undercover-conduct-during-jan-6-insurrection/>

Lamond may have been involved in outrageous government conduct that constituted induced entrapment. I not only passed close by Lamond on the west side of the Capitol, but Lamond's presence also contributed to the Raindrop Theory macro-dynamics. The government still has not produced discovery on Lamond's allegedly causal role to defense teams.

The government also has not produced full discovery on the MPD Intel and Electronic Surveillance Units, which were both undercover at the Capitol. The government has occasionally trickled out new materials (after implying to the Court that they have nothing else to offer), but these materials only suggest there is far more that the government possesses that hasn't been produced. For instance, in Global Discovery Production No. 33, the government released 86 new photos and videos recorded by undercover ESU officers, as well as 13 summaries of FBI-conducted interviews with ESU officers.²⁰

These newly released interview summaries were completed in November 2023, but the government delayed producing them to defendants for four months. The existence of these files indicates that the government was conducting a broader investigation into MPD ESU, yet the government has not yet produced interview summaries for every ESU officer who was working on January 6.²¹ The only summaries that have been provided are for officers that were previously know, or that I noted were recordings media on January 6 that the government not been produced, and for ESU officers who told the FBI that they were either stationed at other

²⁰ These new undercover MPD files were produced on March 18, 2024, but despite these materials being the subject of my numerous discovery requests, the government did not produce them to me directly. Instead, the government waited until April 17, a month later, to email the April 1 discovery letter to my standby counsel. Strangely, the government did not copy me into that email, likely hoping that my standby would fail to forward the letter to me. Just hours earlier, I had specifically told AUSA Ontell that any materials I am entitled to possess under the protective order should be sent directly to me, rather than filtered through my standby counsel. Why does discovery have to be such a ridiculous struggle with the government?!

²¹ The government has not yet produced interview summaries for undercover MPD ESU Officers Boone, Butler, Ellis, Faverio, Green, Lake, Leiva, Lipscomb, Melvin, Peyton, Roe, Tomasula, W. Turner, or Woods.

locations downtown or had been at the Capitol but not recorded media. The government failed to produce interview summaries for several ESU officers who recorded on Capitol grounds.

In these interview summaries, some of the ESU officers admitted to recording media with their personal cell phones that had not previously been produced. As I noted in ECF No. 139 at 21, Detective Callahan was captured on video recording at the Capitol, yet an internal MPD report falsely claimed that he did not have a recording device. Surprise – I was right again!

The government has now produced 42 pictures and videos recorded by Callahan at the Ellipse and at the Capitol, including multiple selfies. Callahan also recorded himself entering the northwest scaffolding to walk up the steps to the upper terrace, and then turning the video onto himself while inside the scaffolding. Callahan even apparently handed his device to a third party and had them take a photo of himself and Detective Levia posing in front of the crowd on the upper terrace. In one clip on the upper west terrace, Callahan recorded Ashli Babbitt walking towards the Senate Wing Doors. Callahan also recorded himself singing the National Anthem with protestors on the upper west terrace.

The government has now produced selfies taken by other undercover MPD officers on Capitol grounds, as well as posed groups photos that these undercover officers took at the Capitol. The government also produced media recorded by Officer John Streets, who I had previously identified as #Badge2561MPD in ECF No. 139 at 26. However, while progress is being made some files are still missing. A new evidence sheet for Officer Boone lists Boone as providing the DOJ with 7 additional photographs from January 6, but the DOJ has failed to produce 3 of these photographs in discovery. And the government continues to withhold media from many other undercover MPD officers.

The fact that it has taken the government more than three years to produce these files, and that they are still withholding many others, is extremely alarming. This slow roll of discovery obstructs defense preparations, especially in the context of my Raindrop Theory defense. The Court should not allow the government to continue delaying remaining productions.

Outrageous Conduct by the Department of Defense

As with the FBI and DHS, the DOD also has employees who are affiants on January 6 charging documents. In the case of *United States v. Timothy Hale Cusanelli*, 21-cr-00037, Navy NCIS Special Agent Daniel J. Meyers attested that he was on duty, performing his official duties on January 6, 2021. Navy NCIS also was involved in investigating David Elizalde (23-cr-00170), even though it was the FBI that filed the charges on Elizalde. During Elizalde's trial, an official email from the Navy was presented as evidence showing that the Navy instructed members not to attend any January 6 events, however, Elizalde had not seen that email since he was on shore leave (23-cr-00170, Document 51 beginning at 8, and 13). The fact that the Navy took the unusual step of ordering their regular crews to not engage in First Amendment activity or attend a speech by their Commander and Chief on January 6, indicates that the Navy possessed intelligence that the events of January 6, 2021, would not be ordinary. As Navy veteran Rep. Luria noted during a January 6 Committee hearing, "the captain of a ship cannot sit there and watch the ship burned to the waterline and not do anything to stop it."²² Though Luria directed those remarks towards President Trump, the metaphor clearly fits those in the Navy who possessed information about January 6, but were derelict in their duty to warn the public. The

²² Lurie: <https://www.nytimes.com/2022/07/18/us/politics/jan-6-hearing-today-trump-dereliction-of-duty.html>

Navy's decision to share this warning with their own members, but not the general public, is evidence of outrageous government conduct.²³

As Capitol Police Chief Sund notes in his book, "in addition to the FBI and DHS having significant intelligence about January 6 that failed to rise to the highest levels, it now appears that the military itself also had information that raised serious concerns in the Department of Defense" (p. 279). Sund pointed to a January 3, 2021, meeting between Secretary of Defense Miller, Acting Attorney General Jeffrey Rosen, Acting Secretary of Homeland Security Chad Wolfe, and others, and a subsequent call on January 4, that raised concerns about January 6 internally, but failed to pass on warnings to Capitol Police or the general public.

We now know the DOD didn't just have information about January 6, 2021, they were also physically participating. As was reported in January 2022, the Joint Special Operations Command (JSOC) deployed commandos that were seconded to the FBI in order to give them domestic authority.²⁴ This extraordinary deployment of elite military forces appears even stranger when viewed in context of the Pentagon withholding National Guard forces for hours on January 6, and then attempting to cover it up. In a recent congressional hearing, senior leaders of the D.C. National Guard testified that they were ready to deploy to the Capitol on January 6, but that Gen. Charles Flynn and Gen. Walter Piatt obstructed deployment and lied about events.²⁵

²³ Consider the court martial of Navy Capt. Alexander Balian, who was found guilty of dereliction of duty for failing to rescue a Vietnamese boat whose crew then resorted to murder and cannibalism. The failure to rescue is dereliction of duty comparable to the Navy's failure to warn the general public, including myself, not to attend January 6, 2021. Just as there would have been no cannibalism had Balian acted, there also would have been no January 6. See: <https://www.nytimes.com/1989/02/24/world/skipper-convicted-over-boat-people.html>.

²⁴ See: *Secret Commandos with Shoot-to-Kill Authority Were at the Capitol*: <https://www.newsweek.com/exclusive-secret-commandos-shoot-kill-authority-were-capitol-1661330>

²⁵ See the April 17, 2024, House Admin hearing: <https://www.youtube.com/watch?v=EaF2h4d3pP0&t=4461s>

The Pentagon seemingly had enough intelligence to deploy commandos and warn Navy members to stay away from January 6 events, but their operational posture on intelligence indicates that rather than entirely prevent what happened, they were willing to allow a trap to be set for ordinary Americans like myself. And beyond their failures to share intelligence and deploy the National Guard, representatives of the DOD may have played a far more sinister role in January 6. As detailed in the sections ahead, Sam Andrews and John Moore, who have backgrounds in DOD compartmented operations and military psychological operations, attempted to rally half a million armed men to arrive in Washington by January 4, 2021. Furthermore, it seems that DOD Special Agents were assigned to FBI JTTF task forces to track specific persons to the Capitol.

In the Statement of Facts in *United States v. Rebecca Lavrenz*, 23-cr-00066, Army Counterintelligence Special Agent Charles D. Robertson, who is stationed in Colorado Springs, attested that he was “on duty and performing my official duties.” Robertson also added that, he is specifically tasked with the Colorado Springs area, and that, “On January 6, 2021, there were many individuals from the State of Colorado located at and in the U.S. Capitol building,” and that as a special agent he was authorized by law to “supervise the prevention. . . of a violation of Federal criminal laws.” This indicates that Robertson may have had advance-intelligence on individuals from Colorado who traveled to Washington, and that Robertson covertly followed them onto Capitol grounds, and perhaps even into the Capitol.

Lastly, as Chief Sund notes, Secretary of Defense Miller issued a directive on January 4, 2021, that changed military policy regarding the deployment of the D.C. National Guard (p. 282-283). These policy changes were not permanent, they only applied to January 5 and 6, 2021, and they made it more difficult for D.C. National Guard to be deployed to an event that the DOD was

already deploying JSOC commando teams to through the FBI. With all these facts in mind, it's clear that the DOD's actions prior to, and on, January 6, 2021, constitute outrageous government conduct resulting in the inducement of conditions that created a trap for thousands of Americans.

[CLIPS HERE OF SUND SHOWING THAT PELOSI AND THE PENTAGON AND FBI KNEW VIOLENCE WAS COMING, BUT DID NOTHING TO STOP IT. KEPT HIS GUYS FROM PROTECTING THEMSELVES. HID INTEL. KEPT THE NATIONAL GUARD FROM ASSISTING. IN OTHER WORDS, THEY ENCOURAGED VIOLENCE.]

We also spoke to Sund about intel and FBI officers in the crowd [CLIP HERE: MORE UNDERCOVER FEDS THAN HE'S EVER SEEN AT A DEMONSTRATION.]

And we spoke about Ray Epps. [CLIP HERE. ALSO INCLUDE THE CLIP WHERE HE SAYS THAT HALF OF THE INTEL COMMUNITY IS RUN BY THE PENTAGON.]

Figure 2: Tucker Carlson's show was canceled by Fox New right before an interview with Capitol Police Chief Sund was scheduled to air. The above figure was released by Carlson's biographer, and details what would have been Carlson's final monologue. The recording, which has not yet been released by Fox News, conveys that the January 6 crowd was more saturated with undercover feds than any demonstration Sund had ever seen, and that Ray Epps may have a connection to the DOD's intel community.

The CIA, ATF, DEA, and Other Agencies Also Flooded the Field

In a recent Freedom of Information Act (FOIA) production to Judicial Watch, the Bureau of Alcohol, Tobacco, and Firearms (ATF), revealed that both ATF and CIA assets, including dog teams, were deployed near the Capitol.²⁶ My review of footage has found multiple plain-clothes dog operators in the crowd at the Capitol.²⁷ I noted in ECF No. 81 at 15, that plain clothes DOJ-DEA

²⁶ For more on the CIA presence on January 6, see: <https://www.judicialwatch.org/cia-bomb-techs-january-6/>

²⁷ See my thread on K9 operators at the Capitol: <https://twitter.com/FreeStateWill/status/1772300989715915218>

agents were leaving the Ellipse area during President Trump's speech, walking in the direction of the Capitol.²⁸ These agents, according to the Raindrop Theory, contributed to the field being flooded.



Figure 3: Trained dog operators, including this plain-clothes lady who continuously roamed the crowd on Capitol grounds with a stroller and her K9, also constitute 'raindrops' that flooded the field according to the Raindrop Theory used by the government.

Individuals Connected to Intel Agencies Induced the Events of January 6

The United States Senate report examining the events of January 6, found that by December 22, 2020, Capitol Police had intelligence on a man named Sam Andrews calling for people to bring guns to Washington in early January. This intelligence stemmed from a December 14, 2020, broadcast of the Haggmann Report, where Sam Andrews called for half a

²⁸ See my filing exhibits 81-7, 81-8, and 81-9 that show MPD officers stopping armed, undercover DEA agents: <https://rumble.com/v29x1b4-exhibit-bodycam-footage-from-officer-tyquan-brown.html>

million armed men to descend on the Capital. The December 14, 2020, episode²⁹ of the Hagmann Report is summarized in the bullet points below:

- 42:24 – Andrews: “It’s important that we move in a coordinated effort . . .we’re going to start moving around the country on January 2nd and 3rd to D.C. armed, in large groups. Get with your local militia, get your large group together and start moving to D.C. armed. Because on January 4th we need to be in mass in D.C. armed, demanding, not asking – demanding that we get a peaceful resolution to these voter corruption issues.”
- 47:05 – Andrews: “We need a coordinated effort. We all need to move on the same days. . . Plan on being in D.C. on [January] 4th. We are going to make our presence felt. And we need to. And you need to be smart enough to travel in large groups armed. Police don’t want a fair fight. . . The only way to prevent your own personal manipulation is to travel in large enough groups armed so that the policemen don’t want to fight.”
- 48:25 – Andrews: “People need to move in mass. And you need to get your act together. You’ve got about two weeks to get your groups together and move to D.C.

Sam Andrews’ call for half a million armed people to come to Washington predated President Trump’s December 19, 2020, announcement of a January 6 rally by five days. Furthermore, the government has noted that George Amos Tenney III, who pushed the Columbus Doors open from the inside, had been inspired by Andrews’ call to action (21-cr-00640, Document 1). This raises more questions about why the government did not alter the

²⁹ An archived copy of the 12/14/2020 episode of the Hagmann Report can be accessed here: <https://archive.org/details/B7DvhCWM5nH4WjbAC>

security posture at the Capitol, when they had intelligence on Sam Andrews in December 2020. Failure to act on this intelligence constitutes inducement by outrageous government conduct.

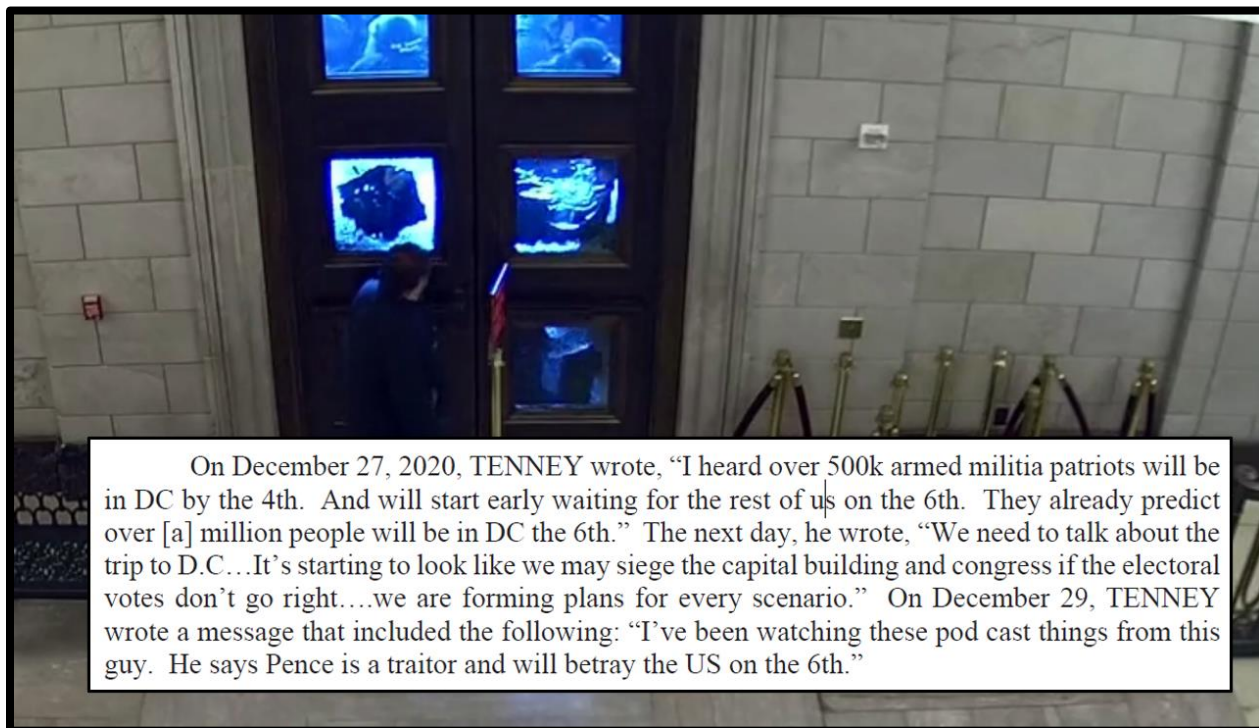


Figure 4: According to DOJ charging documents, by late December, J6 door pusher George Amos Tenney III was influenced by Sam Andrews' call for 500k armed men to come to Washington D.C. in early January 2021.

However, more alarming than the failure to act on intelligence is the fact that Sam Andrews has admitted to working for a three letter agency doing compartment intel operations, and that he has been a Department of Defense consultant.³⁰ When Andrews made the call for 500 thousand armed men to come to Washington, he was also doing so on an internet show hosted by Doug Hagmann, who has

³⁰ A January 3, 2016, Rolling Stone article by Alan Feuer, describes Sam Andrews as having "spent 20 years of service in the country's secret wars." The article also notes that Andrews, "embarked on a career as 'a consultant for the Defense Department,'" and, "was recruited to undertake 'compartmented projects' in various theaters overseas," but that he couldn't describe that work in detail due to a non-disclosure agreement. See: <https://web.archive.org/web/20181001080338/https://www.rollingstone.com/culture/culture-news/the-oath-keeper-who-wants-to-arm-black-lives-matter-59109/>.

An August 18, 2015, article by Andy Cush with Gawker, described Sam Andrews as having "worked for years overseas as a contractor with a three-letter agency, but declined to say which, citing a non-disclosure agreement, and also that he has trained police SWAT teams across the country." See: <https://web.archive.org/web/20181013120106/http://gawker.com/whose-side-are-the-oath-keepers-in-ferguson-on-1723917237>

admitted to working for and with the FBI, DOJ, and DHS. The third man on the episode, John Moore, has a background in military psychological operators.³¹ The Court should not ignore the fact that the three individuals who originated the call for half a million, armed men to come to Washington (Andrews, Moore, and Haggmann), all admit to working for federal agencies. These men played a causal role in flooding the field at the Capitol, but their conspiracy has not been charged.



Figure 5: Just before 2 p.m., Sam Andrews' group (circled in red) passed the group the FBI Clapper took photos of on the steps.

On January 6, Sam Andrews and a group of associates was at the Peace Circle before most of the crowd arrived. Andrews also entered onto Capitol Grounds, and he and colleague Matt Szyszkewics broadcasted live to the Haggmann Report from the Capitol.³² Haggmann noted during the broadcast that he had more than 140 people inside and around the Capitol,³³ and at one point during the broadcast, guest host Randy Taylor (who admits to working with the DOJ and DHS) suggested that Haggmann order

³¹ John Moore's bio describes him as joining the Green Berets, and doing "classified studies of Middle-East terrorists for the Special Forces," and that his experience as includes, "special operations, covert operations, psychological operations, undercover operations, surveillance operations. . ." See: <https://web.archive.org/web/20220915062753/https://www.thelibertyman.com/bio.html>

³² An archived copy of Sam Andrews broadcasting live to the Haggmann Report on January 6, 2021, can be accessed here: <https://archive.org/details/w9vaXy47e69pXBxN>

³³ Doug Haggmann admitted on January 6, 2021 to having at least 120-140 people inside and around the Capitol: <https://twitter.com/FreeStateWill/status/1660706458550296577>
And: <https://twitter.com/FreeStateWill/status/1565805386611019777>

their people at the Capitol to “breach the chambers.” Hagmann repeated the suggestion over the phone to “breach the chambers,” and to “bring me Pelosi’s gavel.”³⁴

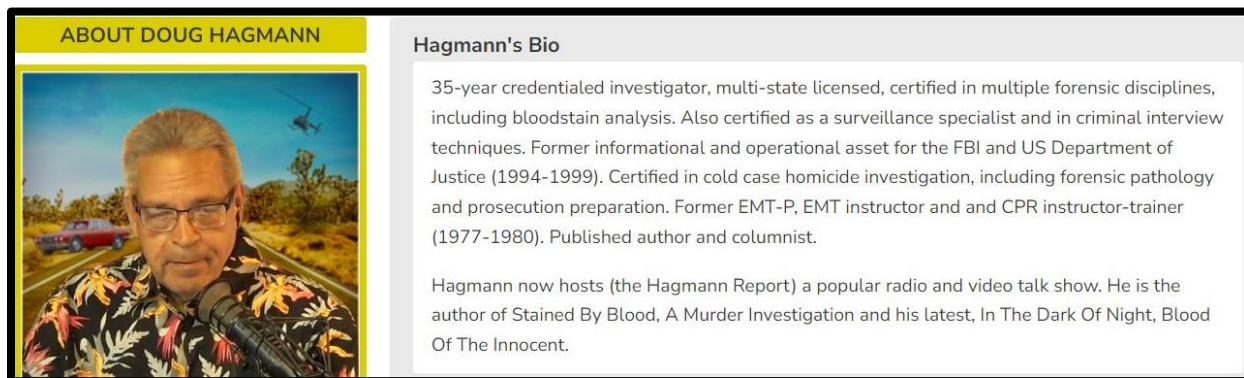


Figure 6: In most of his bios, Doug Hagmann highlights his work with federal law enforcement, including the DOJ and FBI.

To better understand these individuals, some background is helpful. Shortly after the September 11, 2001, attacks, Doug Hagmann launched the Northeast Intelligence Network and began operating a website called homelandsecurityus.com to report on their operations. In 2005, this website noted that Hagmann’s intelligence network was recognized by NATO as an intelligence source.³⁵ Hagmann and his team worked to infiltrate online terrorist cells and produce open source intelligence bulletins. For instance, on August 20, 2005, Randy Taylor (who called for breaching the chambers on January 6), claimed to have obtained the first known video of an al Qaida attack on the U.S. warships Ashland and Kearsage.³⁶ Listed among Hagmann’s staff were Sean Osborne, who worked intelligence in the military prior to become a contractor for the military; Kate Evans-Taylor, who “held a top security clearance” in British Intelligence; and the pseudonymous ‘Archangel,’ whose name was omitted from the website

³⁴ Doug Hagmann and Randy Taylor ordering their people inside the Capitol to “breach the chambers”: <https://twitter.com/FreeStateWill/status/1565810399617990656>

³⁵ On March 9, 2005, Hagmann’s website boasted of their NATO recognition: “The Northeast Intelligence Network is honored to be listed with such intelligence organizations as the CIA, NSA and a host of government and industry giants. It is a tremendous acknowledgment of which we are very proud.” See: <https://web.archive.org/web/20050830173804/http://www.homelandsecurityus.com/nato.asp>

³⁶ See: <https://web.archive.org/web/20050827181726/http://www.homelandsecurityus.com/>

due to their active work in “law enforcement or a related field.”³⁷ Earlier versions of Hagmann’s staff page included Laura Mansfield, who worked for the U.S. Embassy; and Jill St. Claire, who was listed as an “information and operational asset for federal law enforcement,” who had, “over 800 submissions to United States intelligence agencies.”³⁸ Hagmann’s website also linked directly to websites for the FBI and the Department of Homeland Security,³⁹ and claimed that “ALTHOUGH WE ARE NOT RELATED TO OR ENDORSED BY ANY GOVERNMENT AGENCY, we interact with the applicable law enforcement agencies on a regular basis.”⁴⁰ The interaction between Hagmann and federal agencies was so intimate, that Hagmann claimed to have “federal officials” within his intelligence network:

*The core of our network is comprised of a group of individuals from various backgrounds, including but not limited to licensed investigators, current and former police officers, **federal officials, military service personnel**, and private citizens who have demonstrated an exceptional level of expertise in a number of areas related to information and intelligence gathering.⁴¹*

Furthermore, Hagmann’s website explicitly said that “all pertinent intelligence” his team collected was “forwarded to the applicable government agency for their assessment and action if warranted.” Even though Hagmann operated under the auspices of not being government, while his staff included individuals connected to intel agencies, Hagmann’s network seemingly existed because,

³⁷ A capture of Hagmann’s staff page from 2012, can be viewed here:

<https://web.archive.org/web/20120119203835/http://homelandsecurityus.com/about/staff>

³⁸ To view Hagmann’s staff page from April 2, 2004, see:

<https://web.archive.org/web/20040402085523/http://homelandsecurityus.com:80/Meet%20the%20Analysts.htm>

³⁹ See Hagmann’s Important Links:

<https://web.archive.org/web/20040607200246/http://www.homelandsecurityus.com/hslinks.asp>

⁴⁰ See Hagmann’s Mission page:

<https://web.archive.org/web/20040607205058/http://www.homelandsecurityus.com/mission.asp>

⁴¹ See Hagmann’s FAQ page:

<https://web.archive.org/web/20040422001905/http://www.homelandsecurityus.com:80/faq.asp>

“we are not constrained by bureaucratic ‘red tape’ that always tends to slow things down” (See Footnote 19). They also noted that their quasi-governmental existence allowed them to disseminate intelligence without it being filtered through classification or the political lens of each administration. Hagmann also maintained a direct “channel of communication with some federal agencies.”

This is the backdrop we have for understanding Doug Hagmann’s connection to U.S. intelligence agencies prior to the January 6 events at the Capitol. While I do not have access to intel agency accounting records, I do know that Doug Hagmann was at least indirectly funded by the United States government through the company EMP Shield. This caught my eye since EMP Shield is headquartered here in Kansas, and directly partners with intelligence agencies. The Biden White House recently announced a \$1.9 billion grant for EMP Shield expansion,⁴² and EMP Shield is a member of the National Security Collaboration Center along with the NSA, DIA, FBI, DHS, and other intelligence agencies.⁴³ EMP Shield is recognized as a DHS vendor,⁴⁴ and has also been endorsed by high-ranking DHS officials such as Tom Homan.⁴⁵ Senior management staff from EMP Shield have spoken at national security events alongside former CIA Director James Woolsey.⁴⁶ On the January 5, 2021 episode of the Hagmann Report, Doug Hagmann acknowledged that he was sponsored and funded by EMP Shield.⁴⁷

⁴² The Biden White House gave a sponsor of Doug Hagmann (who called for breaching the chambers on January 6) a \$1.9 billion grant: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/22/fact-sheet-vice-president-harris-advances-the-biden-harris-administrations-investing-in-america-agenda-and-highlights-multi-billion-dollar-semiconductor-rd-investments/>

⁴³ See NSCC Ecosystem: <https://nsc.utsa.edu/partnerships.html>

⁴⁴ ‘Homeland Security Guidelines name EMP Shield as Vendor for EMP Protection’: <https://www.empshield.com/emp-resilience/>

⁴⁵ Former DHS-ICE Director Tom Homan endorses EMP Shield: <https://www.youtube.com/watch?v=xaD5h1vZrrY>

⁴⁶ EMP Shield Staff were on an expert panel with CIA Director Woolsey: <https://www.facebook.com/empshield/photos/pb.100064389473499.-2207520000/4727439430650249/?type=3>

⁴⁷ Hagmann noted he was financially supported by intel-agency funded EMP Shield on his January 5, 2021 broadcast: <https://twitter.com/FreeStateWill/status/1681000516942266370>

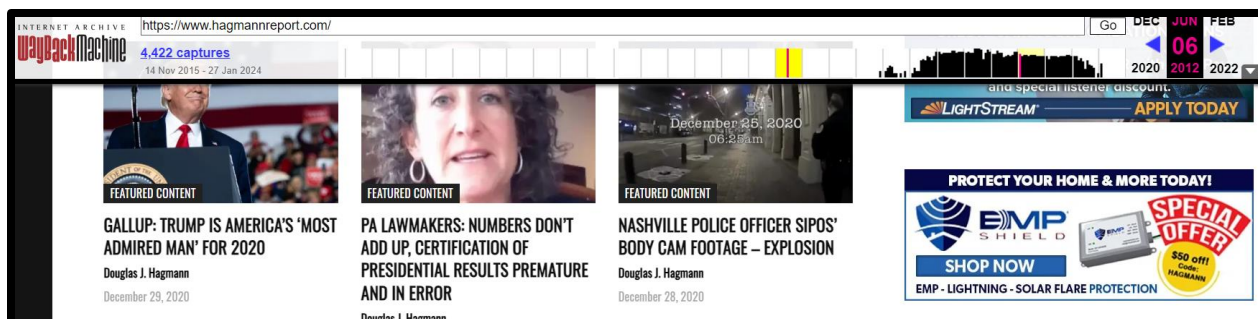


Figure 7: The archive of *hagmannreport.com* from January 6, 2021, shows that Doug Hagmann was sponsored by EMP Shield.

Shortly after President Trump announced that there would be a rally on January 6, Sam Andrews, Doug Hagmann, Randy Taylor, and their associates shifted their plans for 500k armed men to arrive in Washington on January 4, to instead coincide with President Trump's rally on January 6. In late December 2020, they spun up a new organization and website called Americans For Honest Elections. The website called for people to follow information coming from the Hagmann Report and to donate to a paypal account associated with the email address FreedomcenterUSA777@gmail.com, which matches the name of Sam Andrews' gun range in central Missouri.⁴⁸

The Americans For Honest Elections website was created by Altha Technologies, a company run by a former Marine Embassy Guard named Jared Heath, who claims to have received espionage training while serving at the U.S. Embassy in Cuba. All of the news updates posted to the Americans For Honest Elections website were posted by the username 'altha-admin,' which is presumably Heath or one of his employees.⁴⁹ According to Jared Heath's father Mike, Jared's brothers are both DOD contractors. Jared Heath was also on the U.S. Capitol terrace on January 6, and shortly after the events of January 6, 2021,

⁴⁸ Sam Andrews' call for PayPal donations:
<https://web.archive.org/web/20210224235110/https://americansforhonestelections.com/news/updates-and-announcements-about-the-upcoming-meeting/>

⁴⁹ An archived list of articles posted to Sam Andrews' January 6 website by 'altha-admin':
<https://web.archive.org/web/20210224235013/https://americansforhonestelections.com/category/news/>

Jared admitted that he still had a top-secret clearance, and he bragged that January 6 was an insurrection and that he was trying to overthrow the government.⁵⁰

January 1, 2021, altha-admin, presumably Jared Heath, posted an article titled 'HAD ENOUGH YET?'⁵¹ that called for anyone who is proficient with a firearm to return to Washington prior to the presidential inauguration. Even though the article was posted by 'altha-admin,' the reference to a Polish guy from New Hampshire seems to fit Matt Szyszkiewics, who is from New Hampshire, and reported live with Sam Andrews on January 6. Even though they claim many connections to the FBI, an article on the website from December 28, 2020, said that they expected "agent provocateurs of the fbi" to be active on January 6, and that they believed it could become a rough environment.⁵²



Figure 8: On January 6, Sam Andrews (who called for 500k armed men to come to Washington), and a group of four other men, including Matt Szyszkiewics, entered Capitol grounds, and were ordered by Doug Hagmann to "breach the chambers."

⁵⁰ A montage of Jared Heath after January 6 admitting to having a top-secret clearance and espionage training: <https://twitter.com/FreeStateWill/status/1566142822646009857>

⁵¹ An archived copy of 'Had Enough Yet?' can be accessed here: <https://web.archive.org/web/20210224234337/https://americansforhonestelections.com/news/had-enough-yet/>

⁵² A call to prepare for January 6 in Washington: <https://web.archive.org/web/20210224235031/https://americansforhonestelections.com/news/ur-donate-page-is-not-active-yet-please-allow-us-till-the-31st-of-dec-to-get-it-activated/>

While they warned of FBI provocateurs, Hagmann, Andrews, and their associates were the ones with connections to federal intelligence agencies, and were the ones directing people to Washington, and to the Capitol. Their 'Americans for Honest Elections' website included a map instructing people to first meet at the Ellipse, but to follow their website for more updates. The website further instructed people to follow the Hagmann Report, which broadcasted live orders on January 6 for people to breach the Capitol chambers. These longtime government operatives induced flooding of the field.

AFHE
Americans for Honest Elections

Meeting Date
January 6th

Meeting Time
7:00 am et

Where
AT THE CORNER OF
South PI NW
E St NW

VISIT
AmericansForHonestElections.com
FOR UPDATES

The map shows the White House complex and surrounding area. Key locations labeled include: The White House - US Treasury Department, The Oval Office, The White House South Lawn, The President's Park, The Ellipse, and the Ellipse Visitor Pavilion. A yellow star and the text "MEET HERE" are placed at the intersection of South PI NW and E St NW. Other streets shown include Pennsylvania Avenue NW, 17th St NW, 15th St NW, and Constitution Ave. NW.

Figure 9: The Americans for Honest Elections website provided maps and instructions for January 6.

The Government's Obligation to Provide Discovery from All Investigative Agencies

As this filing has shown, there are multiple agencies (Army, Navy, FBI, ATF, CIA, etc...) that participated in a joint investigation into January 6, 2021. In addition to the agencies mentioned earlier, I also found case charging documents that were filed by Homeland Security Investigations (HIS), Postal Service investigators, the U.S. Secret Service, and other agencies. The Department of Justice guidelines for criminal discovery,⁵³ which were established in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), 18 U.S.C. § 3500 (the Jencks Act), and Federal Rules of Criminal Procedure 16 and 26.2, require that production obligations extend to all agencies that have participated in an investigation. Any exculpatory information these agencies possess must be produced to me.

Summary of Raindrop Theory Defense

In this filing, I've given a brief overview of how federal agencies had prior intelligence about January 6, but maintained a relaxed security posture rather than preventing the events at the Capitol. These same agencies had human assets embedded in the crowd at the Capitol, which, like raindrops, contributed to the field flooding. Additionally, individuals like Sam Andrews and Doug Hagmann, who claim to have worked for and with these federal agencies, were on a mission to induce armed crowds to go to Washington and breach the chambers inside the Capitol. All of these facts are documented and raise additional questions about the government's outrageous and shocking conduct before and on January 6, 2021. Since this outrageous government conduct constitutes induced entrapment, I intend to bring these arguments as a defense in trial. I therefore move the Court to compel the government to provide all additional

⁵³ C.R.M. 165: Guidance for Prosecutors Regarding Criminal Discovery:
<https://www.justice.gov/archives/jm/criminal-resource-manual-165-guidance-prosecutors-regarding-criminal-discovery>

discovery related to outrageous government conduct, including government intelligence failures, the undercover presence of agencies and their human assets at the Capitol, and complete records of the government's working relationships with Sam Andrews, Doug Hagmann, Jared Heath, Randy Taylor, John Moore, Matt Szyszkewics, and any of their associates who were at the Capitol on January 6, 2021. Just as heavy rains cause a flood in a field, each of these raindrops contributed to the flood. Only when truth drains the floodwaters can order be restored.

Submitted respectfully to the Court,

By: William Pope

/s/

William Pope

Pro Se Officer of the Court

Topeka, Kansas

Certificate of Service

I certify that a copy of this was filed electronically for all parties of record on the Ides of May 3, 2024.

/s/

William Alexander Pope, Pro Se