

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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| 4 | UNITED STATES OF AMERICA, |) | |
| | |) | |
| 5 | Plaintiff, |) | |
| | |) | |
| 6 | |) | Case No. |
| | vs. |) | 8:24-MJ-01280-AAS |
| 7 | |) | |
| | |) | |
| 8 | THOMAS PAUL OSBORNE, |) | |
| | |) | |
| 9 | Defendant. |) | |
| 10 | | | |
| 11 | | | |

INITIAL APPEARANCE AND DETENTION HEARING
BEFORE THE HONORABLE AMANDA ARNOLD SANSONE
UNITED STATES MAGISTRATE JUDGE

FEBRUARY 22, 2024
4:28 P.M.
TAMPA, FLORIDA

Proceedings transcribed via courtroom digital audio recording by transcriptionist using computer-aided transcription.

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P R O C E E D I N G S

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THE COURT: I'll go ahead and call the last case.

Case Number 24-MJ-1280-AAS is the case here in the Middle District. This is a case out of Washington D.C., the District of Columbia, and the case number there is 1:24-CR-94.

Can Counsel state their appearances, starting with the Government.

MS. ASOKAN: Good afternoon, evening, Your Honor. Risha Asokan for the United States.

THE COURT: I don't think we've gotten to evening just yet. I think we've been pretty efficient today.

Go ahead, Ms. Irvin.

MS. IRVIN: Good afternoon, Your Honor. Sylvia Irvin on behalf of Mr. Osborne, who is seated to my left.

THE COURT: Thank you. Okay.

And, Mr. Osborne, you've now had the benefit of hearing me say what I'm going to say multiple times, so you know all the questions I'm getting ready to ask. The first question though is: Do you have any mental or physical condition that would make it difficult for you to participate in this hearing?

THE DEFENDANT: No, Your Honor.

THE COURT: And -- hold on one second.

Mr. Plunkett, if you could explain to the family

1 members that she'll be released from the fourth floor, so
2 that -- thank you so much.

3 Ms. Irvin, is there anything else you think the
4 family members should know while Mr. Plunkett --

5 MS. IRVIN: No, Your Honor. I'm actually going to
6 meet them on the fourth floor afterwards, so --

7 THE COURT: Okay.

8 MS. IRVIN: -- I'll explain --

9 THE COURT: Okay.

10 MS. IRVIN: -- everything else at that time.

11 THE COURT: Perfect. You already told them. Okay.

12 MS. IRVIN: Thank you.

13 THE COURT: Thank you.

14 I should have known that you'd already told them, but
15 I just figured -- while we had Mr. Plunkett here, I figured
16 I would take advantage of it.

17 MS. IRVIN: Well, I appreciate it, Your Honor,
18 because I didn't even think about having them use the
19 headphones during the hearing, so --

20 THE COURT: Well, don't thank me for that, thank
21 Mr. Plunkett for that. I didn't think about that either. Now
22 I'll know that that's an option.

23 Okay. So, Mr. Osborne, the question I was asking you
24 is if you have any mental or physical condition that would make
25 it difficult for you to participate in this hearing.

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: And have you taken any medication, drugs,
3 anything that would make it hard for you to focus the rest of
4 the time today?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: And you're welcome, if you want to --
7 Ms. Irvin can even use that microphone and you could pull the
8 other one over to yourself, if that's easier. It doesn't --
9 I mean, that way you don't have to crane your neck each time.

10 There we go.

11 Okay. Is that a little bit better? There we go.

12 And were you listening when I advised the group
13 earlier of your right to have an attorney in this case?

14 THE DEFENDANT: Yes.

15 THE COURT: And do you understand your right to
16 counsel?

17 THE DEFENDANT: Yes.

18 THE COURT: And looking at your financial affidavit,
19 yours is a close call, particularly because you have the
20 benefit of getting money even when you're not working, and then
21 you're working -- it looks like you're only working part time,
22 so, you know, frankly, I do think you have the capacity to be
23 earning more and to be able to afford counsel, to retain
24 counsel; however, for purposes of today, I am going to appoint
25 counsel for you.

1 Counsel that gets appointed here doesn't go up to
2 Washington D.C. with you anyway, so you'll end up -- they'll do
3 another assessment in Washington D.C. to determine if you
4 qualify. My -- the minutes from today are going to say that
5 I thought it was a close call, so I will go ahead and advise
6 you that the Government likely may argue up in D.C. that you
7 don't qualify for appointed counsel, or the Judge may determine
8 that you don't qualify for appointed counsel, or even if the
9 Judge does determine that you qualify, they may caution you,
10 like I'm going to now, that you may be required at some point
11 to have to reimburse the Government for a portion of your
12 representation if you are appointed counsel. Do you understand
13 that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. But for purposes of today, would
16 you like for me to appoint counsel for you?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And, Ms. Irvin, does your office accept
19 the appointment?

20 MS. IRVIN: Yes, Your Honor.

21 THE COURT: Thank you.

22 And, again, I'll just explain it one more time.
23 Ms. Irvin is obviously here today, she's able to represent you,
24 they've had a lot of experience with these January 6th cases
25 where they have represented locally and then they hand off the

1 case when it goes up to Washington D.C. and when you have your
2 first hearing there.

3 Do we have the information for his first hearing yet?

4 MS. IRVIN: (Inaudible.)

5 THE COURT: Okay. Sometimes -- sometimes I've come
6 into these hearings already knowing when your next hearing is
7 going to be in D.C., and I believe they're doing those by Zoom,
8 but anyway, just so you understand, you may end up, you know,
9 getting other counsel appointed to you, or you may not, but
10 regardless, or if you retain counsel, it will be a very smooth
11 handoff between Ms. Irvin and her office and whoever ends up
12 representing you in Washington D.C., okay?

13 THE DEFENDANT: Okay.

14 THE COURT: Do you need -- I know we've had a lot of
15 hearings since you probably had a chance to speak to Ms. Irvin.
16 Did you need to speak to her, or are you ready to go forward?

17 THE DEFENDANT: I think we're okay.

18 THE COURT: If you need to talk to her during this
19 hearing at all, you're obviously sitting right next to her, so
20 it's pretty easy, just let me know so we can mute the
21 microphones so that nothing you say gets recorded while you're
22 talking to her, okay?

23 THE DEFENDANT: Okay.

24 THE COURT: And you have some additional rights today
25 simply because you were arrested here in this district for a

1 crime that is charged to have occurred in the District of
2 Columbia.

3 According to the Indictment, you were charged in
4 three counts. Count One is on or about January -- I'm sorry,
5 four counts. Count One is on or about January 6th of 2021,
6 that you committed and attempted to commit an act to obstruct,
7 impede or interfere with a law enforcement officer lawfully
8 engaged in the lawful performance of his or her official duties
9 incident to and during the commission of a civil disorder which
10 in any way and degree obstructed, delayed and adversely
11 affected commerce and the movement of any article and commodity
12 in commerce and the conduct and performance of any federally
13 protected function. And so that's a civil disorder, it's
14 charged in violation of Title 18, United States Code, Section
15 231(a)(3).

16 Count Two, same date, that you knowingly entered and
17 remained in a restricted building and grounds, specifically the
18 restricted area within the United States Capitol and its
19 grounds, and that's where the Vice President was and would be
20 temporarily visiting, and you did not have lawful authority to
21 be there, and that's charged to be in violation of Title 18,
22 United States Code, Section 1752(a)(1).

23 Count Three, again, January 6th, 2021, that you did
24 knowingly and with intent to impede and disrupt the orderly
25 conduct of Government business and officials functions, engage

1 in disorderly and destructive conduct in and within such
2 proximity to a restricted building and grounds, specifically
3 the restricted area of the Capitol and its grounds, where the
4 Vice President was and would be temporarily visiting, and that
5 your conduct did in fact impede and disrupt the orderly conduct
6 of Government business and official functions, and that's
7 charged in violation of Title 18, United States Code, Section
8 1752(a) (2).

9 And then, last, Count Four, same date, that you
10 willfully and knowingly engaged in disorderly and destructive
11 conduct within the United States Capitol grounds and in any of
12 the Capitol buildings with the intent to impede, disrupt and
13 disturb the orderly conduct of a session of Congress and either
14 House of Congress, and the orderly conduct in that building of
15 a hearing before or any deliberation of a committee of Congress
16 or either House of Congress, and that's charged to be in
17 violation of Title 40, United States Code, Section
18 5104(e) (2) (D).

19 Do you understand that those are the charges that are
20 being brought against you?

21 THE DEFENDANT: Yes. Yes, Your Honor.

22 THE COURT: And were you listening earlier when
23 I advised you of your right to remain silent?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: And do you understand your right to

1 remain silent?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: You also, as I already indicated, have
4 some additional rights. You have the right to an identity
5 hearing to -- a hearing to show that you are the person that's
6 been charged in this Indictment from another district. You can
7 either waive that right or ask to have that hearing in D.C.

8 Ms. Irvin, how does he wish to proceed with the
9 identity hearing?

10 MS. IRVIN: Your Honor, may I have just one moment?

11 THE COURT: Yes.

12 MS. IRVIN: Thank you.

13 Your Honor, Mr. Osborne is going to waive his right
14 to an identity hearing.

15 THE COURT: Okay. You also have the right to have
16 this case transferred to this district, but -- and it's a big
17 but -- only if you plead guilty to these four charges and only
18 if both the U.S. Attorney's Office in the District of Columbia
19 and the U.S. Attorney's Office here in this district agree that
20 you can transfer your case to here; and you have the right to
21 have the matter of bail considered, either here today or you
22 have the right to have that matter considered in
23 Washington D.C., or you can reserve on that issue and come back
24 by way of a motion here or there.

25 Have you discussed with him, Ms. Irvin, how he wishes

1 to proceed with regard to the detention hearing?

2 MS. IRVIN: Yes, Your Honor. We'd like to have the
3 detention hearing here, and we're ready to go forward.

4 THE COURT: And what is the Government's position on
5 the detention or release of Mr. Osborne?

6 MS. ASOKAN: Thank you, Your Honor.

7 The Government is seeking detention in this case
8 under 18 U.S.C. 3142(f)(2), serious risk of flight. I'm
9 prepared to make an argument on that at this time if the Court
10 is ready.

11 THE COURT: Go ahead.

12 MS. ASOKAN: Okay. Your Honor, as I said, the basis
13 for detention is (f)(2)(A), serious risk of flight. I know
14 it's almost five o'clock, but with the Court's indulgence, I do
15 think it's important to go over some context and background in
16 this case which will give light to why the Government is
17 seeking detention, and that we're not taking a restraint on the
18 defendant's liberty lightly in this case.

19 Your Honor, as you know, the defendant has been
20 charged for his conduct in the January 6th Capitol riot. It's
21 important to know that when he traveled from Florida to D.C. he
22 didn't travel alone, he traveled with a group of other
23 individuals from a similar area of Polk County, namely the
24 Pollock family.

25 Now, the Court might be aware of who the Pollocks

1 are. They've gained some notoriety in the past couple years
2 because of both their conduct at the Capitol that day,
3 including violent acts by some of the members of the Pollock
4 family, but also the fact that two members of the Pollock
5 family, after being charged federally for their conduct at the
6 Capitol, have fled prosecution, and one member of the Pollock
7 family, Jonathan Pollock, was a fugitive for approximately
8 two and a half years until he was apprehended in January of
9 this year; and his sister, Olivia Pollock, was a fugitive for
10 almost a year. She fled -- she cut her GPS monitor last year,
11 she fled law enforcement, and managed to successfully evade
12 detection until January of this year, when she and her brother
13 were apprehended at the same time.

14 So Mr. Osborne has a connection to that family. He
15 actually works for their company. I think you probably saw in
16 the Pretrial Services Report that he works for Rapture Guns and
17 Knives. That is the Pollock family's business. He's very
18 close to them. I'm proffering right now, but, you know, if the
19 Court were to continue this, I'd be happy to bring in witnesses
20 to testify to the fact that they also have somewhat of a
21 personal relationship. I understand that they engage in a
22 prayer group together. But all of that is to say there is a
23 close relationship between the Pollock family and Mr. Osborne.

24 And why that ties to risk of flight is because the
25 FBI has reason to believe that the Pollock family, the parents,

1 Ben and Tina Pollock, were involved in harboring their
2 children. As I mentioned before, Jonathan Pollock was charged
3 by Criminal Complaint, and when the FBI went to his home in
4 I believe it was June of 2021 here in Polk County, he was
5 nowhere to be found, and he's been -- he was a fugitive for
6 approximately two and a half years. Based on investigation, we
7 have reason to believe that the Pollock family knew where their
8 son was this entire time and assisted in concealing him from
9 the Government.

10 Same thing with Olivia Pollock, she was arrested
11 during that June 2021 search of the Pollock family's house in
12 Polk County, she went to D.C., she was going through those
13 proceedings, and then in I believe it was February of last year
14 she cut her GPS monitor and fled prosecution. We believe that
15 Olivia and Jonathan along the way met up and that their parents
16 actually helped them stay out of law enforcement detection.

17 All of that came to a head at the end of last year,
18 beginning of this year, when the FBI was -- based on credible
19 information, was able to locate the Pollock family. They were
20 in -- I'm forgetting the name now, but it's a town outside of
21 Orlando, close to Ocala, and they were found on a farm there
22 doing ranch work. People knew that they were there, and the
23 FBI has reason to believe that Ben Pollock, the father of
24 Olivia and Jonathan Pollock, knew his kids were there and was
25 helping keep them out of law enforcement detection.

1 So I mention the Pollock family because Mr. Osborne
2 has very close ties to this family, Your Honor. He has access
3 to a network of people who the FBI, the Federal Government,
4 knows has harbored January 6th fugitives in the past. So this
5 is not the usual case of somebody who maybe doesn't have ties
6 to the community because they're from a different country, or
7 they have lots of money and they have a passport, frequency of
8 international travel. Rather, we have a demonstrated case here
9 of a network of people who help January 6th defendants escape
10 prosecution.

11 So, Your Honor, he has -- he has that access, but
12 perhaps even more concerning than that, Your Honor, is the fact
13 that Mr. Osborne himself has also helped another January 6th
14 defendant escape prosecution. That defendant is Christopher
15 Worrell. He is from this jurisdiction as well. He was tried
16 by bench trial last summer, found guilty on all counts for his
17 conduct in the January 6th riot that took place, and prior to
18 sentencing he also cut his GPS monitor and left a letter for
19 his girlfriend and said that, you know, he needed to go.

20 THE COURT: What was -- can you spell the last name?

21 MS. ASOKAN: W-O-R-R-E-L-L.

22 THE COURT: Okay.

23 MS. ASOKAN: So Mr. Worrell cuts his GPS monitor and
24 he is on the lamb for approximately six weeks. We know from
25 our investigation that Mr. Osborne helped Mr. Worrell evade

1 law enforcement detection. He actually let Mr. Worrell stay in
2 his home. We know that. There was a search warrant that was
3 executed at Mr. Osborne's home in December of '23. We found
4 evidence of the fact that Mr. Worrell was in fact staying
5 there.

6 So in this case, Your Honor, Mr. Osborne has -- he
7 has means, he has a knowledge of risk of flight, he has access,
8 and now that he's been charged himself, he certainly has the
9 motivation. These are extremely unique circumstances as it
10 relates to risk of flight.

11 And the last thing I'll say too about the Pollock
12 family is that his ties to this community are that family. As
13 you can see in the -- in the Pretrial Services Report, he lives
14 by himself. His father lives in -- I think it was
15 Pennsylvania. He really doesn't have ties to this community.
16 It's my understanding that the Pollock family is sort of a
17 surrogate family to him, and that should give the Court grave
18 concern as it concerns his risk of flight and whether he will
19 stay and his -- and the guarantee of his appearance here.

20 Now, just going to the factors under 3142(g), the
21 nature and circumstances of the offense, I'm sure Your Honor
22 has seen a number of these cases so far. This is not just a
23 misdemeanor case. He has a felony. The first count in the
24 Indictment is a felony, carries a maximum penalty of
25 five years.

1 The evidence in this case shows that he impeded
2 law enforcement when they were trying -- in the struggle to get
3 people out of the Capitol. He did also -- he reacted
4 affirmatively to a law enforcement officer when they were
5 trying to clear people out. The weight of the evidence is
6 strong, it's on video, and he has identified himself to the FBI
7 as being the person in the video.

8 As to his history and characteristics, Your Honor,
9 I've touched on a lot of it based on the basis for risk of
10 flight here. I think it's important to note that there is this
11 sort of philosophical predisposition to flight that should be
12 very concerning to the Court. When he had an opportunity to
13 report Christopher Worrell to law enforcement, presumably
14 Mr. Worrell approached him for help, he didn't, he took it upon
15 himself to help Mr. Worrell. So, again, he has knowledge, he
16 has means, and now he has motivation.

17 I think I've mentioned too that Worrell cut his GPS
18 bracelet. I want to pause on that, because to the extent that
19 the defense is going to say in this case it's sufficient to
20 allow him to stay home, home detention, GPS monitoring, in this
21 series of cases, Your Honor, that I would like to lump
22 together, the Pollocks and even Mr. Worrell, the GPS bracelet
23 has not done its job, they have -- they've had no problem
24 cutting the GPS bracelet, and once that was cut, it was
25 extremely difficult for the FBI to locate these people.

1 In the case of Jonathan Pollock, he didn't have a GPS bracelet,
2 but his sister did. She was on the run for almost a year.
3 Mr. Worrell, luckily, they were able to find after six months.
4 So I don't think a GPS monitor in this case is going to do
5 anything for Mr. Osborne, just based on his association with
6 this group and the fact that he shares this sort of
7 philosophical disposition to flight and that it's -- it's okay
8 in these circumstances to not appear for court.

9 Finally, Your Honor, the thing -- another thing
10 I want to mention is, I alluded to this before, there was a
11 December 2023 search of Mr. Osborne's home. While inside,
12 agents observed what I would consider an astonishing number of
13 guns. Perhaps there is an innocuous explanation for this,
14 I know he works at a gun store, but it's certainly -- from
15 speaking to the agent who was there and saw it firsthand, it's
16 far more guns than are the five guns that are listed in the
17 Pretrial Services Report.

18 I can list off some of the things that they saw in
19 plain sight.

20 THE COURT: Go ahead.

21 MS. ASOKAN: They saw in the main entryway a loaded
22 silver revolver on the top shelf of the closet next to the
23 front door of the residence. In his master bedroom they saw an
24 AR-15 platform rifle next to the bed, a shotgun under the bed,
25 multiple handguns on top of the dresser, an alarming number of

1 magazines, loaded and unloaded, with different types of
2 ammunition. And in various rooms of the house, I believe in
3 the master bedroom, the kitchen and spare bedrooms and living
4 room, there were stashed go bags that stored loaded magazines.

5 So, Your Honor, I can -- I can go on. Again, in the
6 kitchen there was a handgun, there was another AR-15 platform
7 rifle, more magazines, more ammunition. In the spare bedrooms,
8 handguns stashed on the shelves and desks. In the living room,
9 same thing, handgun next to the La-Z-Boy chair, ammunition.
10 And in the living room too, several types of survival and
11 camping equipment. And, finally, they also found a handgun in
12 his Ford Ranger.

13 So, again, I appreciate that Mr. Osborne is employed
14 at a gun store, but agents did observe this alarming number of
15 firearms in his home.

16 So, again, to the extent that it's going to be argued
17 that home detention is appropriate, one, home detention is not
18 appropriate because he lives by himself; but, two, Your Honor,
19 sending Pretrial to a home where there are this many weapons to
20 check on a man who has a past of disobeying court orders, or at
21 least not respecting the authority of a court order as it
22 concerns other people who are supposed to appear for court,
23 should give the Court significant concern.

24 And also, Your Honor, we know from sources that he is
25 engaged in -- or at least talked about engaging in violence.

1 He recently told somebody that it is a problem -- or,
2 excuse me, that he doesn't think it's a problem to blow up an
3 abortion clinic, but he did note that he wouldn't do that if
4 someone were inside. So there are some concerns about sort of
5 the propensity of violence. I realize -- you know, I'm not
6 trying to impede on anyone's First Amendment rights, but I do
7 think that takes it over the edge.

8 But for all the reasons I've just stated, Your Honor,
9 I think -- I keep coming back to it, it's knowledge, it's
10 means, and now it's motivation.

11 I'll lastly note, and Pretrial Services as well, and
12 you noted it as well, he has -- he has means in the form of
13 money as well, that I think goes to flight. And so it's not
14 just the knowledge of how to do it, it's not just the go bags,
15 it's not just the survival, it's having money, it's being able
16 to survive on the run if -- if given the opportunity, and
17 certainly we know that he doesn't have a sort of philosophical
18 disagreement with doing that.

19 And I believe that's all I have for right now,
20 Your Honor. I'm happy to answer any questions.

21 THE COURT: Thank you.

22 Do you know, is the trust fund -- is it from the
23 Pollock family or is it from his regular family, if you know?

24 MS. ASOKAN: One moment, Your Honor.

25 THE COURT: And, Ms. Irvin, I'll ask you the same

1 question.

2 MS. IRVIN: Yes, Your Honor.

3 MS. ASOKAN: I'm not aware, Your Honor.

4 THE COURT: Okay. Ms. Irvin, if you could start by
5 answering that question and then make any argument you want to
6 about release.

7 MS. IRVIN: Yes, Your Honor. It's a trust fund from
8 his family that has to do with either gas rights or gas
9 proceeds that they receive. The amount of money that he
10 receives is dependent on the stock market and, just generally
11 speaking, how gas is doing in a particular year. As an
12 example, if you are a resident in the State of Alaska, you can
13 receive gas proceeds, but they're almost nothing now.
14 Maybe like 20 years ago they were much higher. And so I think,
15 although the trust fund is there and he does receive a
16 percentage of that, it is not a reliable amount of money that
17 he receives. Also, the money of that trust goes into a trust
18 and then he is gifted a certain amount of money from that.
19 And so I think that that's certainly something that Your Honor
20 and a future judge will have to take into account for purposes
21 of deciding whether he qualifies for court-appointed counsel,
22 but it's not such a great amount that it would be something
23 where I think it equates to the means that the Government is
24 alleging.

25 To deal with the issue of flight risk, I also want to

1 deal with danger to the community, and I'm going to start with
2 that.

3 He has no prior arrests or convictions. We are
4 three years removed from January 6th. He has no prior arrests
5 or convictions since January 6th and nothing before then.
6 And even though the Government did not address danger to the
7 community, I actually think we have to address danger to the
8 community, because that's what January 6th deals with, are the
9 concerns that happened that day.

10 In the other January 6th indictments and
11 Criminal Complaints that I've received before, there are
12 usually pictures, sometimes the prosecutor presents video, and,
13 I mean, on a Rule 5 kind of a case we're able to see within the
14 preliminary Complaint, sometimes within the Indictment, photos
15 of things that the person was doing. We don't have those in
16 this case.

17 I do understand that there is a felony that is
18 charged, but we haven't received any information as far as the
19 proffer today or the information provided in the Indictment
20 from the District of Columbia that explains in detail or fact
21 what it was that Mr. Osborne is alleged to have been doing on
22 that day.

23 With respect to flight risk, he is a co-homeowner, so
24 he owns a home along with his father. His father lives in
25 Pennsylvania, he is not in good health, and so that's something

1 that I think that Your Honor can take into account, because he
2 visits with his father sort of as needed but has a very close
3 relationship with his father, because his mother is deceased.

4 He lives in Lakeland. He does not have a passport.
5 He is not somebody who has traveled outside of the
6 United States as far as the Pretrial Services Office would be
7 able -- was able to identify. He simply travels between
8 predominantly the town that his father and the rest of his
9 family live in in Pennsylvania and Lakeland, Florida.

10 So let's talk about what the Government talked about,
11 knowledge, means and motivation.

12 Any relationship that he has with the Pollock family
13 is a friendship, and all of the people who traveled --
14 I shouldn't say "all." Many of the people that traveled to
15 January 6th traveled with prayer groups, traveled with friends,
16 traveled with neighbors, traveled with people that they worked
17 with. These are groups of people who socialize together.
18 When they went to January 6th, they went in groups, generally
19 from the neighborhoods that they were from, so that's not
20 something that is unique to the situation.

21 To the extent that the Pollock parents did anything
22 to help the Pollock children, who were co-defendants in
23 January 6th, of course they are parents who are helping their
24 own children. They are not related to Mr. Osborne in any way.
25 Whether he's a friend or just somebody that they know as an

1 acquaintance I think has no bearing on this situation.

2 In respect to Ms. Osborne being a flight risk, how it
3 does have a bearing on this situation goes to the knowledge
4 that the Government is talking about. He knows what happens
5 when someone cuts off their ankle bracelet. He has seen what
6 happened when somebody doesn't abide by a court order, and as a
7 result he understands the additional sanctions that he might
8 face should Your Honor release him under conditions and the
9 importance of him abiding by those conditions.

10 Any relationship that he has with Christopher
11 Worrell -- I understand that it sounds like there's a
12 relationship or a friendship and that Mr. Osborne let
13 Mr. Worrell stay at his home. There's no indication that was
14 proffered that Mr. Osborne knew on the day that he let him stay
15 at his house that he was somehow evading a court order or doing
16 something illegal. It sounds like he let him stay there
17 because he was a friend. Again, I don't think that that's
18 something that hurts Mr. Osborne, I actually think it helps,
19 because knowing that Mr. Worrell likely will face further
20 sanctions because of whatever order that he was defying,
21 Mr. Osborne knows not to do that.

22 As I mentioned -- that sort of addresses the
23 knowledge issue. We are three years past January 6th. He has
24 seen what people that he knows have faced. He has seen the
25 sanctions that they face for not abiding by court orders. He's

1 absolutely going to take that seriously. He wants to be able
2 to address these charges in the District of Columbia. And does
3 he have the means to be able to travel there? Yes. But he
4 doesn't have the means to be able to evade prosecution and
5 leave the jurisdiction, nor does he want to.

6 His motivation is to live in his home, where he has
7 been living for the past two or so years, and he's lived here
8 before in Lakeland. He wasn't arrested today trying to evade
9 arrest. He wasn't hiding. The Pollock family wasn't hiding
10 him out somewhere. He was at his house, that's where he was
11 arrested today, and that's where I think that Your Honor should
12 release him to.

13 He is employed. I don't have any information having
14 to do with the Pollock family and their ownership or whether
15 they work at that particular gun shop, but if that's the place
16 that he's employed and it happens to be that he's friends with
17 them, I'm not sure how that impacts this.

18 I also want to address the number of guns that were
19 found in his home. He's not a felon. We live in the State of
20 Florida. He's legally allowed to possess the firearms that he
21 had in his house. However, he also understands that, should
22 Your Honor release him on conditions today, that he is going to
23 have to responsibly provide another person, which he says he
24 has, who would be able to take all of those firearms, any
25 weapons in the home that he should not have, and someone else

1 will secure them for him. He absolutely understands that and
2 will abide by the conditions of Pretrial Services.

3 Pretrial Services officers carry weapons. They are
4 trained in using those weapons. I recognize that they are put
5 in situations that are not always great situations, but
6 I certainly recognize that they have the training to be able to
7 handle themselves and to be able to speak very candidly with
8 Mr. Osborne about how they expect him to be able to safely
9 remove those firearms from his home, and he will respect this
10 Court's order in doing so.

11 What is his motivation? His motivation is to deal
12 with these charges in the District of Columbia. His father,
13 who is his only parent who is living, is not doing well, he's
14 not in good health. He wants to be able to maintain contact
15 with his father, and as a result of that, he wants to be able
16 to be released, to be able to continue to help his father
17 however he can.

18 And so we do think that there are conditions of
19 pretrial release that can be imposed for him. Those include
20 that he remain at his same address where he has been living,
21 that he have some restricted travel to the District of Columbia
22 for court, the Middle District of Florida, and if the Court
23 will allow for him to be able to travel to the District of
24 Pennsylvania, where his father lives. And I apologize that
25 I don't know whether it's the Western District of Pennsylvania

1 or not.

2 To the extent that Your Honor is concerned about his
3 appearance, he can sign a signature bond. And he will provide
4 assurance through the Pretrial Services Office that he will
5 give any firearms or weapons that he is not supposed to have to
6 somebody else to secure them outside of his residence.

7 THE COURT: I have a few questions for the
8 Government.

9 First of all, has Mr. Osborne -- has he known
10 about -- that he was under investigation? I know he knows,
11 obviously, that others have been and that others were being
12 prosecuted, but did he know that he was under investigation
13 also?

14 MS. ASOKAN: Yes, Your Honor, he has known. He
15 actually turned himself in to the FBI. I believe that was in
16 2021. But before Your Honor credits him with that, I will note
17 that he turned himself in because another January 6th --
18 I think it was another January 6th associate, or at least
19 somebody who was aware of Mr. Osborne's involvement in
20 January 6th, threatened to turn him in. So it wasn't a pure
21 motivation.

22 He also -- he was interviewed by the FBI. He -- he's
23 also kind of bragged about his involvement at January 6th to
24 other people. And so, yes, he's known, but a number of our
25 defendants know, and certainly the Pollocks knew they were

1 under investigation, Mr. Worrell knew he was under
2 investigation. If you were present, you have a pretty good
3 idea that -- you know, that -- this is the largest
4 investigation that the Government has ever undertaken, they're
5 finding people, there's tip sites, there's all sorts of
6 mechanisms to find people.

7 But, Your Honor, I think it's important to note too
8 though that that was in, I think, September of 2021.
9 Everything changed from the Government's perspective with
10 regard to Mr. Osborne when we found out that he was harboring
11 or helped harbor Mr. Worrell. And just so that -- to respond
12 to defense counsel, he wasn't doing it as an ignorant friend.
13 He is close to Mr. Worrell. We have text messages with
14 Mr. Osborne -- between Mr. Osborne and Mr. Worrell's
15 girlfriend, and as well with Mr. Worrell, during the pendency
16 of his trial and that he was -- that he was facing charges.
17 They were communicating about it. There are also significant
18 gaps in the text messages, which lead us to believe that
19 they've since been deleted, and there's nothing we can do about
20 that, but there's certainly evidence in those text messages
21 that he knew that Mr. Worrell was under Federal investigation,
22 had been charged, had been tried, had been convicted guilty on
23 all counts, and was facing sentencing in the middle of August
24 of last year, shortly -- around the time of when he cut his GPS
25 monitor.

1 So this was not the innocent friend, you know,
2 opening his door to a friend without knowing what the basis was
3 of him being there. He knew, he participated in it, and
4 because of that, that should give the Court serious concern
5 about all the things that the defense is saying, that he wants
6 to face his charges, he is aware of what happens to January 6th
7 defendants. Yeah, they do get caught, that means the
8 Government is doing their job, law enforcement is doing their
9 job, but that doesn't mean that he's not connected to a network
10 of people who found it okay to cut their GPS monitors and were
11 able to successfully evade law enforcement for some significant
12 period of time. That's -- that's a significant drain on
13 Federal resources, to find these people.

14 Knowing what we know now about Mr. Osborne, the risk
15 is too high to allow him -- to give him the benefit of the
16 doubt that he's suddenly had a change of heart and that now he
17 appreciates why it was wrong to hold -- to house Mr. Worrell or
18 be connected to the Pollock family, who, you know, he -- he
19 could reach out to them, or they may even know about today, and
20 since they're so good at harboring these fugitives, there's
21 no -- there's no telling what they will be able to do with him.

22 And setting -- even setting aside the Pollock family,
23 he -- he can -- he can flee prosecution on his own. He has the
24 means. He knows what to do. He was preparing for it. He was
25 stashing go bags and survival kits.

1 So, yes, he's known about the investigation, like
2 most January 6th participants know about the investigation, but
3 the circumstances have changed now.

4 THE COURT: Another question I had in terms of the
5 strength of the evidence, Ms. Irvin had raised the issue of
6 photos or videos, but I just want to make sure that my notes
7 were clear. You indicated that there was video evidence of
8 him. What was he doing with the police officers, I guess,
9 pushing police officers?

10 MS. ASOKAN: Yes. I can summarize it a little bit
11 better than I have already, but there is -- to answer your
12 initial question, yes, Your Honor, there is video evidence.

13 One thing too is I also have worked on a lot of these
14 January 6th cases, most of the time when they've come to this
15 Court they've come by Complaint, so there's obviously a great
16 number of factual details in those. This case was indicted in
17 D.C., and normally, at least from my observation, we don't
18 include factual details or pictures in the Indictment, so it's
19 not because there isn't evidence, it's just the practice of it.

20 It's my understanding that Mr. Osborne was struck by
21 an officer as far as -- as part of the effort of officers to
22 push people out of the Capitol, and he reflexively turned
23 around and began to, you know, wrestle with the officer,
24 grabbing his baton, so there is physical contact and he is on
25 video engaging in those acts, and I believe that when he was

1 interviewed by the FBI he identified himself as being the
2 person in the video.

3 The weight of the evidence is extremely strong,
4 Your Honor, and because this is a felony case, I know he
5 doesn't have a criminal history, but there is a maximum penalty
6 of five years that he's facing, so the incentive to flee is
7 high.

8 THE COURT: And what were the circumstances of his
9 arrest today?

10 MS. ASOKAN: It's my understanding, Your Honor, that
11 Federal agents came to his house at six o'clock in the morning,
12 they called him to come out, and he did come out. I understand
13 that there were no issues.

14 THE COURT: Okay. Is he in the same clothes that he
15 was in when he came out at 6:00 a.m. in the morning, or did he
16 change for court?

17 MS. ASOKAN: I believe that he did not come out
18 clothed and they assisted him in putting clothes on.

19 THE COURT: Anything else from the Government?

20 MS. ASOKAN: No, Your Honor. Thank you.

21 THE COURT: Anything else, Ms. Irvin, that you want
22 to add now that I've asked Ms. Asokan those several questions?

23 MS. IRVIN: Yes, Your Honor.

24 I do think it is notable that when the FBI agents
25 went to his home at roughly 6:00 a.m. this morning, that there

1 were no issues with arresting him and that he cooperated and is
2 in court today for that reason. I think that that's a huge
3 indication that he understands when law enforcement show up,
4 what he's supposed to do, that he understands when Your Honor
5 issues an order that he's to abide by it, and I think that's
6 something that you should take into consideration in your
7 decision as to whether or not he should be released.

8 I have not had a circumstance on a Rule 5 client on a
9 January 6th Indictment or Complaint, including somebody who is
10 looking at a felony, where they haven't been released under
11 certain circumstances. I was trying to think through if there
12 was somebody that I represented. It doesn't mean that there
13 hasn't been someone who is similarly charged that another
14 person in my office represented and they were detained, but I'm
15 thinking about a handful of people that I've represented,
16 I want to say at least three or four here. The only person
17 that I can think of that was detained was in Las Vegas, and it
18 was a January 6th case that was much closer in time to the
19 events and much more serious events and much more serious
20 conduct than what's being alleged in this case.

21 And I'm not saying that to minimize what has been
22 alleged here, but in comparison, I do think that this is a
23 situation that -- just based on my experience with these cases,
24 this is a situation where conditions can be formulated by the
25 Court to allow Mr. Osborne to be released.

1 Another thing that I think is important and I failed
2 to mention is that at some point I think that the Government
3 noted that he proffered and he sat down with the Government.
4 Pre-indictment he had been assisted -- represented by
5 Jeff Brown. Jeff Brown was in court -- Attorney Jeff Brown was
6 in court today. I spoke to him before court. It was his
7 understanding that he might not be appointed as CJA counsel, so
8 there's not funds, from Mr. Brown's perspective, for him to be
9 retained. I should say that better. Mr. Osborne does not have
10 funds to be able to retain Mr. Brown. But I let him know that
11 there is a possibility that he could be appointed as CJA
12 counsel going forward.

13 Why I mention that --

14 THE COURT: I think the appointments have all been
15 out of D.C. It hasn't been -- we haven't -- the only ones
16 I know that have been appointed locally is when they've gone to
17 arrest the person and they're a felon and they find firearms
18 there, where they end up having a separate whole issue of cases
19 here and they're appointed locally. I don't think they've been
20 appointing -- I think in D.C. they've been appointing attorneys
21 there.

22 MS. IRVIN: And so there were, I think, early on --
23 I want to say two and a half or three years ago there was a
24 local appointment and somebody who retained someone, so that's
25 why I wasn't sure whether or not Mr. Brown would be able to

1 stay on the case. That being said, he -- he has known about
2 this case and has been assisting Mr. Osborne, and I think that
3 that's also an indication. If he had any thought, Mr. Osborne,
4 that he was going to leave or flee prosecution, he certainly
5 hasn't done that, he's done the opposite. He sought the advice
6 of good counsel. It sounds like he sat down and proffered.
7 He gave no fight in any way when he was arrested this morning.
8 I think he simply wants to go forward, like any of the other
9 individuals that we saw in court today who have been charged
10 with crimes, and he wants to be able to go home, figure out
11 what the next steps are going to be, and get ready to fight,
12 however it is that he decides to do that, the charges that he's
13 looking at.

14 THE COURT: Okay. Give me a moment just to look over
15 the statute and the standards.

16 So the burdens on risk of flight -- once the
17 Government is able to move under serious risk of flight as
18 being the basis, the burden is whether the Government can show
19 by a preponderance of the evidence that no conditions or
20 combination of conditions will reasonably assure the
21 defendant's presence as required. So preponderance of the
22 evidence, that's lighter than clear and convincing, I think
23 it's higher than probable cause, it's, you know, somewhere in
24 there where you're having to determine whether -- how the
25 evidence weighs. Does it weigh where it's -- you know, where

1 it's more likely than not, I guess is the best way, that there
2 are no conditions or combination of conditions that will
3 reasonably assure the defendant -- I guess it actually makes it
4 lighter than probable cause.

5 You know, honestly, here what I keep coming back to
6 in my brain is Mr. Worrell and the fact that he had been
7 sentenced and yet Mr. Osborne let him stay in his home. I have
8 concerns -- and was messaging with him, so he knew at least the
9 circumstances. I have concerns also about the stash bags and
10 the -- that he's got the survival kits and the camping supplies
11 and that he's ready to be able to flee should he wish to flee.
12 It's not a situation where the electronic monitor ties him to
13 his home. It's an electronic monitor. It's really up to the
14 person abiding by it and being willing to respect the order of
15 the Court and respect that they have certain conditions.

16 So here I do find that the Government has met the
17 preponderance of the evidence standard. I think that based on
18 the prior search warrant, the number of firearms that he had,
19 the stash bags, the supplies to be able to flee, the fact that
20 he knows others that have successfully fled, albeit they
21 ultimately got caught, but they were able to flee for a while,
22 and the fact that he had somebody who fled from January 6th
23 prosecution -- or not prosecution, I guess, the -- serving the
24 sentence, that he had that person stay in his house, all of
25 that does support the Government's standard they have to meet

1 for me to find by a preponderance of the evidence that he's a
2 flight risk, so for those reasons I am going to detain
3 Mr. Osborne pending his case.

4 MS. ASOKAN: Your Honor?

5 THE COURT: Yes.

6 MS. ASOKAN: May I just make one note for the record?

7 THE COURT: Yes.

8 MS. ASOKAN: I believe Your Honor noted that
9 Mr. Worrell had been sentenced. To the extent it influences
10 your decision, I just want to be clear for the record, he had
11 been convicted at trial by a bench trial and he was awaiting
12 sentencing.

13 THE COURT: Awaiting. Okay. So that it wasn't that
14 he was awaiting turning himself in for the Bureau of Prisons,
15 he was convicted but had not been sentenced yet, so he fled
16 between the conviction and that 90 day period before being
17 sentenced.

18 MS. ASOKAN: Correct. And he has now since been
19 sentenced to 120 months.

20 THE COURT: 120 months. Okay.

21 No, that to me does not change it, but thank you for
22 the clarification.

23 And I will enter a written order, and you're by all
24 means welcome to appeal that written order to the District of
25 Columbia.

1 And then the Government -- as required by Rule 5(f),
2 the Government is ordered to produce all exculpatory evidence
3 to the defense pursuant to Brady v. Maryland and its progeny.
4 Failing to do so in a timely manner may result in sanctions,
5 including exclusion of evidence, adverse jury instructions,
6 dismissal of charges, and contempt proceedings. If you could
7 please confirm compliance.

8 MS. ASOKAN: Yes, Your Honor.

9 THE COURT: Anything else from the Government's
10 perspective?

11 MS. ASOKAN: I'll just note, I think it was raised at
12 the beginning of the hearing about when his next hearing is
13 going to be. I was told it can be done in two days. Either
14 Your Honor can set a hearing, which, if I may, I don't know
15 that that makes the most sense --

16 THE COURT: I think he'll be in person now, so he'll
17 be -- he'll be -- it will be a while probably --

18 MS. ASOKAN: Okay.

19 THE COURT: -- before he has it, but it will be once
20 he arrives in the District of Columbia.

21 MS. ASOKAN: Understood. Thank you, Your Honor.

22 THE COURT: And, frankly, it's -- I mean, the reason
23 I had mentioned that in the beginning is I'm so used to
24 releasing January 6th people too. I think this is the first
25 person I've detained. But, frankly, I haven't had any

1 information like this presented to me before as well.
2 So that's why I brought up the hearing, is usually we have
3 information about -- usually as soon as we tell them, they give
4 us the information about when the next hearing is going to be.
5 So maybe in D.C. they knew more than I knew, I don't know.

6 Anything else from the Government's perspective?

7 MS. ASOKAN: No, Your Honor. Thank you.

8 THE COURT: Anything else, Ms. Irvin, from the
9 defense's perspective?

10 MS. IRVIN: No, Your Honor.

11 THE COURT: Thank you. We're in recess.

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13 (Proceedings concluded at 5:14 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript of proceedings taken in an initial appearance and detention hearing in the United States District Court is a true and accurate transcript of the proceedings taken by me in machine shorthand from a digital audio recording and transcribed by computer under my supervision, this the 29th day of February, 2024.

/S/ DAVID J. COLLIER

DAVID J. COLLIER
OFFICIAL COURT REPORTER

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