

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

UNITED STATES OF AMERICA)
)
)
) No. 1:21-cr-28-1 (APM)
v.)
)
)
THOMAS CALDWELL)

**GOVERNMENT'S OPPOSITION TO DEFENDANT THOMAS CALDWELL'S
REQUEST TO MODIFY CONDITIONS OF RELEASE**

The United States respectfully opposes Defendant Thomas Caldwell's request to modify conditions of release. Defendant Caldwell is charged with conspiring with over a dozen other charged defendants and other uncharged individuals to obstruct the United States Congress's certification of a presidential election. A major part of his role in the conspiracy was organizing individuals who were on standby with guns in a hotel across the river, conduct that this Court has described as among the most concerning aspects of the conspiracy and for which the evidence has only strengthened since Defendant Caldwell's release. Under these circumstances, confinement to his property, with permission to leave for religious services and medical appointments, is a completely reasonable and essential level of restrictiveness to ensure the safety of the community.

1. The Court is well familiar with the facts of this case and the arguments previously submitted by the government in contending that Defendant Caldwell should be detained pending trial, *see* ECF Nos. 18, 66, and the government incorporates those arguments to support its opposition here.

2. The ongoing investigation has shown further evidence that Defendant Caldwell played a central and alarming role in the conspiracy with which he is charged. The Third Superseding Indictment alleges that Defendant Caldwell conspired with Person Three, who, in

Defendant Caldwell's words, was "committed to being the quick reaction force anf bringing the tools if something goes to hell. That way the boys don't have to try to schlep weps on the bus." (ECF No. 127 at ¶ 45.) The investigation has shown that Person Three did, in fact, come to Washington, D.C., from January 5-7, 2021. He stayed at the Comfort Inn Ballston, where Defendant Caldwell suggested he and others should stay. An individual with whom Person Three traveled from North Carolina and who also stayed at the Comfort Inn Ballston later confirmed to a Facebook associate that Person Three was in charge of the quick reaction force ("QRF"). A bus of other individuals from North Carolina, some of whom were affiliated with Person Three, did come up to Washington, D.C., on January 6, 2021. Some of the people on that bus were dropped off near the Lincoln Memorial, some near the Washington Monument, and some near the Capitol.

3. The locations visited by these North Carolina bus riders are interesting in light of an exchange in the "DC OP: Jan 6 21" Signal chat on January 2:

Kelly Meggs posted a map with the message: "1 if by land[,] North side of Lincoln Memorial[,] 2 if by sea[,] Corner of west basin and Ohio is a water transport landing !!" Meggs continued, "QRF rally points[.] Water of the bridges get closed."

In response, Person Three wrote, "My sources DC working on procuring Boat transportation as we speak."

That same day, Caldwell sent two messages to his contacts seeking a boat to support the QRF. Caldwell messaged one individual, believed to be a member of a separate militia organization:

Can't believe I just thought of this: how many people either in the militia or not (who are still supportive of our efforts to save the Republic) have a boat on a trailer that could handle a Potomac crossing? If we had someone standing by at a dock ramp (one near the Pentagon for sure) we could have our Quick Response Team with the heavy weapons standing by, quickly load them and ferry them across the river to our waiting arms. I'm not talking about a bass boat. Anyone who would be interested in supporting the team this way? I will buy the fuel. More or less be hanging around sipping coffee and maybe scooting on the river a bit and pretending to fish, then if it all went to shit, our guy loads our weps AND Blue Ridge Militia weps and ferries them across. Dude! If we had 2 boats, we could ferry across and never drive into D.C. at all!!!! Then get picked up. Is there a way to PLEASE pass

the word among folks you know and see if someone would jump in the middle of this to help. I am spreading the word, too. Genius if someone is willing and hasn't put their boat away for the winter.

4. There is evidence that the QRF teams that supported the conspiracy charged in this case were armed with guns. On January 4, Person One posted to the Oath Keepers website, "As we have done on all recent DC Ops, we will also have well armed and equipped QRF teams on standby, outside DC, in the event of a worst case scenario, where the President calls us up as part of the militia to assist him inside DC." On the morning of January 6, 2021, Person One reiterated in the "DC OP: Jan 6 21" Signal chat: "We will have several well equipped QRFs outside DC. And there are many, many others, from other groups, who will be watching and waiting on the outside in case of worst case scenarios."

5. As noted in previous filings in this case, the Florida-based members of this conspiracy appear to have stored their guns at the Comfort Inn Ballston. On the morning of January 5, 2021, in a Signal Chat for Florida-based members of this conspiracy, Harrelson asked the group for the location of the "QRF hotel," and co-defendant Kelly Meggs responded by asking for a direct message. Defendant Harrelson's cell site location information ("CLSI") shows that about three hours after sending this message, Harrelson arrived in the area of the Comfort Inn Ballston, where he remained for about an hour before driving into Washington, D.C. Harrelson's CSLI shows that after he left the area of the Comfort Inn Ballston at around 12:30 p.m. on January 5, he spent the remainder of January 5, all day on January 6, and the early morning of January 7 in downtown Washington, D.C. On the morning of January 7, Harrelson asked the Florida Signal chat members if anyone knew the location of his "shit," and another member of the chat asked if he had left it at the Comfort Inn:

				So we're just leaving DC and I would like to know where my shits at since it
504	GATOR 6	1/7/2021	8:55:00 AM	seems everyone's gone already
505	REDACTED	1/7/2021	8:55:00 AM	We are headed out now
506	REDACTED	1/7/2021	8:56:00 AM	[Responding to GATOR 6] Did u leave it at Comfort Inn in that room?

Harrelson's CSLI shows that he was in the area of the Comfort Inn about twenty minutes later, from 9:08 am through 9:48 am, before starting his drive southward. Surveillance video from the Comfort Inn shows what appears to be Defendant Harrelson rolling what appears to be at least one rifle case down a hallway and towards the elevator:



Other members of the Florida Signal chat also discussed going back to the "QRF" at the hotel in Arlington to retrieve items on the morning of January 7, 2021.

6. Additionally, there is evidence to suggest that Defendant Caldwell may have contributed a weapon or other equipment to the QRF's cache. On January 5, 2021, Defendant

Caldwell visited Person Three's room at the Comfort Inn carrying a large and long object wrapped under a bed sheet:



On the evening of January 6, 2021, after Caldwell and Person Two returned to the Comfort Inn from the Capitol, Person Three visited Defendant Caldwell carrying a large and long object wrapped under a bed sheet:



7. Defendant Caldwell has sought to distance himself from his co-conspirators, but his own words suggest he was very much a part of this conspiracy. As he told an associate via Signal on January 8, 2021, “I have been on the Oathkeepers intel net for months now.” (ECF No. 66-1 at 1.) He continued, “Most of my Oathkeeper pals went to the other side of the capitol because it was so darn crowded where I was. They were giving me live go-pro feeds from their side.” (*Id.*)

8. Defendant Caldwell did not back down from the goals of the conspiracy after January 6. To the contrary, Defendant Caldwell celebrated his actions after January 6:

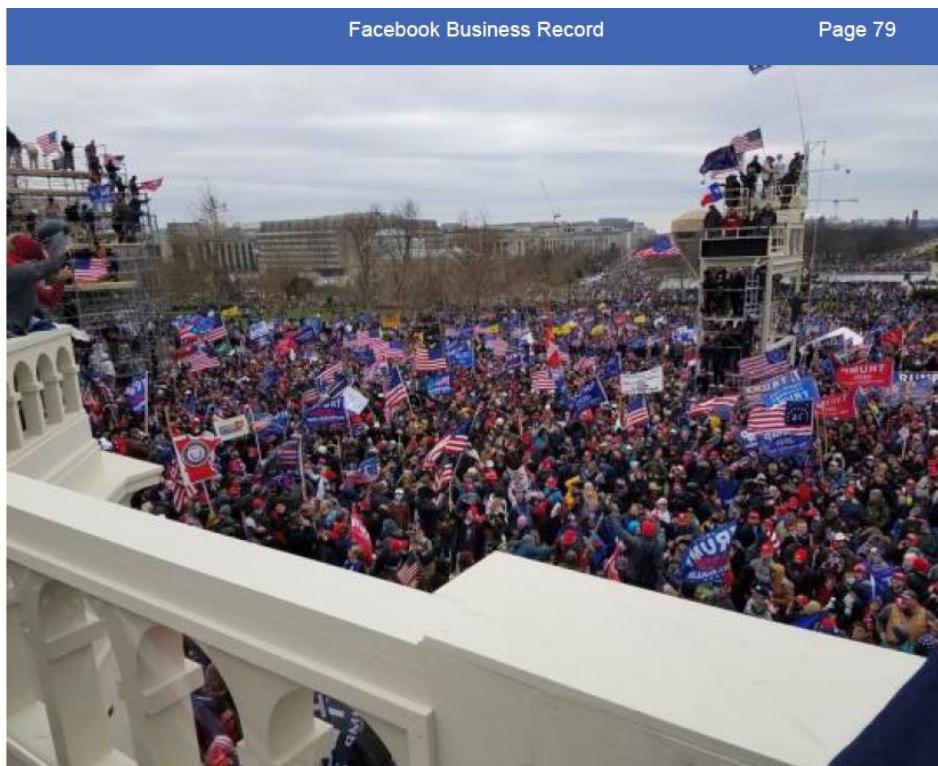


Photo ID 436479544165599

Author Tom Caldwell (Facebook: 100044379276273)
Sent 2021-01-07 00:49:36 UTC
Body Us storming the castle. Please share. [REDACTED] was right with me! I am such an instigator! She was ready for it man! Didn't even mind the tear gas.

Author Tom Caldwell (Facebook: 100044379276273)
Sent 2021-01-07 00:51:49 UTC
Body Proud boys scuffled with cops and drove them inside to hide. Breached the doors. One guy made it all the way to the house floor, another to Pelosi's office. A good time.

He also called for further action. On January 10, 2021, Person Three forwarded Defendant Caldwell a message from Person One suggesting his followers purchase medicine, medical supplies, and hygiene materials “to keep yourself clean under field grid down conditions,” and Defendant Caldwell responded, “Is there a code word I should be looking for here? Don’t see reference to insurrection[.]”

9. For all these reasons, the government submits that Defendant Caldwell’s current conditions of release are appropriate and necessary to ensure the safety of the community.

WHEREFORE, the United States respectfully submits that Defendant Caldwell’s request to modify conditions of release should be denied.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY

By:



Kathryn L. Rakoczy
Assistant United States Attorney
D.C. Bar No. 994559
Ahmed M. Baset
Troy A. Edwards, Jr.
Jeffrey S. Nestler
Assistant United States Attorneys
Louis Manzo
Special Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530

/s/ Alexandra Hughes _____

Alexandra Hughes
Justin Sher
Trial Attorneys
National Security Division

United States Department of Justice
950 Pennsylvania Avenue
NW Washington, D.C. 20004

Dated: May 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, I sent a copy of the foregoing via the Court's electronic filing system to counsel for the defendant.


KATHRYN L. RAKOCZY
Assistant United States Attorney