

BRANDON FELLOWS GETS A CIPA NOTICE

In a truly curious development, Brandon Fellows – the guy on the left in the picture, who is currently accused only of obstruction and trespassing in the January 6 riot – just got a CIPA notice. The Classified Information Procedures Act provides a way for the government to prosecute people using classified information while limiting how much information must be shared with the defendant or made public. Effectively, the government gets to show the judge classified information and argue that it is not helpful to the defense or ask to substitute something more innocuous for the classified information to be used at trial.

It's not yet clear what kind of classified information the government wants to use against Fellows.

But one thing I've been tracking is DOJ's thus far fruitless attempt to figure out who stole Jeff Merkley's laptop.

Fellows was one of the people who was in his office during the riot and his arrest affidavit mentions the laptop, but admits that at that point (in January) they had no evidence he stole it.

On January 6, 2021, a live stream video on the DLive platform was broadcasted to the public from user "Baked Alaska" and a portion was later posted on Twitter. In the video, several people were observed in an office that appeared to be within the Capitol. The video showed a person who appeared to be FELLOWS, sitting at a table with his feet propped up on a table, as shown in the still shot below. The chairs, table, drapes, and wall art appeared to be consistent with those in the office posted by Senator Merkley. The conference room in

which FELLOWS is present appears to be Senate room S140, the private “hideaway” office of Senator Merkley within the U.S. Capitol. The artwork visible on the walls of the conference room in the video is also visible on a video that Senator Merkley posted to Twitter on January 6, 2021, at 11:36pm, documenting some of the damage to his office, as described above. At this time, there is no evidence that FELLOWS was involved in any of the theft, damage, or destruction – other than being a part of the group that occupied the office for some period of time.

Fellows’ discovery shows they obtained a Pen Register on him (which would allow the government to track his contacts). But it doesn’t show that he received what the guy with whom he was pictured with in Merkley’s office, Justin McAuliffe, received: a picture of the stolen laptop.

In a letter describing the discovery provided to McAuliffe, DOJ included a picture of Merkley’s stolen laptop, among other items.

Senator Jeffrey Merkley Hideaway Office.jpg
Stolen Laptop.jpg
Door Damage.jpg
Joint.jpg
McAuliffe Photos.msg
Fw Capitol Building - Justin McAuliffe.msg
McAuliffe .msg
FW_ Kevin McAuliffe.msg
Screenshot_20210107-133436.png
Screenshot_20210107-1334367.png
Screenshot_20210110-133920.png
Screenshot_20210110-142523.png

Since I first started tracking this question – and all the defendants arrested because they were filming in Merkley’s office – in May, several more people who were in Merkley’s office have been arrested.

A (surely partial) list of those who were in Merkley's office, with their arrest date and current status, includes:

- Anthime Gionet (Baked Alaska): Arrested January 15, still charged (with just trespassing) on original arrest affidavit
- Brandon Fellows (upstate NY): Arrested January 16, indicted (with obstruction) February 2, jailed for being an asshole to pre-trial services July 15
- Justin McAuliffe (Long Island): Arrested January 28 and still charged on arrest affidavit, finalizing plea deal as soon as he recovers from a recent car accident
- Zach Rehl (Philly): Arrested in the Proud Boys Leadership conspiracy indictment on March 19, charged with conspiracy to obstruct the vote count, among other crimes
- Felipe Marquez (Miami): Arrested January 19 then later charged with obstruction, only to plead guilty to a misdemeanor on September 10
- Karol Chwiesiuk (a cop from Chicago who did recon the night before the attack): Arrested June 11, still

charged with just trespassing on original arrest affidavit

- Anton Lunyk (NY): Arrested May 11, charged with trespassing on June 17
- Antonio Ferrigno and Francis Connor (NY): Buddies of Lunyk arrested on trespass charges on August 31
- Oliver Sarko (OH): Arrested April 30, still charged with just trespassing on original arrest affidavit
- Jody Tagaris (FL): Arrested around May 14, charged with trespassing on May 19, change of plea scheduled for October 15
- Gary Edwards (PA): Arrested May 4, charged with trespassing on May 18
- Nathan Entrekin (the guy from AZ who dressed like Captain Moroni): Arrested July 15, still charged on original affidavit

Some of these people – like Entrekin and Edwards – were probably arrested to get to video they took, including of what happened in Merkley's office. Gionet, too, took video, but I would be shocked if he weren't eventually charged with (at least) obstruction. There's three buddies from Brooklyn (Lunyk, Ferrigno, and Connor) who realized they were in trouble when they showed up in pictures with Gionet.

Fellows is currently the *only* one of these people charged with a felony, obstruction.

But given that people with ties to the far right who were in Nancy Pelosi's office stole a laptop and offered it to Russia, I do wonder whether someone also tried to share Merkley's laptop with Russia.

That's the kind of thing that might require classified information to charge.

Update: h/t Eureka for reminding me Rehl was pictured smoking in Merkley's office.

Update (9/10): I neglected to include Felipe Marquez in this list. He just pled guilty. I've added him.