

SCHRÖDINGER'S CAPITOL: THREE THINGS OWEN SHROYER NEGLECTS TO MENTION

Owen Shroyer has filed a motion to dismiss his trespassing case claiming that FBI left out material information in the arrest warrant against Shroyer. Basically, he argues that the FBI arrest affidavit neglected to describe that Jones and his entourage were begging the cops to let them go de-escalate the crowd.

Burns, however, omits that nothing in the video shows where the restricted area was, what its boundaries were, or warns Shroyer that he was in the restricted area. Burns also omits that, over the course of the 20-minute video, Shroyer's bodyguard talked to multiple United States Capitol police officers, including on the United States Capitol steps, and expressed that Shroyer and his colleagues wanted to follow the law and help the United States Capitol police deescalate events. Burns conveniently omits the fact that a United States Capitol police officer – identifiable by his name tag as "C. Atkinson" – directs Shroyer and his colleagues to the opposite side of the Capitol building as being where the crowd is the worst when Shroyer's bodyguard asks where the United States Capitol police needs help the most instead of telling them to leave a restricted area or not to go in one.

Shockingly, Burns hides from the Court that, when Shroyer and his colleagues went where Officer Atkinson directed them to go, Shroyer's bodyguard had several more conversations with United States Capitol police officers right in

front of what appears to be the United States Capitol steps. In these conversations, Shroyer's bodyguard, Shroyer, and his colleagues interact with both rank-and-file Capitol police officers forming a line to guard the Capitol steps and a Capitol police commander who placed a phone call to his superiors asking whether they could allow Shroyer and his colleagues to assist in deescalating the crowd. Burns fails to tell the Court that, in these interactions, not a single Capitol police officer asked Shroyer or his colleagues to leave or told them that they were unlawfully in a restricted area. Burns also does not tell the Court that the United States Capitol police officers pled with their superiors to allow Shroyer and his colleagues to help them deescalate the crowd.

Shroyer additionally claims that the restricted area for every participant who didn't already have a legal restriction on being on the Capitol grounds (as Shroyer did) changed after cops moved some barricades.

But Shroyer leaves out three key details that make it clear this filing is a bunch of propaganda.

Alex Jones invited the crowd to add to the mob on the East side even before a cop said there was a problem there

First, he's lying about what the video shows. It starts with the interaction he describes in the motion, with a timestamp of 13:00. Except then it reverts to earlier footage, time stamped beginning 12:52, where Jones *already* makes the

decision to move to the East front, promising viewers that Trump will speak and explaining they have a permit and a stage. The cop had nothing to do with their decision to go to the East side, and (as I noted here), Jones clearly suggested he was taking his mob to a place where he had legal permission to be, where he had a stage and a permit. That wasn't the top of the steps; it was an area away from the Capitol that he never used.

Furthermore, the interaction in question captures the cop saying that "you" (meaning the rioters) had breached the East side barricades, undercutting their claim that the cops let rioters in or that the restricted area (for people not named Shroyer, who had a pre-existing one) had changed. Another cop describes that the stairs had been breached, again emphasizing that everyone was trespassing. The video shows Jones' handlers attempting, but failing, to get legal coverage for Jones to mount the steps. That is, it pointedly shows that the cops never did sanction Jones' trespassing (though one female cop said if he made it there on his own he could try).

And the video doesn't show what happened when Jones did climb the steps.

This video (h/t @gal_suburban) shows that amid a mob of people Jones already knew had illegally "breached" the steps, Jones and Shroyer both yelled into blowhorns, "1776" amid an inflamed mob.



Only after that did Jones ask people to be peaceful, then shifted to a "Fight for Trump" chant, again inflaming the crowd (as he began to

walk away).

That is, once they got the top of the steps claiming they were going to de-escalate, they did the opposite, they used the language of Revolution.

Shroyer never denies he knew that his incitement throughout this video was illegal

Shroyer's filing admits a key detail used to arrest him: less than a year before January 6, he had entered into a deferred prosecution agreement that prohibited him from making a ruckus anywhere at the Capitol, including the grounds of the Capitol.

The DPA defines the "Capitol Buildings" as the "United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting 2 or more of such structures, and the real property underlying and enclosed by any such structure." Id. at p. 4. It provides a map delineating what are considered to be the U.S. Capitol Grounds. Id. at p. 5. FBI Special Agent Clarke Burns insinuates that Shroyer violated this agreement even though federal prosecutors have left that decision to D.C. prosecutors.

DC prosecutors are AUSAs.

What Shroyer doesn't mention is that the map he references includes all the places he was during the video he says exonerates him.

the term "United States Capitol Grounds" was defined to include an area delineated in a map attached to the DPA spanning the Capitol grounds from 3rd

Street NW on the west side of the Capitol building, to 2nd Street SE on the east side of the Capitol building

And that's it. He doesn't deny his inflammatory speech was a violation of his DPA. He doesn't say he didn't have special notice and special prohibition to be on the Capitol grounds riling up a mob.

Having admitted to the DPA, he just ignores the import of it.

Shroyer neglects to mention the import of Ali Alexander's presence

The video Shroyer says he exonerates him often doesn't show who is in the entourage (it doesn't even show his presence), though other videos clearly show who was with Shroyer and Jones as they made a public announcement they were moving to the East side even before speaking to a cop, then moving to the East side and chanting "1776" from the midst of the mob.

But one short clip shows that Ali Alexander was there (as, again, other videos confirm he was throughout).



The significance of Alexander's presence is that – as BuzzFeed and others have shown – he used a series of front organizations to obtain permits at various locations around the Capitol. And those getting the permits on Alexander's behalf were clearly told that their permits – the permit Jones used to lure people to the East side, only to ignore once he got there – were limited to 50 people.

Martin, an Iraq War veteran who serves on his local city council, directed the officer to speak with Stephen Brown, a sound and lighting technician who was listed as a "spokesperson," because Martin said he "only deals with the logistics and the hotel bookings for the event."

Brown, according to the officer's notes, said he was "shocked" Martin would say that "because he is in daily communication with Mr. Martin for information regarding the event. He does not understand why he would say that or not give me the information I requested."

These are the events on January 6, 2021 to include the Capitol Plaza.

- Who is Nathan Martin? Nathan Martin is associated with Stop the Steal and travels with Ali Alexander. He said he does not seem to have an official title but he deals with the daily operations to include hotel bookings and car rentals. Mr. Brown goes directly with Mr. Martin and Mr. Alexander regarding coordinating the One Nation Under God event. Explained that when I spoke with Mr. Martin he acted as if he had no information on the event and to go directly with you for information. Mr. Brown said that he was shocked that he would say that because he is in daily communication with Mr. Martin for information regarding the event. He does not understand why he would say that or not give me the information I requested.

Obtained via Capitol Police

Brown, who did not respond to emails and phone calls requesting comment, told the officer Martin "is associated with Stop the Steal and travels with Ali Alexander." Martin "does not seem to have an official title but he deals with the daily operations to include hotel books and car rentals."

Alexander did not respond to a request for comment.

The officer reported advising Brown "of my concerns of not being able to regulate their numbers to 50 persons or less," he wrote. "I explained that once information is on social media it is hard to regulate the number of participants. If his event is in fact one in the same Capitol Police will not be able to accommodate his event to the participant numbers being out of regulations and a public safety issue."

Even the mob that Jones led to the East side exceeded what were allowed under the permit, and he (accompanied all the time by Alexander) didn't lead them to the permitted area, which might have had the effect of drawing people away from (or at least prevented further accumulation on) the steps.

Shroyer didn't need cops to tell him what was permissible for everyone who, unlike him, didn't already have a prior prohibition tied to the Capitol grounds. He was steps away from Alexander the entire time in question.