

THE PROUD BOY LEADERS' TRIAL TAKES SHAPE

I'm buried in other things, but I wanted to write up a few developments in the Proud Boys case.

Yesterday, along with a response to Ethan Nordean's sustained complaints about Brady material and more general complaints from defense counsel about the difficulty of discovery in the Proud Boy Leaders' case, the government released a discovery index for its case against Enrique Tarrio and his co-defendants. It provides a snapshot of the government's case against the Proud Boys.

Much of the discovery in this case consists of things we've seen in other cases: Lots of open source, surveillance, and body worn camera videos, the contents of phones and other devices (the term "scoped" means that FBI has provided to the defendants and others only the material deemed to be responsive to the warrant used to obtain the devices), and social media postings. The index also identifies items obtained in searches of defendants' residences. There are calls from jail included for Ethan Nordean, Zach Rehl, and Matthew Greene. There is surveillance video from various hotel properties, including AirBNB.

There are a variety of interviews noted, including custodial interviews conducted after an arrest, as well as interviews not so marked, suggesting potential cooperation from people like Jeffrey and Jeremy Grace; the father and son pair were prosecuted separately, with son Jeremy pleading to a misdemeanor on April 8 and father Jeffrey due to plead guilty on June 17. Jeff Finley, who pled guilty to a misdemeanor on April 6 even proffered, implying more formal cooperation not identified in his plea paperwork. An interview with Greene, dated

October 28, 2021, may reflect the beginning of his cooperation (he was the first Proud Boy to enter into an overt cooperation agreement). As of right now, there's just one interview from Louis Colon and none from Charles Donohoe, the other two Proud Boys who entered into cooperation agreements. Perhaps most interesting, there is a "non-custodial surreptitious interview intercepted on 3/8/22" of Enrique Tarrio; one *possible* explanation for that is that the FBI wired someone up before talking to Tarrio. There's also a surreptitious interview with someone whose name is redacted.

There are a few redaction fails, one for Eddie Block and another for Trevor McDonald, neither of whom have been arrested.

DOJ released this file with all the case numbers (in the first column of the table) unredacted. This list of the abbreviations for FBI Field Offices provides some indication about whether redacted subjects are located in the Philadelphia area (as Aaron Whallon-Wolkind is), the Pacific Northwest, somewhere between Baltimore and the Carolinas, or Saint Louis area.

I guess it's rather late in this post to offer this warning, but this document will suck you in.

The government released this snapshot of their case even amid several other developments.

First, Joshua Pruitt, who is a long-term Proud Boy but who doesn't show up in this index, will plead guilty at 1PM.

In a hearing on discovery yesterday, Rehl attorney Carmen Hernandez asked whether the government would comply with their earlier assurances that they would obtain any superseding indictment (potentially adding co-defendants) by June 1, as they promised earlier. The government (I believe this was AUSA Jason McCullough) declined to answer. From that, I take there may be an imminent superseding indictment, perhaps even one that remains sealed

until co-defendants are arrested.

We know who *won't* be in any superseding indictment though: yesterday the government released a superseding indictment against Christopher Worrell and Dan Scott, joining the two cases and adding obstruction charges to the former. Both men figure prominently in this index.