

“THIS IS NOT REVERSE RICO!” SHANE JENKINS GIVES AWAY JOHN PIERCE’S GAME

John Pierce, the trial attorney who is attempting to represent up to 18 January 6 defendants while lying in a COVID ward, seems to have found three kinds of clients for himself (I’ve included a roster below). There are a bunch of Proud Boys and other militia members who might serve as a kind of firewall for Joe Biggs and Enrique Tarrio. There are a handful of people charged with trespassing who have said outlandish things in the past about January 6. And there are three defendants with criminal records accused of assaulting cops. Two of those three, Peter Schwartz and Shane Jenkins, (the other is James McGrew) had hearings today to figure out what to do with their defense attorney who already had too much on his plate before getting COVID.

The hearings didn’t provide much more clarity into what has happened with Pierce. The same unbarred, indicted associate, Ryan Marshall, whom Judge Amit Mehta ordered last week to find a member of the DC bar to show up today appeared, alone in the first hearing and with a Bankruptcy lawyer who is not a member of the DC bar for the second. Marshall revealed they were trying to get an outside attorney to sign a contract to help represent all these defendants. That attorney is not the bankruptcy lawyer though, who just offered to fill in when she heard about the troubles in the news. Mehta asked Marshall about Pierce’s partner, Bainbridge (with whom Marshall purportedly works), but Marshall said he had never met him.

Marshall did admit Pierce is very sick and had spent most of yesterday sleeping. He said Pierce expects to get out in a week, but that was based on Pierce’s own representation, not anything

someone with medical expertise said. Marshall said Pierce is not (now?) on a ventilator.

But when it came time to ask what Schwartz wanted to do about this, he revealed *Marshall hadn't spoken to him all week*. He claimed this was the first he heard about it. He reeled off a bunch of complaints – a spider bite, old contacts, poor medical care – but in spite of a long, long criminal record, didn't seem to understand that's what lawyers are for, to help air those complaints. Nor did he understand that he doesn't have the uncontested ability to refuse to waive Speedy Trial, particularly not when the bozo lawyer he has chosen to represent him goes AWOL.

Things were a bit different with Shane Jenkins, for whom "Pierce" filed a notice of appearance from the hospital (Marshall explained a paralegal had done it on Pierce's instructions). Plus, Marshall had at least spoken to Jenkins to reassure him it's a good idea to hire Pierce even though he's hospitalized.

After Judge Mehta decided it was prudent to leave Maria Jacobs, the public defender currently representing Jenkins, on the job until someone actually qualified to practice law in DC showed up, Jenkins had his say.

Like Schwartz, he insisted he won't waive Speedy Trial (as with Schwartz, Mehta waived it for a few weeks). Like Schwartz, he complained about the discovery he had gotten.

But – particularly given Pierce's earlier claims about wanting to do a Public Authority defense – the specific claims Jenkins made about discovery were genuinely enlightening (these are my live-tweets).

Several questions about discovery. I received cracked disc that no longer works. Edited videos that exclude very important information. If these were used before GJ, that's deception.

Jenkins claims there was a murder being

covered up by DOJ, or suppressed by DOJ.
“I’d love to proceed to trial, the facts
prove the truth, I look forward to DOJ
laying facts on table, full discovery,
not interested in waiving BRady. This is
not reverse RICO.”

Jenkins apparently claims to believe that the videos of his alleged assaults were edited to hide a murder, apparently committed by the police, on the West Terrace of Capitol. He appears to be claiming that he was retaliating for that murder.

With Ryan Samsel (who wisely fired Pierce in late July), Samsel seemed to have made coached claims about who assaulted him in jail, something that has not yet been publicly confirmed, though the public and totally believable story blames the guards. It’s not surprising, though, that someone who is a trial attorney and not a defense attorney, would encourage his clients to make public claims accusing the government.

But what Jenkins did was interesting precisely because Pierce claimed, when he announced he was going to mount a Public Authority defense, that he needed all the video.

He’s going to get all the video. Every January 6 defendant will get it.

And none of it will show that cops committed a murder on the West Terrace.

But Jenkins at least suggested that he plans to defend himself against assaults clearly shown on video by claiming that the real videos show cops killing peaceful Trump supporters.

Even as that has been going on, however, Pierce has been convincing one after another January 6 defendant to let him represent them. The following list is organized by the date – in bold – when Pierce first filed an appearance for

that defendant (I'll probably update this list as Pierce adds more defendants):

1. Christopher Worrell: Christopher Worrell is a Proud Boy from Florida arrested on March 12. Worrell traveled to DC for the December MAGA protest, where he engaged in confrontational behavior targeting a journalist. He and his girlfriend traveled to DC for January 6 in vans full of Proud Boys paid for by someone else. He was filmed spraying pepper spray at cops during a key confrontation before the police line broke down and the initial assault surged past. Worrell was originally charged for obstruction and trespassing, but later indicted for assault and civil disorder and trespassing (dropping the obstruction charge). He was deemed a danger, in part, because of a 2009 arrest for impersonating a cop involving "intimidating conduct towards a total stranger in service of taking the law into his own hands." Pierce first attempted to file a notice of appearance on **March 18**. Robert Jenkins (along with John Kelly, from Pierce's firm) is co-counsel on the case. Since Pierce joined the team, he has indulged Worrell's claims that he should not be punished for assaulting a cop, but neither that indulgence nor a focus on Worrell's non-Hodgkins lymphoma nor an appeal succeeded at winning his client release from pre-trial detention. While he has been hospitalized with COVID, Pierce submitted some filings attempting to get Worrell out of jail because he's not getting medical care; the most recent filing not only thrice misstated what jail Worrell is in, but also admitted he has refused treatment at least five times.

2. William Pepe: William Pepe is a Proud Boy charged in a conspiracy with Dominic Pezzola and Matthew Greene for breaching the initial lines of defense and, ultimately, the first broken window of the Capitol. Pepe was originally arrested on January 11, though is out on bail. Pierce joined Robert Jenkins on William Pepe's defense team on **March 25**. By April, Pierce was planning on filing some non-frivolous motions (to sever his case from Pezzola, to move it out

of DC, and to dismiss the obstruction count), but not much has happened since.

3. Paul Rae: Rae is another of Pierce's Proud Boy defendants and his initial complaint suggested Rae could have been (and could still be) added to the conspiracy indictments against the Proud Boys already charged. He was indicted along with Arthur Jackman for obstruction and trespassing; both tailed Joe Biggs on January 6, entering the building from the East side after the initial breach. Pierce filed to join Robert Jenkins in defending Rae on **March 30**.

4. Stephanie Baez: On **June 9**, Pierce filed his appearance for Stephanie Baez. Pierce's interest in Baez' case makes a lot of sense. Baez, who was arrested on trespassing charges on June 4, seems to have treated the January 6 insurrection as an opportunity to shop for her own Proud Boy boyfriend. Plus, she's attractive, unrepentant, and willing to claim there was no violence on January 6. Baez was formally charged with trespassing on August 4.

Victoria White: If I were prosecutors, I'd be taking a closer look at White to try to figure out why John Pierce decided to represent her (if it's not already clear to them; given the timing, it may simply be because he believed he needed a few women defendants to tell the story he wants to tell). White was detained briefly on January 6 then released, and then arrested on April 8 on civil disorder and trespassing charges. At one point on January 6, she was filmed trying to dissuade other rioters from breaking windows, but then she was filmed close to and then in the Tunnel cheering on some of the worst assault. Pierce filed his notice of appearance in White's case on **June 10**. On **September 3**, White told Judge Faruqui she didn't want Pierce to represent her anymore.

Ryan Samsel: After consulting with Joe Biggs, Ryan Samsel kicked off the riot by approaching the first barriers and – with several other defendants – knocking over a female cop, giving her a concussion. He was arrested on January 30

and is still being held on his original complaint charging him with assault and civil disorder. He's obviously a key piece to the investigation and for some time it appeared the government might have been trying to persuade him that the way to minimize his significant exposure (he has an extensive criminal record) would be to cooperate against people like Biggs. But then he was brutally assaulted in jail. Detainees have claimed a guard did it, and given that Samsel injured a cop, that wouldn't be unheard of. But Samsel *seemed* to say in a recent hearing that the FBI had concluded it was another detainee. In any case, the assault set off a feeding frenzy among trial attorneys seeking to get a piece of what they imagine will be a huge lawsuit against BOP (as it should be if a guard really did assault him). Samsel is now focused on getting medical care for eye and arm injuries arising from the assault. And if a guard did do this, then it would be a key part of any story Pierce wanted to tell. After that feeding frenzy passed, Pierce filed an appearance on **June 14**, with Magistrate Judge Zia Faruqui releasing his prior counsel on June 25. Samsel is a perfect defendant for Pierce, though (like Rittenhouse), the man badly needs a serious defense attorney. Update: On **July 27**, Samsel informed Magistrate Judge Zia Faruqui that he would be retaining new counsel.

5. James McGrew: McGrew was arrested on May 28 for assault, civil disorder, obstruction, and trespassing, largely for some fighting with cops inside the Rotunda. His arrest documents show no ties to militias, though his arrest affidavit did reference a 2012 booking photo. Pierce filed his appearance to represent McGrew on **June 16**.

Alan Hostetter: John Pierce filed as Hostetter's attorney on **June 24**, not long after Hostetter was indicted with five other Three Percenters in a conspiracy indictment paralleling those charging the Oath Keepers and Proud Boys. Hostetter was also active in Southern California's anti-mask activist community, a key network of January 6 participants. Hostetter and

his defendants spoke more explicitly about bringing arms to the riot, and his co-defendant Russell Taylor spoke at the January 5 rally. On **August 3**, Hostetter replaced Pierce.

6, 7, 8. On **June 30**, Pierce filed to represent David Lesperance, and James and Casey Cusick. As I laid out here, the FBI arrested the Cusicks, a father and son that run a church, largely via information obtained from Lesperance, their parishioner. They are separately charged (Lesperance, James Cusick, Casey Cusick), all with just trespassing. The night before the riot, father and son posed in front of the Trump Hotel with a fourth person besides Lesperance (though Lesperance likely took the photo).

9. Kenneth Harrelson: On **July 1**, Pierce filed a notice of appearance for Harrelson, who was first arrested on March 10. Leading up to January 6, Harrelson played a key role in Oath Keepers' organizing in Florida, particularly meetings organized on GoToMeeting. On the day of the riot, Kelly Meggs had put him in charge of coordinating with state teams. Harrelson was on the East steps of the Capitol with Jason Dolan during the riot, as if waiting for the door to open and The Stack to arrive; with whom he entered the Capitol. With Meggs, Harrelson moved first towards the Senate, then towards Nancy Pelosi's office. When the FBI searched his house upon his arrest, they found an AR-15 and a handgun, as well as a go-bag with a semi-automatic handgun and survivalist books, including Ted Kaczynski's writings. Harrelson attempted to delete a slew of his Signal texts, including a video he sent Meggs showing the breach of the East door. Pierce attempted to get Harrelson out on bail by joining in the bail motion of one of his co-defendants, which may either show how little he knows about defense work or how little he cares.

10. Leo Brent Bozell IV: It was, perhaps, predictable that Pierce would add Bozell to his stable of defendants. "Zeeker" Bozell is the scion of a right wing movement family including

his father who has made a killing by attacking the so-called liberal media, and his grandfather, who was a speech writer for Joseph McCarthy. Because Bozell was released on personal recognizance there are details of his actions on January 6 that remain unexplained. But he made it to the Senate chamber, and while there, made efforts to prevent CSPAN cameras from continuing to record the proceedings. He was originally arrested on obstruction and trespassing charges on February 12; his indictment added an abetting the destruction of government property charge, the likes of which have been used to threaten a terrorism enhancement against militia members. Pierce joined Bozell's defense team (thus far it seems David B. Deitch will remain on the team) on **July 6**.

11. Nate DeGrave: The night before DeGrave's quasi co-conspirator Josiah Colt pled guilty, **July 13**, Pierce filed a notice of appearance for Nate DeGrave. DeGrave helped ensure both the East Door and the Senate door remained open.

12. Nathaniel Tuck: On **July 19**, Pierce filed a notice of appearance for Nathaniel Tuck, the Florida former cop Proud Boy.

13. Kevin Tuck: On **July 20**, Pierce filed a notice of appearance for Kevin Tuck, Nathaniel's father and still an active duty cop when he was charged.

14. Peter Schwartz: On **July 26**, Pierce filed a notice of appearance for Peter Schwartz, the felon out on COVID-release who maced some cops.

15. Jeramiah Caplinger: On **July 26**, Pierce filed a notice of appearance for Jeramiah Caplinger, who drove from Michigan and carried a flag on a tree branch through the Capitol.

Deborah Lee: On **August 23**, Pierce filed a notice of appearance for Deborah Lee, who was arrested on trespass charges months after her friend Michael Rusyn. On **September 2**, Lee chose to be represented by public defender Cara Halverson.

16. Shane Jenkins: On **August 25**, Pierce colleague Ryan Marshall showed up at a status hearing for Jenkins and claimed a notice of appearance for Pierce had been filed the night before. In that same hearing, he revealed that Pierce was in a hospital with COVID, even claiming he was on a ventilator and not responsive. The notice of appearance was filed, using Pierce's electronic signature, on August 30, just as DOJ started sending out notices that all Pierce cases were on hold awaiting signs of life. Jenkins is a felon accused of bringing a tomahawk to the Capitol and participating in the Lower West Tunnel assaults on cops.

BRANDON FELLOWS GETS A CIPA NOTICE

Brandon Fellows, perhaps the only person who invaded Jeff Merkley's office to be charged with a felony thus far, got a CIPA notice seeking to rely on classified information today.

DAVID MISH'S SILENCE ON ASHLI BABBITT'S LAST WORDS

David Mish's statement of offense notes that he called MPD about witnessing Ashli Babbitt's death, but doesn't include what he claimed she said.

THE DOG ATE MY CONFLICT — CAR ACCIDENT — VENTILATOR — DISCONNECTED PHONES: MISCELLANY FROM THE JANUARY 6 INVESTIGATION

Among the interesting January 6 news in recent days is that DOJ has harmonized the next status report for two Oath Keeper cooperators on December 17 and that Zachary Alam may have the best passwords of all the arrested defendants thus far.

HOW THE FBI MISSED ALLEGED JANUARY 6 LEADER JOE BIGGS

Joe Biggs had a key role in kicking off the January 6 riot on the West side of the Capitol. Then he went to join his former employer Alex Jones on the East side, to play a key role in that breach as well.

ZIA FARUQUI DOESN'T

WANT TO BE DOJ'S FALL-GUY FOR MEDIA POLICY SECRECY

Zia Faruqui's order memorializing his conversations about whether and how DOJ applied its media guidelines to Owen Shroyer implies that Shroyer was a key leader of the January 6 insurrection, just like Kelly Meggs and Joe Biggs.

JOHN PIERCE TRIES TO HIRE HIS 18TH JANUARY 6 DEFENDANT WHILE ON A VENTILATOR WITH COVID-19

John Pierce attempted to acquire his 18th January 6 defendant today, while (according to his colleague) being non-responsive on a ventilator with what is presumed to be COVID-19.

"ITS REALLY DIFFICULT TO DETERMINE WHATS REAL AND WHAT'S FAKE;" AT LEAST THREE

OATH KEEPERS BELIEVED TRUMP INVOKED THE INSURRECTION ACT ON JANUARY 10

On January 10, Oath Keepers Joshua James and Kelly Meggs believed that Trump had invoked the Insurrection Act but was being prevented from releasing it publicly.

STOP THE STEAL: HINTS OF THE JANUARY 5 RALLIES IN THE JANUARY 6 RIOT INVESTIGATION

DOJ appears to be assembling a case that those who appeared at some Stop the Steal rallies the night before the insurrection knew in advance of a plan to surround the Capitol.

THE *HOW* OF OWEN SHROYER'S ARREST

Owen Shroyer's arrest is just one of 580 arrest affidavits accusing someone of trespassing. But it certainly seems to be more than that.