

LAST MONTH, BAKED ALASKA GOT TO DITCH HIS ANKLE BRACELET

While I am probably missing a few examples, I can think of just two defendants that DOJ has voluntarily loosened release conditions for without some kind of purpose tied to employment: Jon Schaffer, when he entered into a cooperation agreement with the government, and far right propagandist Baked Alaska, AKA Anthime Gionet, last month.

A warrant for Gionet's arrest was obtained on January 7 and he was arrested on January 15 on misdemeanor charges of trespassing. He was released on personal recognizance but, unlike many other trespassing defendants, he was outfitted with a GPS monitor to make sure he stayed in AZ.

He was sent away and has never since been charged via Information.

On March 23, DOJ added a second attorney to this simple trespassing case, Christopher Brown. On March 26, Gionet asked to lose the ankle bracelet, based (in part) on a claim that he is media and (in part) on a claim that other misdemeanors he faces in AZ won't likely go to trial. On March 29, DOJ asked for a consent motion to continue the case for another month past March 29 saying they're trying to "resolve" this issue; this is the same kind of motion to continue they used in the Schaffer case (as opposed to unopposed motions to continue, as they've used in most other January 6 cases). And on March 31, the government said that, while it doesn't agree with Gionet's claim to be media, they don't mind if he ditches his ankle bracelet because he's been a good little Nazi sympathizer while out on release.

The defendant has asked this Court to remove Global Positioning System (GPS) monitoring from his release conditions.

In his motion, the defendant argues that he is a member of the news media. The government disagrees. Nevertheless, because the defendant has been compliant with his release conditions to-date, the government does not oppose the instant motion.

On its face, it was an inexplicable move, particularly given the way the January 6 defendants have pointed to each other's release conditions like 400 children complaining about unfair treatment to their mother.

When Larry Brock, also (currently) facing just trespass charges asked to change his release conditions, the government objected both to permitting Brock to travel freely in TX as well as access to the Internet. "The Defendant has not provided a change in circumstances to justify a change in release conditions," the government argued. (John Bates overruled the government on the latter point.)

And when Felicia Konold, accused in a more serious Proud Boy conspiracy, made a similar argument about good behavior in a bid to lose her GPS monitor, the government argued that good behavior was insufficient reason to change release conditions. Indeed, in that case they pointed to her pending DUI case (like Gionet's misdemeanor charges, in AZ), to suggest her behavior wasn't all that great. "In sum, the defendant has not raised any novel issue that merits any meaningful change of her release conditions," the government explained in opposing her request.

When Nicholas DeCarlo, functionally equivalent to Gionet as a right wing propagandist (albeit charged, in addition to trespassing, with conspiracy, obstruction, and for damaging the Capitol), asked to have *his* GPS removed, the government said nothing had changed to justify the change. "Finally, there have been no change in circumstances, other than the passage of time, that would justify these instant

modifications.”

But in Gionet’s case, with no visible change in circumstances, and with pending state charges just like Konold, he ditched the ankle bracelet.

It’s certainly possible that the government, in the wake of the Eric Munchel decision (released the same day Gionet made his request), didn’t want to bother fighting this more aggressively. It’s possible they’re more sensitive to the claim that Gionet is a journalist than they let on – except that in the wake of this exchange, they’ve continued to arrest people making similar claims.

Or it’s possible something more interesting is going on. Ordinarily, a Nazi sympathizer facing a trespass charge wouldn’t have anything to deal to the government; nor would a trespass charge incent a defendant to make a deal.

Except that’s not the only exposure Gionet has or had.

On January 22, between the time Gionet was first charged and when he was arraigned, Federal prosecutors in Brooklyn charged Douglas Mackey in a conspiracy to interfere with others’ right to vote, based off Mackey’s social media campaign encouraging Hillary voters to vote by hashtag rather than casting a legal vote. Mackey was the only of the co-conspirators charged, but according to Luke O’Brien – who first broke Mackey’s true identity – Gionet was one of the four other co-conspirators described in the complaint.

Another of Mackey’s co-conspirators is Anthime “Baked Alaska” Gionet, a pro-Trump white nationalist who was arrested on Jan. 16 for his involvement in storming the Capitol on Jan. 6. Gionet also participated in the deadly white nationalist “Unite the Right” rally in Charlottesville, Virginia, in 2017. (A New York Times story reported Wednesday afternoon that Gionet was a co-conspirator, citing a source close to

the investigation, and HuffPost can confirm that reporting based on the Twitter ID cited in the complaint.)

HuffPost was able to link the Twitter IDs in the complaint to Gionet and Microchip through previously collected Twitter data, interviews and evidence left by both extremists on other websites. In direct messages with this reporter last year, Microchip also confirmed that he was using the Twitter account associated with the user ID listed in the complaint.

In the time that nothing has been happening in Gionet's January 6 charge, Mackey has been indicted and his team has been reviewing evidence. On March 29 – just after DOJ added a second attorney to the Gionet case – DOJ added a third attorney to Mackey's case.

With five prosecutors between the two cases, things are clearly more complex than the filings suggest.

And that may be the change in circumstances that allowed Gionet to ditch his ankle bracelet.

Update: Michael Daughtry, accused of trespassing, also got to ditch his ankle bracelet after wearing it for a week.