

THE OATH KEEPERS DILEMMA: THE GOVERNMENT HAS THREATENED YET ANOTHER INDICTMENT

The remaining 15 Oath Keeper conspiracy defendants have a status hearing today.

A lot has happened since the last status hearing the bulk of them had on June 1, 2021. Most notably, Graydon Young – co-defendant Laura Steele’s brother – pled guilty on June 23, just over a week ago. His cooperation with prosecutors will implicate the entire Stack, especially Joseph Hackett, Jessica Watkins, his sister, as well as the participants on a OK FL DC OP Jan 6 listserv (in addition to Watkins and Hackett, Kelly Meggs, Kenneth Harrelson, Jason Dolan, and William Isaacs).

Then, on Wednesday, Mark Grods pled guilty. His cooperation will implicate fellow Alabaman Joshua James (who got Grods to delete some files), Meggs, Watkins, Robert Minuta, Stewart Rhodes, and others who were on chats Grods was part of, as well as everyone involved in the Golf Cart chase and prior events at the Willard Hotel, adding Jonathan Walden to the mix.

Yesterday (or today, depending on which defendant you ask) was a deadline that Judge Amit Mehta set on June 1 for all motions unrelated to discovery (with the expectation that the late added defendants would probably need more time).

Thomas Caldwell (who can be implicated primarily by the Ohioans, the still unindicted Person Three, Grods, and possibly some other VA militia members not charged in this conspiracy) has been filing motions. He filed a marginally serious motion to dismiss everything on June 15, and filed a frivolous motion to transfer venue

yesterday.

Yesterday, the deadline, both Joshua James and Kenneth Harrelson filed some motions. The former filed a motion to dismiss an assault charge and an obstruction charge against himself, as well as for a Bill of Particulars. The latter filed a motion to dismiss the counts of the indictment charged against him. The Meggses had earlier filed a motion for a Bill of Particulars.

But thus far, almost everyone is asking for an extension to file their own motions. Here's a summary of what's on the books thus far (Dolan, Hackett, Isaacs, and Walden would have an extension in any case, on account of their late addition):

1. Thomas Caldwell: Motion to Dismiss, Motion to Change Venue, Motion for Extension
2. Dominick Crawl: Motion for 60 Day Extension, Motion to Adopt
3. Jason Dolan: Motion for Extension
4. Joseph Hackett
5. Kenneth Harrelson: Motion to Adopt Caldwell and James Motions, Motion for Extension, Motion to Dismiss Charges against Him
6. William Isaacs
7. Joshua James: Motion to Adopt, Motion to Dismiss Counts 8 and 13, Motion for Bill of Particulars, Motion for Extension
8. Connie Meggs: Motion to Join Caldwell's Motion, Motion for 60 Day Extension

9. Kelly Meggs: Motion to Adopt Caldwell's Motion (including a cursory adoption of his obstruction charge)
10. Roberto Minuta (Minuta's attorney has had some health limitations so would need an extension anyway): Motion for 30 Day Extension
11. Benny Parker: Motion for at least 60 Day Extension, Motion to Adopt Harrelson and Caldwell, though not adopting Caldwell's "partisan surplusage"
12. Sandi Parker: Motion to Join Caldwell Motion, Motion for Extension
13. Laura Steele: Motion to be able to go on vacation, Motion to Join Caldwell, Motion for at least 60-Day Extension
14. Jonathan Walden
15. Jessica Watkins: Motion to Join Caldwell's Dismissal, Motion for 60 Day Extension

Between these requests, the government has gotten defendants to waive Speedy Trial for at least 30 more days as they contemplate the legal dilemma they're facing.

It's true that most defendants cite the voluminous discovery before them. A few claim they have not yet had an adequate tour of the Capitol. Harrelson's motion quotes several paragraphs of boilerplate from the government.

But a comment from James' Motion for Extension

is perhaps the most telling. It asserts that defendants have been told there's still yet *another* indictment on the way.

Because the government has made clear that an additional indictment (which could include more charges or more defendants) is possible, and because Mr. James is unaware of which, if any, currently charged defendant will be proceeding to trial, it is impossible to assess, prepare, and file motions regarding severance of counts or defendants at this time.

It also suggests that it's possible none of the currently charged defendants will actually proceed to trial.

Short of adding Stewart Rhodes, there are few places this indictment will go except to make the terrorism or insurrection claims more explicit.

Which may explain why James, one of the remaining key players who would be able to trade a lesser sentence for a cooperation deal, suggests no one may go to trial.