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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,  
11 Plaintiff,

12 vs.

13 Jacob Anthony Chansley,  
14 a.k.a. “Jacob Angeli,”  
15 Defendant.  
16

MJ 21-05000  
CR21-00003-RCL

**GOVERNMENT’S BRIEF IN SUPPORT  
OF DETENTION**

17 **INTRODUCTION AND SUMMARY OF ARGUMENT**

18 The detention hearing for Jacob Anthony Chansley (“Chansley”) is scheduled for  
19 January 15, 2021, at 2:30 p.m. For the reasons set forth below, the Court should order  
20 Chansley to be detained pending trial. Chansley is an active participant in—and has made  
21 himself the most prominent symbol of—a violent insurrection that attempted to overthrow  
22 the United States Government on January 6, 2021. Chansley has expressed interest in  
23 returning to Washington, D.C. for President-Elect Biden’s inauguration and has the ability  
24 to do so if the Court releases him. No conditions can reasonably assure his appearance as  
25 required, nor ensure the safety of the community.

26 A federal grand jury indicted Chansley on January 11, 2021. (*See* Att. A,  
27 Indictment.) The indictment charges two felonies and four misdemeanors arising from  
28 Chansley’s actions in the Capitol on January 6. Count One, a felony in violation of 18

1 U.S.C. § 231(a)(3), alleges that Chansley “committed and attempted to commit an act to  
2 obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the  
3 lawful performance of his official duties incident to and during the commission of a civil  
4 disorder, and the civil disorder obstructed, delayed, or adversely affected the conduct and  
5 performance of a federally protected function.” (Att. A at 1-2.) Count Two, also a felony,  
6 alleges that Chansley “attempted to, and did corruptly obstruct, influence, and impede an  
7 official proceeding, that is, a proceeding before Congress, by committing an act of civil  
8 disorder, and threatening Congressional officials, and unlawfully remaining in a restricted  
9 building without lawful authority, and engaging in disorderly and disruptive conduct,” in  
10 violation of 18 U.S.C. § 1512(c)(2). (Att. A at 2.)

11 Detention is authorized in this case because, as explained below, Chansley has  
12 committed a felony that involves the use of a dangerous weapon (a spear), and there are  
13 serious risks that he will flee and obstruct or attempt to obstruct justice. Furthermore, he  
14 poses an ongoing danger to the community that no conditions of pretrial release can  
15 mitigate. *See* 18 U.S.C. § 1342(f)(E), (f)(2)(A), (f)(2)(B), (g)(4).

16 At the hearing tomorrow, the United States will rely on the Pretrial Services Report  
17 (“PTS Report”) on proffered facts contained below detailing the attack on the United States  
18 Capitol on January 6, 2021, and on Chansley’s actions before, during, and after the attack  
19 that led to his arrest. *United States v. Winsor*, 785 F.2d 755, 756 (9th Cir. 1986) (“[T]he  
20 government may proceed in a detention hearing by proffer or hearsay.”). If the Court  
21 wishes to hear testimony from a Special Agent with the Federal Bureau of Investigation  
22 (FBI), an agent will be available and the United States will be prepared to present such  
23 testimony at the hearing.

#### 24 **FACTUAL AND PROCEDURAL HISTORY**

25 The Current Offense. The United States Capitol, located at First Street, SE, in  
26 Washington, D.C., is secured 24 hours-a-day by the U.S. Capitol Police. Restrictions  
27 around the U.S. Capitol include permanent and temporary security barriers and posts  
28 manned by the Capitol Police. Only authorized people with appropriate identification are

1 allowed access inside the U.S. Capitol.

2 On January 6, 2021, the exterior plaza of the Capitol was closed to members of the  
3 public and a joint session of the United States Congress convened inside. During the joint  
4 session, elected members of the U.S. House of Representatives and the U.S. Senate were  
5 meeting in separate Chambers of the Capitol to certify the vote count of the Electoral  
6 College of the 2020 Presidential Election, which had taken place on November 3, 2020.  
7 The joint session began at approximately 1:00 p.m. Vice President Mike Pence was present  
8 and presiding in the Senate Chamber.

9 With the joint session underway, a large crowd gathered outside the U.S. Capitol.  
10 As noted above, temporary and permanent barricades were in place around the exterior of  
11 the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the  
12 crowd away from the building and the proceedings underway inside.

13 Between 1:00 p.m. and 2:00 p.m., individuals in the crowd forced their way through,  
14 up, and over the barricades and officers of the U.S. Capitol Police, and advanced to the  
15 exterior façade of the building. They did so while the joint session was still underway and  
16 the exterior doors and windows of the U.S. Capitol were locked or otherwise secured.  
17 Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from  
18 entering the U.S. Capitol. However, shortly after 2:00 p.m., individuals in the crowd forced  
19 entry into the U.S. Capitol, including by breaking windows.

20 Shortly thereafter, members of the United States House of Representatives and  
21 United States Senate, including the President of the Senate, Vice President Mike Pence,  
22 were instructed to—and did—evacuate the Chambers. Accordingly, the joint session of the  
23 United States Congress was effectively suspended until shortly after 8:00 p.m. Vice  
24 President Pence remained in the United States Capitol from the time he was evacuated from  
25 the Senate Chamber until the sessions resumed.

26 Chansley was one of the insurrectionists who entered the Capitol building. News  
27 and social media coverage of these events confirmed his presence by approximately 2:30  
28 p.m. Chansley wore horns, a furry coyote tail headdress, red, white and blue face paint,

1 and tan pants. He was shirtless and carried a bullhorn and a six-foot-long spear with an  
2 American flag tied just below the blade. A social media post (credited as Getty images)  
3 demonstrates Chansley's conspicuous appearance outside of the Senate Chambers:



15 U.S. Capitol Police Officer Keith Robishaw is shown on the left in this image.  
16 Officer Robishaw was attempting to quell the crowd and move them out of the area.  
17 Chansley approached Officer Robishaw and screamed, among other things, that this was  
18 their house, and that they were there to take the Capitol, and to get Congressional leaders.  
19 Chansley also used his bullhorn to communicate that they were there to take out several  
20 United States congressmen.

21 While Officer Robishaw was attempting to quell the crowd, Chansley was using his  
22 bullhorn to incite it. Because the Capitol building is cavernous, the sound of Chansley's  
23 voice over the bullhorn carried to different areas of the building. Officer Robishaw could  
24 hear reactions from a different group of protestors in a different hallway—being kept back  
25 by other officers—when Chansley would yell into the bullhorn. The photograph below  
26 depicts their interaction.

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Robishaw and other officers calmed the protestors somewhat and directed them to leave the area from the same way they had entered. Most protestors complied, but Chansley disobeyed the order and instead began heading up a different stairwell towards the Senate floor. Officer Robishaw, alone with more than 25 rioters in the Senate Chamber, attempted to engage with Chansley and asked for his assistance to use the bullhorn to get the protestors out of the Chamber. Instead of doing so, Chansley ran up on the dais where Vice President Pence had been presiding just minutes before, and begin posing on the dais for other rioters to document and photograph, and wrote a note to Vice President Pence



1 saying, “it’s only a matter of time, justice is coming.”

2 On January 7, 2021, Chansley called the Washington Field Office of the FBI and  
3 requested to speak with law enforcement. Chansley confessed that he was the man  
4 photographed at Vice President Pence’s chair on the Senate dais, face painted, carrying the  
5 spear and wearing a horned helmet. He said that he was able to get into the United States  
6 Senate in D.C. “by the grace of God.” Chansley said that he was glad he sat in the Vice  
7 President’s chair because Vice President Pence is a child-trafficking traitor. However,  
8 Chansley said he did not mean his note to Vice President Pence—“it’s only a matter of  
9 time, justice is coming”—as a threat. Chansley also expressed his interest in returning to  
10 Washington D.C. for the inauguration, later telling the FBI: “I’ll still go, you better believe  
11 it. For sure I’d want to be there, as a protestor, as a protestor, fuckin’ a.”

12 In an interview with NBC News before his arrest, Chansley boasted about his  
13 involvement in the mob that infiltrated the Capitol, driving Congress people and staffers to  
14 flee in fear of their lives. “The fact that we had a bunch of our traitors in office hunker  
15 down, put on their gas masks and retreat into their underground bunker, I consider that a  
16 win,” Chansley said.<sup>1</sup> Chansley stated that he drove to Washington, D.C. as a part of a  
17 group effort, with other “patriots” from Arizona, at the request of the President that all  
18 “patriots” come to D.C. on January 6, 2021.

19 On January 9, 2021, Chansley drove to the Phoenix FBI field office to continue his  
20 interview. Chansley was then unaware of the complaint and arrest warrant, as both were  
21 sealed until after his arrest that morning. Twice, Chansley told the FBI that he had plans  
22 after the January 9 FBI interview to drive to the Arizona State Capitol. Corroborating his  
23 statement, Chansley had his horns, furry coyote tail headdress, face paint, tan pants, six-  
24 foot-long spear, and his bullhorn inside the 2003 Hyundai that he parked at the FBI. Also

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26 <sup>1</sup> “Capitol Rioter in Horned Hat Gloats as Feds Work to Identify Suspects,” *available at*  
27 <https://www.nbcnews.com/news/us-news/capitol-rioter-horned-hat-gloats-feds-work-identify-suspects-n1253392> (last visited January 13, 2021). All supporting materials  
28 referenced in this memorandum are included on a disc submitted to the Court as Attachment B.

1 inside was a rubber hammer-shaped mallet. Chansley did not turn himself in to the FBI,  
2 but instead drove to the FBI Building to continue to his interview. However, he was  
3 arrested pursuant to the arrest warrant when he did so.

4 The PTS Report. The PTS Report, issued on January 11, 2021, concludes that  
5 Chansley poses a risk of nonappearance based on his employment status and substance  
6 abuse history, and may pose a danger to the community due to his substance use. (PTS  
7 report at 4.) Nevertheless, the PTS Report recommends that Chansley be released pending  
8 trial because the risks of flight and danger can be minimized by random drug-testing,  
9 employment requirements, and documented travel only for the purpose of Court  
10 appearances in the District of Columbia. (PTS report at 4.)

11 Importantly, Chansley lied to the PTS Officer when he stated that he has “never  
12 tried any other illicit substance [besides marijuana,] which he smokes three times weekly  
13 in the past.” (PTS Report at 2.) As described below, Chansley has described his routine  
14 use of psychedelic drugs, including mushrooms and peyote, in recorded interviews on his  
15 podcast. Additionally, a full portrait of Chansley’s apparent mental health issues—which  
16 he has publicly-disseminated, and which include strongly-held false mystical beliefs and  
17 leadership in a dangerous extremist group, QAnon founded on an imaginary conspiracy  
18 theory—were not provided to the PTS officer, and thus not evaluated in the assessment.  
19 The PTS Officer also does not appear to have evaluated the continued danger to the  
20 community Chansley poses due to his unwillingness to appreciate the illegality of his  
21 conduct and self-expressed interest in placing himself in similar circumstances in the  
22 future.

### 23 **ARGUMENT**

24 Detention is authorized in this case under multiple prongs of 18 U.S.C. § 3142.  
25 Chansley committed felonies involving the use of a dangerous weapon, and there are  
26 serious risks that Chansley will flee and obstruct or attempt to obstruct justice. 18 U.S.C.  
27 § 3142(f)(1)(E), (f)(2)(A), (f)(2)(B).  
28

1 Chansley is charged with two felonies: committing an act of civil disorder that  
2 obstructed the conduct of a federally-protected function, and obstructing an official  
3 proceeding. (Att. A at 1-2.) As demonstrated by the photographs above and corroborated  
4 by the spear found in his car after he was arrested, the felonies Chansley committed  
5 involved the use of a dangerous weapon inside the Capitol building—a six-foot spear. *See*  
6 *Doty v. Lewis*, 995 F. Supp. 1081, 1084 (D. Ariz. 1998) (referring to “a handmade spear  
7 approximately three feet long” as a “dangerous weapon”); *see also United States v. Tumea*,  
8 810 F.3d 563, 567 (8th Cir. 2016) (implying that spears are dangerous weapons in the  
9 context of a supervised release condition); *United States v. Cabrera*, No. CR. S-05-0347  
10 GGH, 2005 WL 3406318, at \*2 (E.D. Cal. Dec. 12, 2005) (implying prohibition of  
11 dangerous weapons, including spears, into statute prohibiting the possession of firearms in  
12 federal facilities).

13 In addition, there is a serious risk that Chansley will obstruct or attempt to obstruct  
14 justice in the course of his prosecution in Washington, D.C. The grand jury found probable  
15 cause to charge Chansley with obstructing an official Congressional proceeding on January  
16 6, 2021. Pictures taken at the scene, and Chansley’s own unapologetic confession and  
17 media statements, leave no doubt that he did so. Chansley broke through barricades,  
18 unlawfully entered the Capitol Building, disobeyed police orders to leave, refused a police  
19 request to quell the crowd using his bullhorn, and instead ran up onto the dais where Vice  
20 President Pence had been presiding just minutes before and scrawled a threatening note.  
21 His willingness to very publicly attempt to obstruct the official duties of the United States  
22 Congress certifying the vote count of the Electoral College makes clear his complete  
23 disregard for the importance of following orders during official proceedings such as the  
24 D.C. District Court case now charging him with serious crimes.

25 As described more fully below, Chansley also poses serious risks of flight and  
26 danger to the community. The Court should order him to be detained because there are no  
27 conditions that will reasonably assure his appearance as required and the safety of any other  
28 person and the community. 18 U.S.C. § 3142(g).



1           **I. The Court Should Order Detention Based On Chansley’s Risk Of Flight.**

2           As the Court is no doubt aware, “[t]he Bail Reform Act . . . requires a district court  
3 to order a defendant detained pending trial if ‘no condition or combination of conditions  
4 will reasonably assure the appearance of the person as required.’” *United States v. Gentry*,  
5 455 F. Supp. 2d 1018, 1019-20 (D. Ariz. 2006) (quoting 18 U.S.C. § 3142(e)). This  
6 analysis involves a “two-step inquiry.” *Id.* First, the court must make a finding as to  
7 whether the defendant presents a “serious risk that such person will flee” if not detained.  
8 *Id.* at 1020 (quoting 18 U.S.C. § 3142(f)(2)(A)). The government bears the burden of  
9 proving such risk of flight by a preponderance of the evidence. *Id.*

10           If the defendant is likely to flee, the court next must determine whether some set of  
11 conditions would sufficiently vitiate that risk. *Id.* (citing 18 U.S.C. § 3142(g)).

12           As explained below, these factors compel the conclusion that Chansley is a flight  
13 risk and that no combination of conditions exist to overcome this risk.

14           **A. Chansley Is A Flight Risk.**

15           As the PTS Report correctly concludes, Chansley poses a flight risk for multiple  
16 independent reasons. He is both unemployed and a regular drug user. In addition, he has  
17 the ability to quickly raise large sums of money for travel through non-traditional sources  
18 as one of the leaders and mascots of QAnon, a group commonly referred to as a cult, (which  
19 preaches debunked and fictitious anti-government conspiracy theories that a deep state is  
20 out to take down the current administration), and has previously demonstrated an ability to  
21 travel long distances using untraceable methods. Additionally, Chansley is strongly  
22 associated with a costume, and is virtually unidentifiable when not wearing it.

23           Critically, Chansley also lied to PTS about his use of drugs. Pre-Trial Services  
24 believed Chansley to be a flight risk based on his three-times-a-week marijuana habit, and  
25 the United States agrees. But Chansley also told Pre-Trial Services that he had never tried  
26 any illicit substances other than that marijuana. (PTS Report at 2.) However, he has  
27 publicly detailed in interviews and through online activity that he uses peyote and  
28 mushrooms as part of his Shaman practice. He openly stated on his podcast ‘Jake Angeli

1 - Keys for our Ascension’ that he uses illegal substances, admitting to using “psychoactive”  
 2 and “ceremonial” plants such as cactus and mushrooms as part of his shaman practice. *See*  
 3 [www.podbean.com/media/player/ddgys-c51af9?from=wp&vjs=1&skin=1](http://www.podbean.com/media/player/ddgys-c51af9?from=wp&vjs=1&skin=1), at minute  
 4 25:00. On the podcast, Chansley stated, "I think I was 11 the first time I got high, and it  
 5 was because God love him, my dad gave it to me."<sup>2</sup> Chansley also stated that after a stint  
 6 in the US Navy he “dove head first” into experimenting with psychoactive substances. (*Id.*)  
 7 He stated that his use of psychoactive substances “gave [him] such a profound spiritual  
 8 experience that [he] was able to see [his] thoughts.” (*Id.*)

9 Chansley also stated he has no mental health conditions, but publicly-available  
 10 information and videos reveal a very different picture. Chansley has spoken openly about  
 11 his belief that he is an alien, a higher being, and he is here on Earth to ascend to another  
 12 reality.<sup>3</sup> He subscribes to QAnon, a group who believes a debunked and fictitious  
 13 conspiracy claim that Satan-worshipping cannibalistic pedophiles are running a global  
 14 child sex-trafficking ring and plotting against President Donald Trump.<sup>4</sup> As an example,  
 15 in a YouTube video uploaded on January 6, 2021, from approximately minute 9:00  
 16 forward, Chansley states:

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 18 So in order to beat this evil occultic force you need a light occultic force you  
 19 need an occultic force that is of the side of God of love on like almost like  
 20 on the side of the Angels OK as opposed to the demons all right and so as a  
 21 shaman I am like a multi-dimensional or hyper-dimensional being okay I am  
 22 able to perceive multiple different frequencies of light beyond my five senses  
 these pedophiles these rapists these murderers these really high up people

23 <sup>2</sup>“HE’S A RIOT, QAnon ‘shaman’ Jake Angeli first got high aged 11, takes psychedelic cactus &  
 24 used to go to school dressed as Brad Pitt” Emma Perry, (January 8, 2021) available at  
 25 <https://www.the-sun.com/news/2104357/qanon-horned-shaman-jake-angeli-high-psychedelic-brad-pitt/> (last visited January 13, 2021).

26 <sup>3</sup> Etzimanuel, *QAnon Shaman – Jake Angeli – Interview ORF*, YouTube (January 6, 2021),  
 27 available at <http://www.youtube.com/watch?v=22d6tRXxVeg> (last visited January 13, 2021).

28 <sup>4</sup> Qanon, [Wikipedia, the Free Encyclopedia](https://en.wikipedia.org/wiki/QAnon), available at <https://en.wikipedia.org/wiki/QAnon> (last visited January 13, 2021).

1 that they almost like hide in the shadows in nobody can see that because the  
2 third eye ain't open okay and that's where things like fluoride and stuff like  
3 that comes in so the horns the horns are hey man you mess with the Buffalo  
4 you get the horns bro and if you ever tried messing with the Buffalo that  
5 doesn't work out too well for many people this right here this is coyote skin  
6 according to the Navajo the coyote is like the trickster almost like almost like  
7 a benevolent force so I'm wearing the skin of the trickster I got two tails here  
8 okay so the trickster messed with the bull got the horns okay and the face  
9 paint is representative of the Native American tradition of like donning on  
10 warpaint of some sort only this is only this is a war that is of like a spiritual  
11 nature okay so because it's a war of a spiritual nature you need symbolism  
12 okay in the symbolism here for me is you got the blood on the sign the bullet  
13 holes Q sent me this shows the the the secret war in the behind the scene.  
14 Hey if you don't know who Q is Q is the highest levels of the military in the  
15 intelligence community disseminating above top secret information to pay  
16 attention to the republic so we can take our country back from globalists and  
17 communists and satanists.<sup>5</sup>

18 In this and other videos of Chansley on YouTube, he states that when you watch television,  
19 when you listen to the radio, there are very specific frequencies that are inaudible that  
20 actually affect the brain waves of your brain. In a January 8, 2021, interview with the  
21 Washington Post, Chansley stated: "What we did on Jan. 6 in many ways was an evolution  
22 in consciousness, because as we marched down the street along these ley lines, shouting  
23 'USA' or shouting things like 'freedom' ... we were actually affecting the quantum  
24 realm."<sup>6</sup>

25 Chansley may have believed that his statement to Pre-Trial Services that he was in  
26 "good mental health" was accurate. But if so, his public statements described above  
27 demonstrate that he is unhinged from reality, while his actions at the Capitol demonstrate  
28 a willingness to act on those mistaken beliefs. He is a flight risk due to this combination.

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<sup>5</sup> Etzimanuel, *QAnon Shaman – Jake Angeli – Interview ORF*, YouTube (January 6, 2021), available at <http://www.youtube.com/watch?v=22d6tRXxVeg> (last visited January 13, 2021).

<sup>6</sup> "Trump Supporter in Horns and Fur is Charged in Capitol Riot," Fredrick Kunkle, available at [https://www.washingtonpost.com/local/jacob-chansely-horn-qanon-capitol-riot/2021/01/09/5d3c2c96-52b9-11eb-bda4-615aaefd0555\\_story.html](https://www.washingtonpost.com/local/jacob-chansely-horn-qanon-capitol-riot/2021/01/09/5d3c2c96-52b9-11eb-bda4-615aaefd0555_story.html) (last visited January 13, 2021).

1 Pre-Trial Services also correctly describes Chansley’s employment status as  
 2 contributing to his flight risk. (PTS Report at 4.) It does—he has no stable job to tie him  
 3 to the community, and instead “sporadically earns money” (PTS Report at 2) by appearing  
 4 at protests and riots to lead QAnon followers—but the full picture of Chansley’s fund-  
 5 raising and off-the-grid travel opportunities deepen the risk. Chansley told FBI agents that  
 6 he drove to Washington, D.C. for the January 6 riot “with a group of patriots from here in  
 7 Arizona,” who went to Georgia first and then D.C. His criminal activities at the Capitol  
 8 therefore could not have been prevented through flight restrictions. Chansley is a high-  
 9 profile leader and the self-professed shaman of QAnon, giving him the ability to raise large  
 10 sums of money for travel (and other activities) quickly through non-traditional means, as  
 11 the tweet below demonstrates.

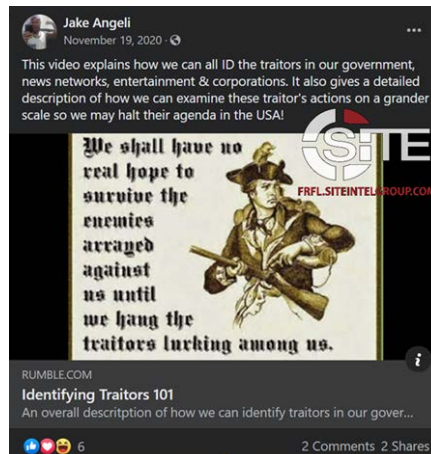


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 22 In sum, Chansley is a flight risk, and the conditions that Pre-Trial Services proposes  
 23 as mitigating the risk fail to account for his misstatements regarding drug use, mental health  
 24 history, and status as a poster child for QAnon.

25 **II. Chansley Is Also A Danger to the Community if Released.**

26 This Court must also consider whether it can reasonably assure the safety of other  
 27 persons and the community if it releases Chansley. *See* 18 U.S.C. § 3142(f). It cannot.  
 28 Chansley is the radicalized follower-turned-leader of a dangerous extremist group, and a

1 symbol of the insurrection and assault on the Capitol last week. As demonstrated by his  
 2 tweet below, Chansley has also previously espoused identifying and then “hanging”  
 3 “traitors” within the United States government. Despite the riot on January 6, Chansley  
 4 has stated his intent to return to Washington for President-Elect Biden’s inauguration, and  
 5 his repeated and demonstrated unwillingness to conform to societal rules suggests a  
 6 pending criminal case will not stop him.



15 As widely reported by the news media, the FBI has received information indicating  
 16 that “armed protests” are being planned at all 50 state capitols and the U.S. Capitol in  
 17 Washington, D.C. in the days leading up to President-elect Joe Biden’s inauguration on  
 18 January 20, 2021. Since the January 6 insurrection, violent online rhetoric regarding the  
 19 inauguration has increased, with some calling for unspecified “justice” for the fatal  
 20 shooting by law enforcement of a participant who had illegally entered the Capitol Building  
 21 that day. Others have posted that “many” armed individuals would return on January 19,  
 22 according to open source reporting. The recent removal efforts by social media platforms  
 23 used by domestic violent extremists may push some to revert back to other platforms they  
 24 perceive as more secure, further challenging the government’s ability to identify and warn  
 25 of specific threats. Additionally, news reports suggest that the U.S. Capitol siege may just  
 26 be the beginning of potentially violent actions from President Trump’s supporters.<sup>7</sup>

27

28 <sup>7</sup> “FBI Warns of Plans for Nationwide Armed Protests Next Week” Colleen Long, Michael Balsamo and Michael Kunzelman” (January 11, 2021), available at

1           Against this backdrop, Chansley told the FBI prior to his arrest that he'll "still go,  
2 you better believe it." His status as a symbol of the insurrection, his actions inside the  
3 Capitol building, and his demonstrated disregard of orders while inside with the goal of  
4 disrupting official Congressional proceedings, demonstrate the danger his release would  
5 pose. U.S. Capitol Police report that Chansley was among the first inside the Capitol. He  
6 made his way into the halls of the Senate and the Senate Chamber within minutes of the  
7 rioters breaching the building. At this juncture in our Nation's history, it is hard to imagine  
8 a greater risk to our democracy and community than the armed revolution of which  
9 Chansley has made himself the symbol.

10           **III. No Conditions Exist To Reasonably Assure Chansley's Appearance or**  
11           **Mitigate the Danger.**

12           The PTS Report concludes that conditions of release can minimize the risks of flight  
13 and danger posed by Chansley's release. Pre-Trial Services has proposed requiring  
14 Chansley to report as directed, travel to the prosecuting district (D.D.C.) with express Court  
15 approval, maintain or actively seek employment, and refrain from using or possessing a  
16 narcotic drug. The United States respectfully disagrees that such conditions—or any  
17 others—would be adequate to mitigate the risks here.

18           In determining whether conditions of release can reasonably assure the appearance  
19 of the defendant as required and the safety of any other person or the community, the Court  
20 must take into account four statutory factors: (1) the nature and circumstances of the  
21 offense charged; (2) the weight of the evidence against the person; (3) the history and  
22 characteristics of the person, including his character, physical and mental condition, family  
23 ties, employment, financial resources, length of residence in the community, community

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25           <http://www.apnews.com/article/fbi-warns-armed-protests-next-week-ec75b26289166b4afd30c15b0dd2ded5> (last visited January 13, 2021); "Armed Protests Being  
26 Planned at all 50 State Capitols, FBI Bulletin Says: An Internal FBI Note Obtained by ABC News  
27 Shows Warnings of "a huge uprising." Aaron Katersky and Ceclia Darrough (January 11, 2021)  
28 available at <http://www.abcnews.go.com/US/armed-protests-planned-50-state-capitols-fbi-bulletin/story?id=75179771> (last visited January 13, 2021).

1 ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record  
2 concerning appearance at court proceedings; and (4) the nature and seriousness of the  
3 danger to any person or community that would be posed by the person's release. 18 U.S.C.  
4 § 3142(g); *see also Gentry*, 455 F. Supp. 2d 1019-20. The United States addresses each in  
5 turn.

6 Nature of Crime. A key factor to be considered when assessing the adequacy of  
7 release conditions is "the nature and circumstances of the crime charged." *See* 18 U.S.C.  
8 § 3142(g)(1). Here, this factor is significant. The crimes charged in the indictment involve  
9 active participation in an insurrection attempting to violently overthrow the United States  
10 Government. By Chansley's own admissions to the FBI and news media, the insurrection  
11 is still in progress and he intends to continue participating. Media and FBI reports have  
12 detailed carefully-planned insurrection attempts scheduled throughout the country in the  
13 coming weeks at every state capital, including the Arizona's capitol. As he admitted, and  
14 as corroborated by the items in his car, Chansley expected to go there after his FBI  
15 interview (if he had not been arrested). The travel restriction Pre-Trial Services proposes  
16 plainly will not prevent Chansley from participating in violent activities in Arizona.

17 Strong evidence, including Chansley's own words and actions at the Capitol,  
18 supports that the intent of the Capitol rioters was to capture and assassinate elected officials  
19 in the United States Government. Chansley left a note on the Senate Chamber dais, where  
20 Vice President Mike Pence had been presiding over the session just minutes before,  
21 warning "it's only a matter of time, justice is coming." When questioned as to the meaning  
22 of that statement, Chansley went on a lengthy diatribe describing current and past United  
23 States political leaders as infiltrators, specifically naming Vice President Mike Pence,  
24 former President Barack Obama, former Senator Hillary Clinton and U.S. President-elect  
25 Joe Biden as infiltrators involved in various types of wrongdoing. Although he stated his  
26 note was not a threat, the Government strongly disagrees. Chansley acted on conspiracy  
27 theories he has repeatedly espoused in becoming one of the highest-profile members of a  
28 group that attacked a Congressional proceeding, and nothing suggests he has learned from

1 that experience so as to avoid it if on pre-trial release. The nature and circumstances of his  
2 offense are grave, and cannot be mitigated by conditions of release.

3 Weight of Evidence. Another factor to be considered when assessing release  
4 conditions is “the weight of the evidence against the person.” *See* 18 U.S.C. § 3142(g)(2).  
5 Here, this factor also weighs in favor of detention. As a threshold matter, the grand jury  
6 already has found that probable cause supports the charges against Chansley. This alone  
7 is enough to show that the weight of the evidence supports detention. *United States v.*  
8 *Hamlin*, 2007 WL 2225868, \*1 (E.D. Mich. 2007) (“Under subsection (g)(2), from the a  
9 grand jury having passed an Indictment, there is a definite weight of evidence against the  
10 Defendant.”); *United States v. Bradshaw*, 2000 WL 1371517, \*4 (D. Kan. 2000) (“[T]he  
11 grand jury’s indictment, standing alone, establishes probable cause . . . . The Government  
12 presented no other evidence. Nor did the defendant. Accordingly, the weight of the  
13 evidence must be deemed against the defendant. This factor thus weighs in favor of  
14 detention, but only slightly.”). The evidence in this case includes widely-publicized  
15 pictures and videos and Chansley’s own admissions. As outlined above, the evidence here  
16 is strong.

17 History and Characteristics of the Defendant. The next factor to be considered when  
18 assessing release conditions is “the history and characteristics of the” defendant. *See* 18  
19 U.S.C. § 3142(g)(3). Here, this factor weighs heavily in favor of detention. Chansley is a  
20 self-proclaimed leader of the QAnon.<sup>8</sup> Other members of this dangerous anti-government  
21 conspiracy view him as a leader also, contributing to his ability to travel off-the-grid and  
22 fund-raise rapidly through unconventional means. He believes that global elites are  
23 running the world, that United States leaders are part of a secret rings of child abusers who  
24 practice satanic worship, and other debunked theories. He has repeatedly demonstrated  
25 dramatic, erratic behavior, an inability to conform to societal norms, and an unwillingness  
26 to appreciate the consequences of his actions. He abides by his own belief system, acts

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28 <sup>8</sup> Etzimanuel, *QAnon Shaman – Jake Angeli – Interview ORF*, YouTube (January 6, 2021),  
available at <http://www.youtube.com/watch?v=22d6tRXxVeg> (last visited January 13, 2021).



1 accordingly regardless of the criminal consequences, and brings others along with him.  
2 His ability and willingness to conform his behavior to pre-trial supervision conditions  
3 appears to be virtually nil.

4 Even now, Chansley continues to demonstrate a refusal to conform despite personal  
5 hardship as a consequence. Chansley's choice to refuse to eat because he is not provided  
6 an organic diet in custody is predictive of how he will behave if conditions of pre-trial  
7 supervision do not suit him. If released, numerous conditions will alter and affect his  
8 routine and set forth daily expectations by which he must conform. Chansley will not  
9 comply.

10 Chansley is a repeated drug user who minimized the extent of his substance use to  
11 pre-trial services. He demonstrates scattered and fanciful thoughts, and is unable to  
12 appreciate reality. He is the shaman of a dangerous extremist group, putting his beliefs  
13 into action by attempting to violently overthrow the United States government. His history  
14 and characteristics require detention.

15 Danger to Others. The final factor to be considered when assessing release  
16 conditions is the nature and seriousness of the danger to any person or the community that  
17 would be posed by the person's release. *See* 18 U.S.C. Section 3142(g)(4). The facts  
18 described above demonstrate the grave danger Chansley's release would pose to the  
19 community, and are reaffirmed here by reference. Chansley has made himself the symbol  
20 of a radicalized insurrection movement, and has professed his intent to act in the future as  
21 he did at the Capitol on January 6. Employment conditions, travel restrictions, and a  
22 reporting requirement will not mitigate the danger that he will do so.

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IV. CONCLUSION

For the foregoing reasons, the Court should order that Chansley be detained.

Respectfully submitted this 14th day of January, 2021.

MICHAEL BAILEY  
United States Attorney  
District of Arizona

/s/ Kristen Brook  
KRISTEN BROOK  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of January, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system for filing a copy to the following CM/ECF registrant:

Gerald Williams, Attorney for the Defendant Jacob Anthony Chansley.

By: /s/ Todd Allison