

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CR No. 21-28-15
)	Washington, D.C.
vs.)	June 11, 2021
)	2:01 p.m.
JASON DOLAN,)	
)	
Defendant.)	
_____)	

TRANSCRIPT OF ARRAIGNMENT AND DETENTION HEARING
VIA ZOOM PROCEEDINGS
BEFORE THE HONORABLE AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE

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1 P R O C E E D I N G S

2 DEPUTY CLERK: Good afternoon, Your Honor.

3 This is Criminal Case No. 21-28-15, the United States of
4 America versus Jason Dolan.

5 Jeffrey Nestler for the government.

6 Michael Van Der Veen, Rick Hutchinson, and Libbey
7 Van Pelt for the defendant.

8 The defendant is appearing via videoconference for
9 this hearing.

10 We also have Marsharia Holman on the line from
11 Pretrial Services.

12 THE COURT: Okay, Counsel, good afternoon to
13 everyone.

14 Mr. Dolan, good afternoon. Can you hear me okay,
15 sir?

16 THE DEFENDANT: Good afternoon, Your Honor.

17 THE COURT: Okay. Very good.

18 All right. So welcome, everybody. We're here
19 this afternoon to consider the defendant's -- or I should
20 say the government's motion for revocation of a release
21 order. Mr. Dolan was arrested and presented to a magistrate
22 in Florida. Judge Matthewman considered a release
23 request -- or the detention request and rejected it and
24 released Mr. Dolan on fairly strict conditions. The
25 government sought a stay of that order, and Judge Matthewman

1 granted it to afford me time to consider the government's
2 motion for revocation. So that's where we are.

3 I've received the parties' submissions, including
4 something I received by email from the government that
5 contains various sort of snapshots, if you will, of, I
6 assume, is video footage from outside the Capitol building.
7 I want to make sure that Mr. Dolan's counsel has received
8 that as well, Mr. Nestler?

9 MR. NESTLER: That's correct, Your Honor. We sent
10 the same still frames to defense counsel, as well as sending
11 defense counsel the full video from which the still frames
12 were drawn.

13 THE COURT: Okay.

14 All right. So before we get started then,
15 is there anything anybody wants to preliminarily raise or
16 discuss before I turn to Mr. Nestler and the government's
17 motion?

18 MR. NESTLER: Not from the government, Your Honor.

19 MR. VAN DER VEEN: Not from the defense, Judge.

20 THE COURT: I guess, Mr. Douyon, are you prepared
21 to proceed with the arraignment? I assume he wasn't
22 arraigned in Florida, so we ought to make sure we take care
23 of that as well.

24 COURTROOM DEPUTY: Okay. I can arraign him right
25 now, Your Honor.

1 THE COURT: Yeah, why don't we do that first;
2 we'll have Mr. Dolan arraigned.

3 Mr. Dolan, before we get to the government's
4 motion and the question of detention, what we're going to do
5 is have you arraigned. What that means is that -- it's just
6 a legal term that means that the charges, the announcement
7 of the charges that have been made against you by the
8 Grand Jury.

9 So I'll just ask you to listen to the Courtroom
10 Deputy and then I'll turn to your counsel and ask him
11 whether he waives a formal reading of the indictment.

12 COURTROOM DEPUTY: May the record reflect that the
13 defendant, through counsel, has received a copy of the
14 fourth superseding indictment.

15 Jason Dolan, in criminal case No. 21-28-15, you've
16 been charged with the following:

17 Count 1, conspiracy, in violation of Title 18
18 United States Code Section -- conspiracy, in violation of
19 Title 18 United States Code Section 371;

20 Obstruction of an official proceeding and aiding
21 and abetting, in violation of Title 18 United States Code
22 Sections 1512(c) (2) and Section 2;

23 Count 3, destruction of government property and
24 aiding and abetting, in violation of Title 18 United States
25 Code Sections 1361 and Section 2;

1 And Count 4, restricted building or grounds, in
2 violation of Title 18 United States Code Section 1752(a)(1).

3 Do you wish to waive a formal reading of the
4 indictment and how do you wish to plead?

5 THE COURT: Mr. Van Der Veen, will you be speaking
6 on behalf of the defendant or one of your colleagues?

7 MR. VAN DER VEEN: Yes, Judge.

8 We waive formal reading of the indictment and
9 enter a plea of not guilty.

10 THE COURT: Okay.

11 So the record will reflect the entry of not-guilty
12 pleas for each of the counts of the indictment against
13 Mr. Dolan.

14 All right. With that, why don't we, then, move to
15 the question of the government's motion and I'll turn it
16 over to Mr. Nestler.

17 MR. NESTLER: Thank you, Your Honor.

18 The government submits that Mr. Dolan is a danger
19 to the community and needs to be detained pending trial.

20 From the government's perspective, Your Honor,
21 Mr. Dolan is similarly situated to Mr. Harrelson. The two
22 were both from the south Florida area, and they basically
23 were at each other's side the entire time, from leaving
24 Florida, up through their time in Arlington and D.C., and
25 then back to Florida. In fact, it was Mr. Dolan who rented

1 the car that transported the two of them up to our area.

2 When they got to the D.C. area, they went to the
3 Comfort Inn in Ballston, and the government believes at that
4 time they deposited their weapons, multiple high-powered
5 long guns that they were bringing into the hotel and leaving
6 there at the hotel for what they had called the QRF or the
7 quick reaction force. They then traveled into D.C., where
8 Mr. Dolan and Mr. Harrelson stayed together with Mr. Meggs
9 and others in hotel rooms at the Hilton Garden Inn in D.C.

10 On the afternoon of January 5th, Mr. Dolan -- his
11 cell site information puts him in the area of the U.S.
12 Capitol, and that's consistent with Mr. Harrelson. The
13 government has evidence that Mr. Harrelson was at the U.S.
14 Capitol on January 5th, the day before these individuals
15 actually stormed the Capitol, and Mr. Harrelson was taking
16 photographs outside of the U.S. Capitol on January 5th. The
17 government submits that was likely some sort of
18 reconnaissance that they were doing in advance as they were
19 planning, before they carried out their mission on January
20 the 6th.

21 Again, we don't yet have -- yes.

22 THE COURT: Mr. Nestler, I'm sorry to interrupt.

23 Is that new information? I don't recall that
24 piece of evidence being presented at Mr. Harrelson's
25 hearing.

1 MR. NESTLER: It is, Your Honor.

2 THE COURT: Okay.

3 MR. NESTLER: And the government has photographs
4 from Mr. Harrelson's phone showing that, that are geolocated
5 and time stamped, and the cell site information for both
6 Mr. Harrelson and Mr. Dolan places them, of course, in the
7 area of the Capitol. As Your Honor, I assume, knows, cell
8 site information is not incredibly precise in terms of
9 whether he was at the Capitol or a few blocks away.

10 But we do believe that were together, because
11 Mr. Dolan and Mr. Harrelson traveled together the whole
12 time, from the government's review of surveillance video and
13 other evidence.

14 THE COURT: And I'm sorry, I may have missed this.
15 What's the evidence the government believes it has that
16 Mr. Dolan was with Mr. Harrelson on the 5th?

17 MR. NESTLER: That they -- well, cell site
18 information shows them traveling together up 95, basically,
19 from south Florida, from January 4th, all the way through
20 the 5th, into the Arlington area and then into D.C. And
21 then we know that both of them, Dolan and Harrelson, stayed
22 at the Hilton Garden Inn, based on records from the Hilton
23 Garden Inn.

24 THE COURT: Right.

25 And maybe I should have been more specific with my

1 question, but what's the evidence that -- you said that you
2 have evidence now that Mr. Harrelson was at the Capitol on
3 the 5th taking photos, there's photos on Mr. Harrelson's
4 phone. What's the evidence that Mr. Dolan accompanied him
5 to the Capitol on the 5th?

6 MR. NESTLER: Circumstantial, Your Honor.

7 THE COURT: Okay.

8 MR. NESTLER: But Mr. Dolan's cell site
9 information places him in the area of the Capitol, as well
10 as Mr. Harrelson's around the same time.

11 THE COURT: Okay.

12 So you've got cell site information that Mr. Dolan
13 was within sort of striking distance of the Capitol?

14 MR. NESTLER: Right.

15 It's consistent -- his cell site information shows
16 him being in an area consistent with being near the Capitol.

17 We're still reviewing surveillance video from the
18 5th. As Your Honor is probably aware, surveillance video
19 from the 6th is voluminous and overwhelming and we're still
20 working our way through that, but surveillance video from
21 the 5th we have not yet dived into to see if there's any
22 views of Mr. Dolan or Mr. Harrelson on the 5th. But we do
23 intend to make that review.

24 THE COURT: Okay.

25 MR. NESTLER: On January 6th, Mr. Dolan went down

1 to The Ellipse with Mr. Harrelson and other members of the
2 Oath Keepers, other members of the conspiracy. And from
3 there, Mr. Dolan and Mr. Harrelson together made their way
4 over to the Capitol.

5 And just on the still frames we just were able to
6 locate today, Your Honor, on the Capitol surveillance video
7 showing Mr. Dolan and Mr. Harrelson walking up to the
8 Capitol where there were still unmanned barricades outside
9 of the U.S. Capitol at around 1:50 or so p.m. in the
10 afternoon. And at that time, Mr. Dolan and Mr. Harrelson
11 are present as the mob there dismantles the unmanned
12 barricades and moves forward.

13 And Your Honor might remember from Mr. Harrelson's
14 hearing, that Mr. Harrelson was taking a video around that
15 time, at 2:00 p.m. And we could see at that time that the
16 stairs on the east side of the Capitol were barren, they
17 were still being protected. And at that time, the unmanned
18 barricades were removed by the rioters and people pushed
19 forward.

20 We now know from reviewing this surveillance video
21 more closely, which is what we were just able to do, that
22 Mr. Dolan especially actually moved in front of
23 Mr. Harrelson and went to the line of riot police officers,
24 Capitol Police, riot police officers there on the stairs.

25 And we tried to send -- provide some screenshots,

1 Your Honor. Unfortunately, the video is not going to play
2 well remotely, so I'm not even going to try to play the
3 video for Your Honor.

4 But you can see the red arrow points to Mr. Dolan.
5 And at 2:03 p.m., and starting at 33 seconds and going for
6 about four or five seconds after that, Mr. Dolan interacts
7 with a Capitol police officer who was manning the riot line
8 there. And it appears that Mr. Dolan pulls that officer
9 forward, actually pulls that officer forward and out of the
10 line, and that officer is able to regain his balance and
11 then push Mr. Dolan further back.

12 And so we see there that Mr. Dolan was not a
13 passive bystander and was not just hanging back like we had
14 seen from the defense's pleading, Your Honor. But Mr. Dolan
15 was there at the very front of the line, actually physically
16 interacting with the Capitol police officers who were trying
17 to keep the mob back.

18 As Your Honor is likely aware, unfortunately, the
19 Capitol Police were not able to keep that line back.
20 Mr. Dolan succeeded, along with the other hundreds of people
21 who were there, and pushed that line of police officers
22 back. So the Capitol police had to retreat up to the top of
23 the steps and then to the actual doors on the exterior doors
24 of the -- outside of the rotunda at the Capitol.

25 Mr. Dolan and Mr. Harrelson, again, together

1 walked further up the stairs and were there at the top of
2 the steps when the remaining members of the stack joined
3 them about ten or so minutes later, at around 2:30 p.m. And
4 that's when Mr. Dolan and Mr. Harrelson met up with the rest
5 of the stack there, towards the top of the stairs right near
6 the veranda, outside of the door.

7 We know from the additional video that we provided
8 to the Court that's been provided in discovery, that over
9 the next ten or so minutes, the mob of rioters that was
10 there outside of the Columbus Doors, the doors on the east
11 side of the Capitol there, continue to push and assault and
12 spray the Capitol police officers who had been retreating
13 and who were still trying to protect those doors. And
14 ultimately the mob, including Mr. Dolan, was able to
15 forcibly push past those officers and make their way into
16 the Capitol.

17 Once they were in the Capitol, we know from --
18 Mr. Dolan was with Mr. Harrelson almost the entire time they
19 were inside the Capitol, and we had that on surveillance
20 video. And Your Honor already saw the video that
21 Mr. Harrelson took as they actually breached the doors and
22 went inside. And we included a photo journalist's photo in
23 our pleading, where we can see that Mr. Dolan and
24 Mr. Harrelson are shoulder by shoulder walking through the
25 foyer, walking through those doors there into the Rotunda.

1 Mr. Dolan is screaming obviously; you can see his mouth
2 agape.

3 And we know from Mr. Harrelson's phone that
4 someone near Mr. Harrelson, Mr. Harrelson or Mr. Dolan or
5 someone else keeps screaming: "Treason, treason." And it's
6 not a far leap to say, Your Honor, that that's either
7 Mr. Harrelson or Mr. Dolan or somebody else, but they are
8 certainly in the mix there. It's not like they were
9 passively in the Capitol, that they were tourists in this
10 situation. They were there and they were arguing, alleging,
11 thinking that the congresspeople there were committing some
12 sort of treason.

13 At this point, Mr. Dolan, Mr. Harrelson, and Kelly
14 Meggs and others eventually traveled south out of the
15 rotunda towards the House of Representatives. We included a
16 still frame there where Mr. Dolan goes into Statuary Hall.
17 And then they all retreat into a vestibule or hallway area
18 between the Rotunda and Statuary Hall.

19 And we included a photograph there that was taken
20 by an FBI agent, that Your Honor can see, visible from that
21 area is the Speaker's office right there. And that's
22 important to the government, Your Honor, because as we
23 indicated at Mr. Harrelson's hearing and Mr. Meggs's
24 hearing, Mr. Meggs said they were looking for Nancy Pelosi,
25 they were looking for her.

1 And this goes exactly to what the government's
2 concern is with Mr. Dolan and this conspiracy is that these
3 individuals, the defendants here, thought that Speaker
4 Pelosi or other people there in Congress were actually the
5 people who were criminals, were actually people who needed
6 to be dragged out of the Capitol, and it was actually these
7 people, Mr. Dolan and others, who thought it was their job
8 to do so.

9 It took about 17 minutes that Mr. Dolan was inside
10 the Capitol, from about 2:40 p.m. to 2:57 p.m. when he's
11 seen on surveillance video finally leaving the Capitol and
12 re-engaging with other members of the conspiracy, many of
13 them on some stairs outside of the Capitol for the following
14 hour or so.

15 On January 7th, the following day, is when we do
16 have surveillance video from the Comfort Inn in Ballston,
17 and we do have -- and we included still frames from there --
18 again, the video itself is more compelling, but it's easier
19 to provide the Court with the still frames of Mr. Dolan and
20 Mr. Harrelson together, again, just the two of them came
21 together and then left together in Mr. Dolan's rented car.

22 They went into the Comfort Inn, they met up with
23 the third person. And we see them there with the concierge
24 luggage cart, wheeling what appears to be three different
25 long gun cases. Two of the long gun cases appear to be

1 single long gun cases, and one, the case appears to be a
2 dual or a quad long gun case, meaning that it can hold two
3 or four long guns in it.

4 The two men wheel those long gun cases, which
5 presumably contain long guns, out of the hotel and into
6 Mr. Dolan's rented car. And then we believe they drove back
7 to south Florida, where Mr. Dolan deposited Mr. Harrelson,
8 who lives further north in Brevard County, and then
9 Mr. Dolan, we believe, went all the way back to his house in
10 Palm Beach County.

11 We know from the FBI search of Mr. Harrelson's
12 house that Mr. Harrelson had one long gun. And we see here
13 there were at least three long guns with the three long gun
14 cases. There could have been more if there was two or four
15 in that third case.

16 But Mr. Harrelson's house did not have any long
17 gun cases. So the implication is that those long gun cases
18 went back to Mr. Dolan's house, along with some of those
19 long guns. And the FBI knows, from speaking with
20 Mr. Dolan's neighbors, that Mr. Dolan possesses long guns
21 and other firearms and had them at his house. He wore a
22 9-millimeter firearm on his hip on a regular basis, and then
23 according to at least one neighbor, had at least two long
24 guns in his possession in his house.

25 The FBI searched his house and found no weapons.

1 THE COURT: Sorry, you said two?

2 MR. NESTLER: Two.

3 One of the neighbors said that Mr. Dolan had
4 showed the neighbor two long guns.

5 THE COURT: Right.

6 MR. NESTLER: The government believes,
7 Your Honor -- and we put it in our pleading and we argued it
8 to Judge Matthewman as well, that Mr. Dolan has access to
9 firearms and is hiding them, and that is a huge concern for
10 the government, Your Honor, and we believe that is precisely
11 one of the reasons why he is so dangerous.

12 It's not that he had firearms and they can be
13 controlled or retrieved by the government; we don't know
14 where they are. And both he and his wife told the FBI that
15 they didn't have any guns in the house and that they did not
16 own any guns. But we don't believe that evidence,
17 Your Honor, and we included the basis for the government's
18 belief in our pleading, including the avatar or the
19 screenshot of Mr. Dolan's wife in his cell phone shows her
20 holding an AR platform firearm.

21 We know -- I just told you what the neighbors had
22 told the FBI. We see that Mr. Dolan goes on YouTube and
23 reviews firearm channels on YouTube and maybe even some
24 comments about his own firearm possession there.

25 We know that Mr. Dolan was in the Marine Corps for

1 about 20 years, and, in fact, was a marksmanship instructor
2 in the Marine Corps. So we believe it would be fairly
3 likely that he would continue to have firearms and be very
4 familiar with firearms from that.

5 And then, of course, the evidence about the QRF
6 hotel further supports the inference that he had firearms
7 and that they have been secreted, or secreted, and we don't
8 know where they are.

9 When we go into why -- yes.

10 THE COURT: Mr. Nestler, if I could interrupt you.

11 And I'm going to go back over some of this in a
12 moment, but I've asked this question in the past: Does the
13 government have any ATF records or any other records
14 indicating purchase of firearms by Mr. Dolan?

15 MR. NESTLER: No, Your Honor.

16 THE COURT: Well, I mean, to be more precise:
17 Have you looked to determine whether he has lawfully
18 purchased a firearm?

19 MR. NESTLER: We haven't yet received any records.
20 The FBI is still exploring that and we have not yet received
21 any records showing that he has.

22 But I also don't have a negative right now,
23 Your Honor, showing that he's never purchased a firearm.

24 THE COURT: Yeah. No. Fair enough. I was just
25 curious if you had attempted to obtain those records and

1 what you'd found out, if anything.

2 MR. NESTLER: My understanding of the laws in
3 Florida, Your Honor, is that one does not need to register a
4 firearm, obviously, when they purchase one in Florida, and
5 so we're unlikely to find records of purchases of firearms
6 from Mr. Dolan in Florida.

7 THE COURT: Okay.

8 MR. NESTLER: And then finally, Your Honor, we do
9 believe that Mr. Dolan is a continuing concern in terms of
10 his dangerousness.

11 He continued to have contact with Mr. Harrelson up
12 until, in fact, the day before Mr. Harrelson was arrested,
13 and we see that from Signal messages from Mr. Harrelson's
14 end of things, that Mr. Dolan called Mr. Harrelson several
15 times in early March of this year.

16 And then just a few weeks ago, it appears that
17 Mr. Dolan gave an interview to *The Gateway Pundit* at which
18 he was espousing a conspiracy theory that somehow his group
19 of people were led inside of the Capitol and were actually
20 encouraged to come inside by a Marine who unlocked the door
21 in some sort of magnetic lock situation. And the government
22 laid out in its pleading, and I went go over it here,
23 Your Honor, the reasons why the government believes
24 Mr. Dolan was the person who gave that interview.

25 We have one additional fact that we've since

1 uncovered, which is that the attorney who was with Mr. Dolan
2 for that interview was a woman named Kelly Sorrell. And
3 defense counsel here has informed the government that
4 Mr. Dolan and Ms. Sorrell may have had communications,
5 because -- and we had to ask that question in order to
6 filter Mr. Dolan's phone.

7 And so defense counsel here has informed the
8 government that Ms. Sorrell and Mr. Dolan may have been in
9 contact prior to Mr. Dolan's arrest, which, again, furthers
10 the inference that it was Mr. Dolan and not some other
11 person who was in an interview to *The Gateway Pundit*.

12 MR. VAN DER VEEN: Objection.

13 I told him that I don't know. I specifically said
14 I don't know.

15 But I know that there was this person, Kelly
16 Sorrell, who I don't know, never talked to, never met. So
17 he's mis- -- I have not objected to a lot of stuff I want to
18 object to, but misrepresenting what I said to the government
19 is patently false.

20 MR. NESTLER: So the government, Your Honor, does
21 intend to filter Mr. Dolan's phone and have a filter agent
22 and a filter AUSA not from our office to review it for
23 communications between Mr. Dolan and Ms. Sorrell. If I
24 understand from defense counsel that that's not necessary,
25 we won't go through that step.

1 MR. VAN DER VEEN: We've put it in writing what I
2 said.

3 THE COURT: Let's -- Mr. Nestler, do you have more
4 you want to add at this point?

5 MR. NESTLER: No, Your Honor.

6 THE COURT: Can we go back? I want to backtrack
7 on a couple of the issues -- and go down a little bit on
8 some of the facts that you've presented.

9 Let's start -- and -- with the dropping off of
10 guns in Ballston. The government believes that on the 5th,
11 Mr. Harrelson and Mr. Dolan would have dropped off up to
12 three long guns, maybe four at the hotel in Ballston as part
13 of a quick reaction force.

14 Have you all uncovered photos of the 5th -- on the
15 5th? Because I think what you've told me is what you've
16 presented are photos from security camera footage on the
17 7th, correct?

18 MR. NESTLER: That's correct, Your Honor. We do
19 not have any surveillance video from the 5th. They arrived
20 at the hotel an hour or two before the collection of the
21 government's surveillance videos. We did not get that video
22 before it was overwritten.

23 THE COURT: Okay.

24 And then in terms of the 7th, as you said, that
25 there are multiple cases, they appear to be gun cases, in

1 the government's estimation. Is there any other -- let me
2 back up.

3 With respect to Mr. Harrelson, for example, I had
4 a high degree of confidence that he was probably referring
5 to firearms and picking up firearms at the hotel for two
6 reasons:

7 One is that we had text messaging involving
8 Mr. Harrelson's communications -- I can't remember whether
9 it was text messages or not -- but communications in which
10 he clearly knew about the quick reaction force.

11 And then, secondly, there was the communication on
12 the 7th itself where he was asking people where his stuff --
13 that's not the word he used, but his stuff was, suggesting
14 that he was aware that there was, A, a quick reaction force,
15 and, B, that quick reaction force was in possession of his
16 firearms, and certainly seemed like he was talking about
17 firearms.

18 Are there any similar communications involving
19 Mr. Dolan either in terms of his knowledge of the use of a
20 quick reaction force or acknowledging that weapons that you
21 believe were at the hotel belonged to him?

22 MR. NESTLER: No, Your Honor.

23 But I will say Mr. Dolan was part of that same
24 Signal chat in which Mr. Harrelson was asking for the
25 location of his stuff on the 7th, and we believe that

1 Mr. Dolan was the one driving the car that Mr. Harrelson was
2 in when they were leaving the hotel on the 7th to go pick up
3 their stuff. And so it, of course, would be logical that
4 Mr. Harrelson would be the one with the cell phone out
5 sending the message and Mr. Dolan would be the one driving.

6 THE COURT: Okay.

7 Yeah. And fair enough. I mean, I think -- but my
8 question is a little bit different in that I'm trying to --
9 even if Mr. Dolan would have been aware, say hypothetically
10 that Mr. Harrelson had weapons dropped off at the Ballston
11 hotel, what I'm trying to figure out is whether there's
12 anything that would tie Mr. Dolan to the weapons in a way
13 that they're clearly tied to Mr. Harrelson.

14 MR. NESTLER: The video from the 7th showing the
15 two of them and a third person who is involved in this whole
16 operation wheeling a luggage cart with the long guns -- long
17 gun cases into the elevator to go down to the garage, that's
18 the government's evidence on that point, Your Honor.

19 THE COURT: Okay.

20 And in terms of -- you know, we've talked a lot
21 about Signal communications on the day of January 6.
22 Is Mr. Dolan on the Signal chat that was being used by
23 others on the 6th?

24 MR. NESTLER: He was a member of the Signal chat.
25 He was not as vocal as Mr. Harrelson or others, but he was a

1 person who was there on the Signal chat, yes.

2 THE COURT: Okay.

3 MR. NESTLER: And, again, it goes to the
4 government's point: We believe Mr. Harrelson may have been
5 the one speaking, but he was with Mr. Dolan the whole time.
6 So Mr. Dolan would be communicating through Mr. Harrelson.

7 THE COURT: And what, if any, understanding does
8 the government have at this point about the relationship
9 between Mr. Harrelson and Mr. Dolan prior to their getting
10 together to drive up to Washington on, I think, January 5th,
11 you said?

12 MR. NESTLER: Yeah, I believe they left Florida on
13 the 4th, Your Honor.

14 THE COURT: Okay.

15 MR. NESTLER: And we don't have any additional
16 information, other than that they were in the GoToMeeting
17 chats together.

18 We're still reviewing the extent of their
19 communications. As we indicated in our pleading, many of
20 the communications had been deleted, both, we believe, from
21 Mr. Dolan's end and Mr. Harrelson's end, and so we don't
22 know if we're going to find the communications there.

23 As Your Honor might be aware, toll records, or
24 phone records, would be, of course, accessible to the
25 government. But if they were communicating on Signal, where

1 you can either send messages or make phone calls through
2 Signal, that would only be accessible from the device
3 itself; we can't get those records from Signal, the company.
4 And so if those records have been deleted from someone's
5 phone, then they're not accessible anymore.

6 THE COURT: Right. Understood.

7 And then in terms of contacts with other members
8 of the Oath Keepers, either who've been indicted or
9 otherwise, any evidence of contact with anyone else other
10 than Mr. Harrelson at this point?

11 MR. NESTLER: Not any direct evidence yet,
12 Your Honor, no.

13 But -- and, again, we have not forensically
14 examined Mr. Dolan's phone.

15 THE COURT: Understood.

16 Then in terms of the events the day of, you've --
17 I think it's pretty clear from the video footage that you've
18 put into the motion and what you've shown me here today,
19 I think Mr. Dolan's path to the front of the Capitol and his
20 entry are pretty well laid out.

21 In preparation for this, I did go back and look at
22 all of the evidence that had been presented in connection
23 with Mr. Harrelson. One of the differences -- and I wanted
24 to see if it was an oversight or an actual difference --
25 with respect to Mr. Harrelson, the allegation was that he

1 had not only turned toward the house, but that, in fact, had
2 actually gone with Mr. Meggs towards the Senate side of the
3 Capitol, turned around, came back into the Rotunda, and then
4 went into the House side.

5 The proffer with respect to Mr. Dolan is only the
6 second half of that; there's no proffer that he was -- that
7 he walked toward the Senate side. Was that -- can you
8 explain that difference?

9 MR. NESTLER: Yes, Judge.

10 Mr. Harrelson had his phone, it was still
11 recording at the time he went north towards the Senate, so
12 we were able to more discretely indicate where he was.

13 There's so many people in the Rotunda at that
14 point that I'm not aware of the FBI being able to pinpoint
15 Mr. Dolan versus somebody else in the Rotunda at that point,
16 and so I'm not confident that he was with Mr. Harrelson as
17 they walked north there.

18 We can continue to drill down on that, but we
19 included what we were confident of based on our review of
20 the surveillance video, and we didn't have a high degree of
21 confidence yet that Mr. Dolan went north with Mr. Harrelson.

22 THE COURT: And remind me again what the basis is
23 for your understanding that he went south into the House
24 side with Mr. Harrelson and Mr. Meggs?

25 MR. NESTLER: Surveillance video from Statuary

1 Hall shows Mr. Dolan in Statuary Hall, along with traveling
2 with Mr. Meggs and Mr. Harrelson.

3 THE COURT: Any reason to think that Mr. Dolan
4 knew Mr. Meggs before January 6th?

5 MR. NESTLER: Just circumstantial, Your Honor.

6 I mean, Mr. Meggs held himself out as the leader
7 of the Florida Oath Keepers. Mr. Dolan was on ten or more
8 GoToMeeting chats with Florida Oath Keepers --

9 THE COURT: Right.

10 MR. NESTLER: -- in December of 2020, so
11 it would be unlikely that he wouldn't be aware of who
12 Mr. Meggs was or they would be communicating through those.

13 THE COURT: Right.

14 Although am I recalling correctly that -- actually
15 I should have asked -- I may have asked this question
16 before, but: These GoToMeetings, were they video meetings
17 or telephonic-only meetings only?

18 MR. NESTLER: I don't know if they included video
19 or not, but they were at least telephonic.

20 It's an online videoconference service, but
21 I believe you can do it just with phone.

22 I know Mr. Dolan logged in mostly with his phone
23 number and once under his name. And so it would be unlikely
24 if he logged in on his phone number, that his video would be
25 visible there, but other people's might have.

1 THE COURT: But he was always in those calls
2 identified, if I remember correctly, as an attendee and not
3 an organizer, right?

4 MR. NESTLER: That's correct.

5 And Your Honor asked if Mr. Dolan and Mr. Meggs
6 were acquainted. I mean, Mr. Meggs, upon arrest, identified
7 Mr. Dolan as Turmoil. So Mr. Meggs was aware of Mr. Dolan's
8 moniker in his custodial interview.

9 THE COURT: Okay. I wasn't aware of that.

10 Let's talk briefly about the interviews that were
11 conducted of the neighbors who identified Mr. Dolan as
12 possessing weapons.

13 How -- or, first, how close in time to his arrest
14 were those interviews conducted?

15 MR. NESTLER: Contemporaneously.

16 THE COURT: As in at the same time as the arrest
17 or in the --

18 MR. NESTLER: Yes.

19 No. Like that morning he was being arrested --

20 THE COURT: Okay.

21 MR. NESTLER: -- the agents farmed out and met
22 with neighbors.

23 THE COURT: And how many neighbors -- can you tell
24 me how many different neighbors said that they had seen
25 Mr. Dolan in possession of firearms?

1 MR. NESTLER: Two.

2 THE COURT: And can you tell me what each neighbor
3 said in terms of what they observed?

4 MR. NESTLER: Yes, Judge. Brief indulgence.

5 So one neighbor said -- so I have interviews --
6 I'm reading from three different neighbor interviews. One
7 neighbor said that Mr. Dolan keeps to himself, is often in
8 his garage, and that neighbor has not seen Dolan with any
9 guns.

10 A second neighbor stated that that neighbor had
11 casual conversations with Dolan and that Dolan spoke of his
12 guns and showed the neighbor Dolan's green Kevlar helmet and
13 vest, and that neighbor indicated that Mr. Dolan had left
14 the residence for about a week around May 4th, and that was
15 that neighbor's interview.

16 And then the third neighbor had the most extensive
17 information to provide, and that neighbor indicated that
18 Mr. Dolan was an intense person who was not well liked by
19 anyone in the neighborhood.

20 That neighbor indicated that Mr. Dolan was a big
21 Trump supporter and that Mr. Dolan took Trump's re-election
22 loss very hard. Following the 2020 election, Mr. Dolan
23 removed his Trump campaign flag from the roof of his house
24 and instead hung an American flag upside-down from the roof.

25 That neighbor indicated that Mr. Dolan rarely

1 leaves his house and spends most of Mr. Dolan's time inside
2 of his own garage and that Mr. -- that neighbor indicated
3 that the neighbor sometimes saw Mr. Dolan inside the garage
4 working on a computer in the garage.

5 The neighbor further indicated that Dolan owned
6 multiple firearms, and the neighbor specifically knew that
7 Dolan owned at least two assault rifles and one 9-millimeter
8 handgun.

9 The neighbor said that Mr. Dolan always wore the
10 9-millimeter handgun on his person.

11 The neighbor further indicated that Dolan had
12 shown off a new scope attachment for one of Mr. Dolan's
13 rifles.

14 And that's all I'm prepared to say about that
15 neighbor's statement at this time.

16 THE COURT: Okay.

17 Can you just tell me where the FBI searched, what
18 property they searched?

19 MR. NESTLER: Mr. Dolan's residence in Wellington,
20 Florida, which, according to my information, Your Honor, is
21 the only residence that Mr. Dolan has. Mr. Van Der Veen
22 told Judge Matthewman that that was Mr. Dolan's only
23 residence and they didn't have any other properties here,
24 his wife, and that they rent that property and have been
25 there for five or six years, I believe.

1 THE COURT: Okay.

2 Did they search any automobiles associated with
3 him?

4 MR. NESTLER: Yes, the automobiles that were
5 present on the property.

6 THE COURT: Okay.

7 And was there any evidence found at the property
8 of firearms ownership, such as, you know, firearm
9 paraphernalia or ammunition?

10 MR. NESTLER: No.

11 And just to follow-up on that, Your Honor, we
12 pointed out on our motion, there were other items of
13 clothing that we would expect to have found in Mr. Dolan's
14 house, like his -- the gaiter -- he was wearing the gloves,
15 the Oath Keepers' T-shirt that he was wearing, none of those
16 were found either.

17 THE COURT: Okay.

18 All right. Anything you want to add, Mr. Nestler?

19 MR. NESTLER: No, Your Honor.

20 THE COURT: Okay. Thank you very much.

21 All right. Mr. Van Der Veen, I'll turn to you and
22 hear from you next.

23 MR. VAN DER VEEN: Good afternoon, Judge. Thanks
24 for the time.

25 Mr. Dolan, the evidence that the government knows,

1 is that Mr. Dolan, on January 6th, hadn't been an Oath
2 Keeper for 60 days, he hadn't been a member of the Oath
3 Keepers for even 50 days. Sometime in mid to late November,
4 he went online and paid \$50 for a one-year membership and
5 got -- and got connected with people through his telephone
6 with the Oath Keepers.

7 He was not mentioned on any chats of any kind in
8 the government's indictment until January 3rd. As of
9 January 3rd, he had never met Mr. Harrelson at all, they'd
10 never met, and didn't meet until they drove up together.

11 THE COURT: Counsel, I'm sorry to interrupt you.

12 Is that an affirmative representation you're
13 making or is that something you're --

14 MR. VAN DER VEEN: I'm proffering.

15 THE COURT: Hang on.

16 Or is that something you're arguing from the
17 absence of evidence prior to January 3rd?

18 MR. VAN DER VEEN: Could you ask the question
19 again, Judge.

20 THE COURT: I'm sorry.

21 I was asking whether you're affirmatively stating
22 that your client had not met Mr. Harrelson prior to
23 January 3rd, or are you arguing that there's no evidence
24 that he met Mr. Harrelson prior to January the 3rd?

25 MR. VAN DER VEEN: Both. I'm making a proffer

1 that my client hadn't met Mr. Harrelson.

2 THE COURT: Okay.

3 MR. VAN DER VEEN: And there's no evidence that he
4 did either.

5 My client was not a leader of the Oath Keepers;
6 he didn't have the access to meetings that the other -- that
7 leaders did; he didn't have authorization to do anything in
8 the Signal chats, as the real leaders did; he didn't have
9 anything to do with training folks, which leaders did;
10 he didn't have any training himself in any way; leaders and
11 others did.

12 My client was not a leader in any way; he was a
13 tagalong. He was the guy you want to come along. You're
14 further south, pick somebody up on the way north, please,
15 get us a room, go pick up that, go drop off that, get the
16 sandwiches is what my guy's level of leadership is. He's
17 being told what to do or where to go. He had -- and I think
18 that's important.

19 Judge, I'm not going to go through with you the
20 law as we wrote it in our brief; I know Your Honor has made
21 numerous decisions about it. So for the purposes of this,
22 I'm assuming we all know, you know, what the factors are
23 that the Court has to go through. I'm not going to draw out
24 that argument for Your Honor today.

25 I think what I'm going to do is try to address the

1 areas that Your Honor was just asking about from our
2 perspective; the guns, his involvement with Oath Keepers at
3 whatever level it is, his danger to the community, I think,
4 which is what Mr. Nestler has argued is the presence of him
5 around gun cases on the day after.

6 But the thing about that is that the evidence of
7 Mr. Harrelson is that on the day before he's saying, hey,
8 where are my guns, or whatever that information is, where
9 are my guns, that means they didn't have them, that means
10 that Mr. Dolan didn't drop them off at a hotel somewhere,
11 that means that they got up there and Mr. Harrelson was
12 looking for his guns.

13 THE COURT: No. I think -- well, to be clear,
14 I think the evidence is that they arrived on January the 5th
15 at the hotel, dropped the guns off on the 5th, were not in
16 possession of them on the 6th, and then returned to the
17 hotel on the 7th to pick them up on the way out of town.

18 MR. VAN DER VEEN: Okay.

19 I haven't seen any evidence with them driving up
20 from Florida with it, I haven't seen any evidence with them
21 dropping it at a hotel.

22 I may be wrong; I didn't see any evidence of that.
23 I understand that that's what the government thinks
24 happened, but there has to be clear and convincing evidence,
25 I think, of those facts.

1 THE COURT: Well, I mean, you know, the GPS -- or
2 the cell site data shows them near the hotel on the 5th.
3 That's where the quick reaction force was supposed to be set
4 up; we know that based upon Signal chats and other
5 information.

6 And then we know on the 7th, Mr. Harrelson and
7 your client returned to that hotel, not the hotel they
8 stayed at, they didn't stay at that hotel, and they're
9 pictured leaving the hotel with multiple long gun boxes. So
10 I don't think it's an unreasonable inference that they
11 dropped the stuff off on the 5th and took it back on the
12 7th.

13 MR. VAN DER VEEN: And let me argue that they did
14 drop off guns on the 5th, that they did pick up what's in
15 those cases, guns, on the 7th.

16 I think that the most operative facts as to
17 whether my client is dangerous or not is that the guns
18 weren't used. There was -- if there was a time to use the
19 guns, it would have been on the 6th or in the evening of the
20 6th or the morning of the 7th.

21 The presence of guns is, one, not illegal, two,
22 not charged in the indictment, and, three, they were unused.
23 Guns are scary, they're killing a lot of people in
24 Philadelphia every day, but the fact that my client may have
25 been around gun cases on the 5th or the 7th doesn't prove

1 anything about his danger to the community today.

2 THE COURT: Well, I'm not sure I agree with that,
3 only because it's certainly clear that Mr. Harrelson -- and
4 I will, you know -- the evidence may be slightly different
5 with respect to your client, but certainly Mr. Harrelson,
6 I think the evidence was quite compelling that he brought
7 guns to the vicinity of the District of Columbia prepared to
8 have those guns used for violence in D.C. Now, the fact
9 that they didn't use them, thankfully did not use them, is a
10 good thing, but it's not clear to me that that in any way
11 sort of diminishes their danger.

12 But in any event, I hear what you're saying.

13 MR. VAN DER VEEN: And, Judge, there's no attempt
14 to use the guns anytime after.

15 And I think what we're really evaluating is what's
16 his danger to the -- is he a danger to the community now,
17 today, under the --

18 THE COURT: So let's talk about that.

19 I mean, I will tell you, I'm not buying that your
20 client doesn't have -- that the guns weren't removed from
21 his home, or that they were innocently later removed from
22 his home.

23 I find it all very highly suspicious that here's a
24 person who is identified as having at least three guns, his
25 wife is seen holding an AR-15 in her cell phone -- ID photo

1 in his cell phone, and that he doesn't have a single weapon
2 at his house when the FBI arrives.

3 MR. VAN DER VEEN: Isn't it fair then, Judge, to
4 make the inference from that -- if we're drawing inferences
5 throughout this entire hearing, isn't it fair to then draw
6 the inference that my client didn't want to be around guns
7 anymore, that he got rid of the guns because he didn't want
8 to be found with them when he was arrested?

9 Remember, he didn't flee. The government's theory
10 is that he knew he was going to be arrested and he --

11 THE COURT: I guess the question --

12 MR. VAN DER VEEN: I think, Judge --

13 THE COURT: Let me ask -- hang on.

14 I hear what you're saying.

15 Let me ask you the following question and you can
16 decide how you want to answer it, which is: Would you and
17 your client be prepared to represent that any guns over
18 which he has control, they may not even be physically
19 present at his home, over which he has control, that he
20 would be prepared to turn those in?

21 MR. VAN DER VEEN: Of course. Absolutely.
22 He would do anything the Court would order.

23 He would follow any order and any condition of
24 release that Your Honor ordered. And he would absolutely
25 follow that, and he would absolutely follow it to the letter

1 of a T.

2 But, Judge, if I may, you know, I think it really
3 is a fair inference that the activity of my client that the
4 government has outlined since then really speaks to him not
5 being a danger to the community. He had no more contact
6 with Oath Keepers except what he says are -- or what they
7 say are four Signals of unknown duration with a guy he rode
8 up to Florida with at the time when everybody's being
9 arrested. I mean, the inference is, have you heard
10 anything? What's going on? There's no evidence that
11 they're planning to have another riot at the Capitol or
12 they're planning to storm somebody's Statehouse or -- you
13 know, there's no --

14 THE COURT: What do I make of his interview or --
15 what do I make of the interview? I shouldn't necessarily
16 say his interview, but the interview.

17 MR. VAN DER VEEN: Let me -- I understand the
18 question, Judge. I'll argue that it's him giving the
19 interview.

20 What is said in the interview is, I'm scared,
21 I think I'm being arrest -- I'm going to be arrested.
22 We were at the -- I got swept off my feet; we were at the
23 top of the stairs singing the National Anthem.

24 We did not intend to go in. We did not intend to
25 go in. When the doors opened, we got swept in. I don't

1 think the doors were pulled open because they're magnetic.
2 I read on your website that a major from the Marines may
3 have gone around and pushed the button in.

4 It's not as Mr. Nestler indicated, that he was
5 saying that they had coordinated the openings of the doors.
6 That's not what the interview says. I read it three times.
7 What he says is --

8 THE COURT: Hang on one second.

9 MR. VAN DER VEEN: He says, I read --

10 THE COURT: I've read the full interview.
11 Hang on, Mr. Van Der Veen.

12 I forgot to ask Mr. Nestler whether he wanted to
13 comment, on behalf of the government, on this notion that
14 somehow the doors were open from the inside, which seems to
15 have been what Mr. Dolan was suggesting during this
16 interview.

17 MR. NESTLER: I think Mr. Dolan was suggesting
18 during the interview that somebody official with the Capitol
19 Police had affirmatively opened the door to let the rioters
20 in.

21 It is the case from the review of the surveillance
22 video, Your Honor, that some of the rioters had made their
23 way inside from the west side of the Capitol and were able
24 to push on the doors from the inside, as well as people from
25 the outside where Mr. Dolan was pulling on them.

1 MR. VAN DER VEEN: Judge, if that's Mr. Dolan
2 giving the interview, he's just -- the interviewee is
3 clearly giving his perspective of what happened.

4 He's not trying to get a conspiracy theory going
5 or anything of that nature. He's not saying it was a stolen
6 election and all that conspiracy stuff. He's not saying Q
7 was dropping down from the moon. He's just saying the doors
8 opened, they opened this way, as you see in the photos, and
9 they had to have been opened from the inside because they're
10 magnetic and there's two ways: Push the button or set off a
11 fire alarm.

12 He wasn't in any way trying to -- and this is
13 what's crucial. In this interview, if you assume it's him,
14 his not promoting violence, he's not promoting that people
15 riot, he's not promoting that people stand up and do
16 anything that's dangerous to the community.

17 THE COURT: You're right, but what he is doing is
18 diminishing the seriousness of what happened and the fact
19 that people entered.

20 I mean, you know, he's suggesting that somehow the
21 entry was almost invited, which it clearly was not. The
22 notion that somehow these doors were opened up to welcome
23 people in is certainly a question --

24 MR. VAN DER VEEN: The interviewer may have been
25 trying to justify that day in his own head a little bit,

1 too, I suppose, Judge.

2 But it doesn't say that he's -- the content of
3 that interview speaks to not being a danger to the
4 community. He may be trying to rationalize what the heck
5 happened that day. He says we weren't planning on it, and
6 he says in his own head, the interviewee, trying to really
7 rationalize what happened. But with respect to my client on
8 that day, he didn't destroy any property. The charge that
9 gives him a presumption of innocence is the charge that he's
10 charged under accomplice liability as a conspirator to
11 destroy the property.

12 He didn't destroy any property. I watched the
13 video. Even though I only got it 15 minutes before the
14 hearing, I did watch the video the government had sent me
15 three times.

16 And I'll first comment on the still photos that
17 they have submitted and I'm assuming will go into evidence,
18 are a series of four photos over three seconds. And if you
19 look very closely at the hat of Mr. Dolan, it is not facing
20 the guard, it's facing about 10 degrees, they say, it's
21 about 10 degrees to the left shoulder of the guard.

22 And then the four frames, all he does is just
23 continue to turn away, okay? That's the rotation of the
24 hat. If you notice, the hat has a bill and it has a dark
25 stripe down it on the side. And the hat simply rotates away

1 from, in three seconds, four frames, rotates away from the
2 uniformed, heavily uniformed guard.

3 I watched the video, though, and zoomed in on it.
4 And what happens, Judge, the entire time, is Mr. Dolan is in
5 the crowd and his hands are down at all times, all times.
6 And he's getting pushed by the pressure of the crowd all
7 around him, and he pushes forward towards the front of the
8 line and then he gets pushed back.

9 And he almost then after that gets pushed down to
10 the ground, not by armed people, just by the people in the
11 crowd, and he's getting just moved back and forth. I went
12 to a Phillies champion parade and got caught on a street
13 corner and the crowd was going back and forth. And that's
14 what happens to Mr. Dolan at that point. He's in a sea of
15 people pushed. He shouldn't have been there, if that's
16 Mr. Dolan on the video.

17 That's not the point. The point is, he wasn't
18 aggressive, he didn't strike anybody, he didn't raise his
19 hands, he didn't push anybody, he didn't pull anybody,
20 he didn't do anything of that nature. And the close-ups of
21 it are simply him turning away and probably not completely
22 under his own power just because of the crush of the crowd.

23 And so with respect to that, the presumption comes
24 from the destruction of property. And he didn't himself
25 destroy any property; the FBI agent testified that he was in

1 there for less than ten minutes, nine minutes. Mr. Nestler
2 proposes it's 17 minutes in his brief; that in 17 minutes,
3 my client was in and out of the Capitol, and not like a
4 tourist, Judge.

5 And gosh, I do not in any way mean to downplay the
6 seriousness of what the heck happened that day, that's not
7 the point here. But there are levels of culpability and
8 there are levels of activity. And on that day, my clients
9 were way down.

10 If you go through the factors in that *Munchel*
11 case, all of those factors domino in my client's favor: He
12 wasn't assaulting police, he wasn't damaging property, he
13 wasn't an organizer, just all of those factors.

14 THE COURT: What do you make of the fact that --
15 and I found this with respect to Mr. Harrelson, that they
16 were looking for the Speaker of the House?

17 MR. VAN DER VEEN: Not my client, Judge.
18 There's no evidence, never mind clear and convincing
19 evidence, there is zero evidence that my client was looking
20 for the Speaker of the House on any day.

21 The quantum of evidence they gave you for that --
22 actually, when you asked him directly, he said, no, we can't
23 say that was Mr. Dolan with any certainty at all.

24 But they do have the video, and they do have the
25 video of what's going on there. And they do have the

1 manpower to look at it. They've held my client now for
2 almost two weeks. They've had an opportunity, during the
3 pendency of the appeal, to look for the evidence that they
4 need to meet here today to detain him from being a man
5 outside of bars.

6 And he was not looking for Nancy Pelosi. They
7 associate, Judge, no words of violence with my client. They
8 associate no action of looking for Pelosi with my client.
9 They showed him a picture --

10 THE COURT: Hang on, Counsel.

11 But what they do is they present evidence that
12 he's with someone, Mr. Meggs, who later says to another
13 person: We were looking for Nancy Pelosi.

14 MR. VAN DER VEEN: Well, first of all, we've seen
15 them separated at many times today in the photo.

16 In the video he just showed you, Mr. Nestler
17 indicated to you that Mr. Dolan was upfront and
18 Mr. Harrelson was in a sea of people halfway back. So they
19 weren't always together by his own evidence that he just
20 gave you.

21 And he doesn't have any evidence of Mr. Dolan's
22 saying, I'm looking for Pelosi, or even being with
23 Mr. Harrelson the entire time or in the entire areas. And
24 they clearly simply could have looked at the video of him
25 and watched him from one spot to the other.

1 So I will tell you, Your Honor, my client wasn't
2 looking for Nancy Pelosi. He didn't intend to be there that
3 day in that building, he didn't.

4 And he's on the video, he was. But it wasn't his
5 intent, it wasn't planned, they have no planning for him of
6 it. He was a tagalong. And there were many tagalongs
7 there. But in the sea of people who should be detained and
8 the people who shouldn't be detained, you know, my client
9 shouldn't be detained.

10 When I look at -- and I did, I think, in my
11 motion, highlight for Your Honor just a few of the other
12 folks and what they did who were released. And there are
13 people who assaulted officers, there were people there that
14 were heavily in military garb, armed with weapons, destroyed
15 property, folks with all of -- with that conduct, none of
16 which is my client, have all been released under strict
17 conditions.

18 Judge Matthewman and Pretrial Services in Florida
19 take great lengths to take a look at this case, the
20 dangerousness issue, and evaluate my client, and in their
21 jurisdiction, which they know best, they were confident that
22 they could keep the community safe and that they had a
23 strict set of conditions down there where Mr. Dolan is going
24 to be, to make sure that they can keep the community safe.
25 They know their resources best, and they know their ability

1 to make -- keep the community the safest.

2 And I know we're de novo here, but Judge
3 Matthewman took hours, Judge, two days of testimony, and
4 then additional proffer by the government --

5 THE COURT: I know.

6 MR. VAN DER VEEN: -- and it only took --

7 THE COURT: Hang on, Counsel.

8 I will say the following, which is: I'm really
9 quite grateful to him, Judge Matthewman, the care he took in
10 this case, to take testimony and to listen to both sides.
11 And, frankly, he wrote a very thoughtful decision, rendered
12 a very thoughtful decision orally as well. So I have no
13 qualms with how he approached this.

14 And I think the advantage I have is that I've had
15 the chance to have all of these defendants before me in the
16 context and have a better sense than perhaps he does just by
17 advantage of presiding over this case, of where your client
18 falls within all of this and the nature of his conduct. So
19 I certainly have no criticisms of Judge Matthewman, to say
20 the least.

21 Mr. Van Der Veen, do you have anything else you
22 want to add before I ask you to wrap up? And I'll give
23 Mr. Nestler the last word and then we'll take a short break
24 and I'll come back.

25 MR. VAN DER VEEN: If I could just check my notes,

1 then, Judge, one second.

2 Only based on what you just said, Judge, you
3 having the benefit of seeing the cases and where he fits in,
4 my client fits in, I would argue, below *United States versus*
5 *Chad Johnson* [sic], who was released after assaulting a
6 police officer with the use of a deadly and dangerous
7 weapon; *United States versus Gossjankowksi*, where
8 Mr. Gossjankowksi was released, with no objection by the
9 government, after assaulting a federal officer with a
10 dangerous weapon, a taser; and *United States versus Rachel*
11 *Powell*. Ms. Powell is charged with using a battering-ram to
12 break a large window of the Capitol in order to forcibly
13 enter. The government also alleged that Ms. Powell had used
14 a bullhorn to direct rioters inside of the Capitol. Again,
15 my client wasn't directing or encouraging anybody.

16 But those folks, Your Honor, I would ask to
17 recall, were released, and my client's conduct on that day,
18 my client's stature in the whole kind of chain of --
19 hierarchy of who was who, I think was much lower. And, most
20 importantly, Judge, I want to argue that the community can
21 be safe with my client, he won't be a danger, and he'll do
22 anything Your Honor tells him to do to the T.

23 THE COURT: Thank you, Your Honor.

24 MR. VAN DER VEEN: I didn't say anything about his
25 military record.

1 You know, my client has 20 years --

2 THE COURT: You don't have to, because I'm well
3 aware of it, and I've seen the commendations that he's
4 received.

5 MR. VAN DER VEEN: I'll rely on my written
6 submission there then, Judge.

7 THE COURT: Not a problem.

8 All right. Mr. Nestler, I'll give you a brief
9 rebuttal, if you'd like one.

10 MR. NESTLER: Yes, Your Honor, just briefly.

11 The government is not submitting that Mr. Dolan is
12 a danger based purely on what he did on January 6th. We've
13 all read the *Munchel* decision; we've discussed it and
14 debated it with Your Honor during many hearings.

15 Mr. Harrelson, Mr. Meggs, Ms. Watkins, others were
16 held for different reasons. And so we're not just putting
17 Mr. Dolan into the hierarchy in this case of where he fell
18 within -- whether he was above or below Mr. Harrelson or
19 Mr. Cowl in some sort of hierarchy of this conspiracy.

20 What we're saying is, his actions on January 6th,
21 coupled with his access to firearms, his efforts to hide
22 those firearms from the government, and his continued
23 apparent belief about the election and the political climate
24 based on what his neighbor said and what he has been, of
25 course, telling the news organization, it showed to the

1 government that the danger still is real. This is not over
2 for Mr. Dolan, and the access to firearms makes it even more
3 real, which is why in the language from the D.C. Circuit,
4 there are articulable and specific reasons why Mr. Dolan
5 poses a danger to the community.

6 THE COURT: Thank you, Mr. Nestler.

7 All right. Let's take a brief break. It's 3:05.
8 I just want to collect my thoughts for a few minutes here
9 and then we'll be back.

10 Why don't we just take a ten-minute break and
11 we'll be back at 3:15.

12 MR. HUTCHINSON: Judge, can I mention one thing
13 before you take a break?

14 THE COURT: Go ahead, Mr. Hutchinson.

15 MR. HUTCHINSON: Very briefly, Judge.

16 The GPS monitor, no one brought that up, that he
17 was ordered to be on. Obviously at the house, that was
18 searched by the FBI, is a major factor, perhaps, to the
19 Court in assuring that he would have access to nothing
20 outside that house, which was searched, and obviously he'd
21 be on GPS there.

22 THE COURT: Understood.

23 Okay. Thank you.

24 MR. HUTCHINSON: Thank you.

25 (Recess from 3:06 p.m. to 3:19 p.m.)

1 THE COURT: Okay. Welcome back, everyone.

2 Is everybody available and ready to proceed?

3 MR. HUTCHINSON: Yes, Your Honor.

4 THE COURT: Looks like we have everybody.

5 Mr. Dolan, let me make sure you're able to hear
6 me.

7 THE DEFENDANT: Yes, sir. Yes, Your Honor.

8 THE COURT: Okay.

9 All right. So as I said at the beginning here,
10 before me is the government's motion for revocation of the
11 release order.

12 Just so the record is clear, I am applying a de
13 novo review standard to the government's motion. I'll
14 reiterate that I am really grateful for the care that
15 Mr. Matthewman put into this issue, but at the end of the
16 day, it is a de novo review and that's the standard I am
17 applying.

18 There is -- obviously, pretrial release is the
19 ordinary presumption, liberty is the norm; however, Congress
20 has, under the Bail Reform Act, established a statutory
21 presumption of detention in certain cases. There's no real
22 disagreement that that presumption of detention applies. It
23 applies because Mr. Dolan is charged with destruction of
24 government property. The offense carries a ten-year maximum
25 penalty, and as a result of that maximum penalty of ten

1 years under the Bail Reform Act, the presumption does apply.

2 It is just a presumption, however, and, of course,
3 the defendant can come forward with evidence to rebut that
4 presumption. Mr. Dolan has come forward with evidence, and
5 so, therefore, the burden remains with the government to
6 prove by clear and convincing evidence that there are no
7 combination of conditions that would ensure the safety of
8 the community or any person.

9 In furtherance of that determination, I'm to
10 consider four factors: The nature and circumstances of the
11 offense charged, the weight of the evidence against the
12 person, the history and characteristics of the person, and
13 the nature and seriousness of the danger to any person or
14 the community that would be posed by the person's release.

15 Instead of going through the four factors as I
16 ordinarily might, I think I want to just cut to the chase in
17 this case. And let me just say at the outset that I think
18 this case is a close call. I think the evidence the
19 government has presented with respect to Mr. Dolan puts him
20 in a different place than some of the defendants who have
21 been on release. In particular, there are two aspects of
22 the evidence against Mr. Dolan that I think weigh against
23 him, both in terms of the nature and circumstances of the
24 offense and the weight of the evidence and the dangerousness
25 he presents.

1 The first is his participation with Mr. Harrelson
2 in what I think is not just a reasonable inference, but
3 I think established by clear and convincing evidence,
4 bringing guns to the hotel in Ballston, where the quick
5 reaction force was established and set up, has been
6 demonstrated by pieces of evidence I've seen in this case
7 and by the evidence that's been presented in this case.

8 Mr. Harrelson and Mr. Dolan returned to the hotel
9 on the 7th of January and are clearly seen on surveillance
10 removing four -- excuse me, at least three boxes of -- long
11 gun boxes. Now, the argument's been made that who knows
12 what's in there. Fair enough. On the other hand, all the
13 evidence certainly points in the direction that there were,
14 in fact, weapons. All the communications around that date
15 suggest the bringing of weapons, and all the communications,
16 particularly by Mr. Harrelson, referring to his stuff
17 certainly suggests that he was going back to retrieve guns.

18 It's true that there's nothing charged in this
19 indictment with respect to guns; on the other hand, it
20 certainly establishes a degree of dangerousness and a threat
21 to the community that you have two people who, in all
22 likelihood, appear to have left the state of Florida with
23 multiple weapons and brought them to the
24 District of Columbia and placed them outside the
25 District of Columbia on the ready to use for violence

1 purposes. And that was the purpose of this quick reaction
2 force, no question about it.

3 There's evidence involving communications between
4 Mr. Meggs and Mr. Harrelson, suggesting that the nature of
5 the quick reaction force was meant to do just that: Be on
6 the ready to engage in violent behavior. It was understood
7 that Mr. Harrelson was going to contribute weapons to that
8 quick reaction force, and it appears, based on the evidence
9 that's been presented to me, that Mr. Harrelson certainly
10 brought those weapons into the District -- excuse me, into
11 Northern Virginia to be at the ready for use on January the
12 6th. That's one. And Mr. Dolan was by his side certainly
13 from the time they left Florida, up through the time they
14 dropped those boxes off, or we think they dropped the boxes
15 off in Ballston and then picked them up on the 7th.

16 The second piece of evidence that gives me a lot
17 of pause and concern is the fact that I am certainly
18 convinced that Mr. Dolan possesses weapons. There's no
19 reason to doubt the observations of his neighbor, that he
20 possesses multiple weapons. The neighbor's observations are
21 corroborated by the photograph of his wife carrying an AR-15
22 on Mr. Dolan's phone, comments Mr. Dolan has made on various
23 comment boards or anything found on YouTube. And so the
24 absence of any guns there gives me real concern that
25 Mr. Dolan does have access to guns, although they may not be

1 at his home. Those are two real concerns that establish
2 dangerousness.

3 And I guess the third is to go back to Mr. Dolan's
4 conduct on the 6th. You know, Mr. Van Der Veen is right
5 that he did not destroy any property, at least not directly.
6 He's also right that the evidence as to whether he assaulted
7 a police officer is, at best, ambiguous.

8 I have real concerns about what his intent was
9 walking towards the House Speaker's office and being outside
10 that office for some period of time. That is evidence that
11 isn't applicable to all the other people that have been
12 before me. I've not had evidence, until Mr. Harrelson's
13 hearing, of the specific movements of members of this group
14 inside the Capitol building and what they did once they
15 entered it. And so, you know, the nature of the conduct on
16 the 6th can't be diminished or discounted. Its seriousness
17 cannot be just simply swept under the rug. And Mr. Dolan's
18 access to guns and his willingness to at least be at
19 Mr. Harrelson's side and bringing guns to this area are
20 really, really troubling.

21 All of that said, I don't put Mr. Dolan in the
22 same category as Mr. Harrelson and the other two defendants
23 in this case that I have held. He is different, at least in
24 the following material respects:

25 First and foremost, and, again, this is all with

1 respect to the question of future dangerousness. It's not
2 just about what he did on the 6th and in those days, but
3 what sort of risk does he pose in the future? That risk, as
4 the government has articulated, is engaging in violent acts
5 in connection with political protests, political -- concerns
6 about having similar events happen in Statehouses and
7 Capitols around the country, engaging in political-oriented
8 violence.

9 As I said, I think Mr. Dolan presents a risk in
10 that direction, and I think he is a danger, but I think he's
11 slightly differently situated from particularly Mr. Meggs
12 and Mr. Harrelson and the third defendant whose name is
13 escaping me.

14 MR. NESTLER: Ms. Watkins, Your Honor.

15 THE COURT: Ms. Watkins, yes, sorry about that.

16 Ms. Watkins in three respects.

17 First is that the evidence of Mr. Dolan being a
18 leader among this group of people does not really exist. It
19 appears that he was, at most, a follower among this group.
20 He's not somebody who's identified as having a leadership
21 role, either in the various GoToMeetings that the government
22 has discovered. There's no communication that puts
23 Mr. Dolan in charge of any particular duty or geographic
24 region for the Oath Keepers, for example. And so to the
25 extent that a person's role in the organization is

1 indicative of their future degree of dangerousness,
2 Mr. Dolan's degree of dangerousness is diminished in some
3 respect.

4 Secondly, in terms of direct evidence of
5 Mr. Dolan's state of mind, it is not quite as strong in this
6 case as it is against some of the others. Unlike
7 Mr. Harrelson and Mr. Meggs and Ms. Watkins, we simply do
8 not have the kinds of communications of Mr. Dolan's state of
9 mind as we do with these other defendants.

10 In particular, Mr. Meggs very clearly says in one
11 of his text messages or one of his communications that he
12 was looking for the Speaker. While there may be a
13 reasonable inference that Mr. Dolan was doing that very same
14 thing by being with Mr. Meggs, the strength of that
15 inference is not as strong as it is for Mr. Meggs based on
16 the evidence in the record that's before me as of today.
17 And so we don't have quite the state-of-mind evidence that
18 we do with respect to those other defendants that have been
19 before me and who I have detained.

20 And thirdly, with respect to the firearms and the
21 weapons, I'm obviously very concerned that Mr. Dolan was
22 with Mr. Harrelson when he arrived at Ballston, left from
23 Ballston, appearing to have long gun boxes. That said, all
24 I can do is go on the evidence that's before me. And the
25 evidence before me is not as strong with respect to

1 Mr. Dolan as it is with respect to say, for example,
2 Mr. Harrelson.

3 There are express communications involving
4 Mr. Harrelson that clearly indicate that he's the owner of
5 what they retrieved from Ballston, thereby suggesting to me
6 and suggesting -- and a suggestion to me quite strongly that
7 those guns that were actually at the hotel were, at a
8 minimum, his.

9 The same degree of evidentiary strength is not
10 present for Mr. Dolan. Maybe it's just because the
11 government hasn't had an opportunity to review all of these
12 communications, and that's fair, but I don't have anything
13 before me that expressly links Mr. Dolan to those weapons,
14 either in terms of communications, either in terms of any
15 kind of registration of weapons, either in terms of the
16 recovery of weapons from his home or weapons boxes that
17 might match what was at the hotel.

18 And so in terms of the strength of the evidence
19 with respect to his knowledge of weapons and his readiness
20 to use weapons and, frankly, his understanding of -- that
21 there was a quick reaction force, it's not clear to me that
22 evidence is as strong against Mr. Dolan as it is against
23 some of the others.

24 The other really important factor here is
25 ultimately even if I were to conclude and I have concluded

1 that he is a danger -- does present some danger, does it
2 answer the question of whether there are any combination of
3 conditions that would ensure the safety of the community.

4 And I will say that there are two factors here
5 that are absent that were present in the case of at least
6 two of the other defendants. The first is, there are no
7 real substantive communications between Mr. Dolan and other
8 Oath Keepers and others after January the 6th. There are
9 some attempted phone calls with Mr. Harrelson, but that's a
10 big, big and stark difference between that kind of
11 communication and what we've seen involving Mr. Harrelson,
12 for example, who was communicating with Person One in the
13 weeks and months after January the 6th.

14 The same is true of Mr. Meggs. We did see
15 communications involving Mr. Meggs after January the 6th,
16 which is probably, at the end of the day, consistent with
17 their leadership role in the organization. There simply is
18 not that kind of communication involving Mr. Dolan,
19 suggesting that even if after the events of January the 6th,
20 he was not still actively engaged and thinking about the
21 prospect of future violence and engaging in the kind of
22 behavior that led toward January the 6th.

23 The second is, unlike the others, and I've not
24 seen the kind of statements and communications, for example,
25 of the absence of any kind of regret and justifying actions

1 that happened on January the 6th. I don't think we have
2 similar actions by Mr. Dolan or similar words by Mr. Dolan.

3 There is this interview -- and let me say: I'm
4 fully convinced that Mr. Dolan is the person that was
5 interviewed by this website; however, you know, taking the
6 entire interview in context, while Mr. Dolan does raise some
7 questions about how the doors were actually opened and who
8 opened them, you know, he hasn't -- as his lawyer rightly
9 points out, wasn't advocating for violence and, frankly,
10 even justifying the conduct on that day that he had
11 participated in January 6th during that interview.

12 I will also note secondarily and importantly,
13 unlike Mr. Harrelson -- you know, Mr. Harrelson, you all
14 will remember, had a to-go bag at the ready, which contained
15 a handgun, this burner cell phone, and books that would help
16 him sort of live off the grid. He also engaged in
17 potentially providing false testimony.

18 Look, I have some concerns about Mr. Dolan and his
19 representations about guns, real concerns, but, again, it
20 doesn't rise to the level of concern that Mr. Dolan is not
21 going to abide by my conditions that I had with
22 Mr. Harrelson.

23 And at the end of the day, I'm quite mindful and
24 have weighed Mr. Dolan's history. He has no prior criminal
25 convictions, 20 years of honorable service in the Marines,

1 multiple commendations, and that is information about his
2 past that I simply can't put to the side.

3 I'll contrast that with Mr. Harrelson, for
4 example, and he's been the greatest comparator that we've
5 had here. Mr. Harrelson had at least one prior conviction
6 and had used a gun to shoot at his neighbor's dog. We don't
7 have any similar evidence here that Mr. Dolan has used a
8 weapon in a similar manner, notwithstanding the fact that
9 I believe he has certainly possessed guns in the past.

10 So all of that said, I do think I'm going to deny
11 the government motion. I think the government has fallen
12 just short of the line here for pretrial detention. I think
13 there are a combination of conditions that will ensure the
14 safety of the community.

15 I will say, although, again, my review was de
16 novo, I do place some weight in what Judge Matthewman did
17 and the care he took in looking at this and believing that
18 the condition that he imposed in his own backyard were
19 sufficient to keep the community safe.

20 So I will impose -- release Mr. Dolan on the same
21 conditions that Judge Matthewman imposed, plus one more, and
22 this is an important one. And, Counsel, you're going to
23 have to talk to your client and figure out how you're going
24 to do this. But it's not simply that he's not allowed to
25 possess firearms at his home. If he has control over or

1 access to any firearms, legal or illegal, those need to be
2 turned in to Pretrial Services or to law enforcement,
3 period, end of story. So if he's put them somewhere in a
4 storage facility, given them to friends, what have you,
5 those guns have to be turned in to law enforcement during
6 the duration of this case, okay? Any question about that?

7 MR. VAN DER VEEN: Just timing-wise, Judge. That
8 may take a couple days to coordinate all of that.

9 THE COURT: Understood.

10 MR. VAN DER VEEN: But it will be done.

11 THE COURT: Well, I'll give you a week.
12 Presumably, he'll be released today. And whatever needs to
13 be done to take care of that, presumably can be done by the
14 18th. If for whatever reason additional time is needed,
15 you'll have to let me know, okay?

16 And so to be clear, no weapons in the home. So no
17 immediate access or possession of weapons. And to the
18 extent he has control of weapons outside the home that the
19 FBI did not find, those need to be turned over, through his
20 counsel, to law enforcement or to Pretrial Services,
21 whatever is appropriate, okay?

22 All right. Any questions or anything else anybody
23 wants to raise? Let's talk about -- anything else anybody
24 wants to raise?

25 Last piece of housekeeping is going to be the next

1 date, which for everybody on this call will be a relatively
2 short turnaround. But any other issues anybody wants to
3 raise before we talk about next date and exclusion of time
4 under the Speedy Trial Act?

5 MR. NESTLER: Not from the government, Your Honor.

6 MR. VAN DER VEEN: Not from the defense,
7 Your Honor.

8 THE COURT: Okay.

9 All right. So, counsel, we have a next date
10 scheduled in this case of January [sic] the 2nd at 11:00.
11 I know all of you did not have the benefit of being there
12 when we set this, but there are three of you on the call, so
13 I assume at least one of you can be available if there's a
14 conflict.

15 MR. VAN DER VEEN: July 2nd, Judge?

16 THE COURT: July 2nd at 11:00 a.m. That'll be
17 done by Zoom. You'll get access, you'll get information to
18 dial in for that. You don't have to come to D.C. to be
19 physically present, and Mr. Dolan doesn't need to be
20 physically present, unless he wants to. He, of course, has
21 a right to. But if he'd rather participate by Zoom, that's
22 perfectly fine by me. It's a big group, and so doing it by
23 Zoom actually has its benefits. That's one.

24 Two, have you discussed the exclusion of time, at
25 least through the 2nd, with Mr. Dolan, Mr. Van Der Veen?

1 MR. VAN DER VEEN: Discussed -- I'm sorry, Judge.
2 Excluded what?

3 THE COURT: Excluded -- I'm sorry. Discussed the
4 exclusion of time under the Speedy Trial Act?

5 MR. VAN DER VEEN: I have, Judge.

6 THE COURT: And is he prepared to exclude time
7 under the Speedy Trial Act through July the 2nd?

8 MR. VAN DER VEEN: Yes, Judge.

9 THE COURT: Okay.

10 Let me just address Mr. Dolan and make sure he
11 understands what rights he's waiving here.

12 Mr. Dolan, I want to make sure you understand your
13 rights under the Speedy Trial Act. What the
14 Speedy Trial Act gives you, Mr. Dolan, is the right to have
15 a trial within 70 days of first appearing in court. Do you
16 understand that, sir?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: In terms of how we calculate that 70
19 days, Mr. Dolan, what your lawyer and I have just discussed
20 is that we would exclude, that is, we won't count the days
21 between now and your next appearance in court on July the
22 2nd. Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And are you prepared to exclude that
25 time, Mr. Dolan?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Okay.

3 So for the reasons stated in court here today,
4 I do find that the interests of justice outweigh the
5 interests of the defendant and the public in a speedy trial,
6 and so, therefore, I'll exclude the time between tomorrow
7 and July the 2nd from computing Mr. Dolan's speedy-trial
8 time.

9 Specifically, that time -- the exclusion of that
10 time will be warranted to allow the government to make
11 discovery disclosures to the defendant and for the defendant
12 and his counsel to review discovery, as well as based on the
13 current standing order, that current standing order excludes
14 time through the end of August due to the difficulties of
15 holding trial during the pandemic. And for the reasons
16 stated in that standing order, I'll exclude time until
17 July the 2nd as well.

18 I also granted an order for a 30-day extension of
19 exclusion at the last hearing at which Mr. Dolan was not
20 present, but for the reasons that I articulated at that
21 hearing, which largely have to do with discovery and
22 preparing for trial and the complexity of this case and the
23 number of defendants, that for those reasons, the exclusion
24 of time is warranted as well.

25 I think that's all. Anything else, Counsel?

1 MR. NESTLER: Not on behalf of the United States,
2 Your Honor.

3 COURTROOM DEPUTY: Your Honor, this is
4 Jean-Claude, the Courtroom Deputy.

5 I'm just reviewing Judge Matthewman's order -- and
6 this is at ECF -- this is the government's motion at
7 Exhibit 1, it makes reference to \$100,000 surety bond.

8 THE COURT: Right.

9 COURTROOM DEPUTY: Is it safe to assume that that
10 doesn't apply for our conditions?

11 THE COURT: No.

12 I mean, look, unless there's been a request to
13 remove the bond, what's the status of him paying?
14 I'm sorry?

15 COURTROOM DEPUTY: Mr. Van Der Veen, you're on
16 mute.

17 MR. VAN DER VEEN: Judge, my understanding was he
18 had a signature bond of 100,000 that was also signed by his
19 wife and his daughter.

20 THE COURT: Okay.

21 So --

22 MR. VAN DER VEEN: I think that's already been
23 done.

24 THE COURT: Okay.

25 So that's what I want to just confirm. If it's

1 been done, then we'll maintain that condition as a condition
2 of release. As I said, all of Judge Matthewman's conditions
3 will apply, as well as the additional condition that I've
4 imposed.

5 You know, Mr. Dolan, I have -- let me just say:
6 These are strict conditions, these strict conditions are
7 being imposed for a reason. And I've said this to everybody
8 that I've released, which is that these conditions are
9 revocable. And so if you violate them, I'll learn about it,
10 and we will reconsider your pretrial detention -- your
11 pretrial release status. Is that understood?

12 THE DEFENDANT: Yes, it is, sir.

13 THE COURT: All right.

14 PRETRIAL SERVICES OFFICER: Your Honor, this is
15 Ms. Holman with Pretrial Services.

16 We did not receive any information from Florida.
17 So could we have about one minute in a breakout room with
18 defense counsel and their defendant just to get his contact
19 information?

20 THE COURT: I don't think you need a breakout
21 room. I think if Mr. -- well, I'm happy to -- I'm going to
22 log off and you're happy to stay on; Mr. Douyon will keep
23 the line open; I think he's the host.

24 PRETRIAL SERVICES OFFICER: Just make sure that
25 the public line is turned off.

1 THE COURT: Yeah, we'll disconnect the public line
2 and we'll -- we'll take it from there.

3 I mean, there is a Pretrial Services Report that
4 was prepared by Pretrial in Florida, which is quite
5 detailed, so if there's anything --

6 PRETRIAL SERVICES OFFICER: Yes, Your Honor. We
7 requested that information but they never provided it to us,
8 Your Honor.

9 THE COURT: Okay.

10 I think it's attached to -- it is attached as an
11 exhibit to the defendant's response to the government
12 motion.

13 But in any event, I'll leave it to Pretrial to
14 obtain that information however you'd like. But that report
15 is in our docket and I think there's a request to seal it,
16 which I'll make sure we grant as well.

17 All right. Anything else, folks?

18 MR. NESTLER: Your Honor, just one thing on
19 logistics for the provisions of Mr. Dolan's firearms.
20 Does Your Honor want to set some formal mechanism for
21 defense counsel to file something with the number and the
22 type and what's been done with them to make sure we wrap
23 that all up?

24 MR. VAN DER VEEN: Judge, I was going to suggest
25 that I have whatever guns there are or all of them delivered

1 to the local police department in his town, which I believe
2 is Palm Beach.

3 THE COURT: Here's what I would suggest, which is,
4 I would ask you all to confer. And this is -- I don't want
5 to -- I would confer with Pretrial Services in the district.
6 Is he in the Southern District of Florida or where is he?

7 MR. HUTCHINSON: Yes, Judge, he's in the Southern
8 District.

9 THE COURT: I would confer with them and find out
10 whether they have protocols and procedures for this and how
11 to turn them in.

12 And if you contact them and they say we don't have
13 any protocols and procedures, let me know, and so we can
14 then come up with what makes the most sense, whether it's
15 turning it in to the sheriff or -- I don't know whether
16 Pretrial Services would accept it or whether the --

17 PRETRIAL SERVICES OFFICER: Your Honor, if I may,
18 most jurisdictions require that the firearms are surrendered
19 to local law enforcement. Local law enforcement will take a
20 record of what was surrendered, and the defendant -- give
21 the defendant a receipt, and that receipt can be presented
22 to Pretrial Services to show that the firearms were
23 surrendered to local law enforcement.

24 THE COURT: Okay.

25 All right. Well, let's do this: I still think it

1 makes sense for you all to contact Pretrial Services in the
2 Southern District to make sure what's just been described is
3 consistent with their procedures, because I don't want to
4 have you all doing something that's not consistent with what
5 they do down there. And then if you don't get any answers,
6 then I think what Pretrial has suggested here makes the most
7 sense.

8 But let's start with Pretrial in the Southern
9 District and then just let me know if -- just contact my
10 chambers to let me know that this is all taken care of,
11 okay?

12 MR. NESTLER: Thank you, Your Honor.

13 THE COURT: All right.

14 Thank you, all.

15 MR. HUTCHINSON: Thank you, Judge. Have a good
16 weekend.

17 THE COURT: You too.

18 (Proceedings concluded at 3:46 p.m.)
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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Please note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of court reporting remotely.

Date: June 25, 2021 /S/ William P. Zaremba

William P. Zaremba, RMR, CRR

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