

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:21-cr-28 (APM)
)	
KELLY MEGGS and)	
CONNIE MEGGS,)	
Defendants.)	

**GOVERNMENT’S SUPPLEMENTAL OPPOSITION TO
DEFENDANTS’ RENEWED REQUESTS FOR PRETRIAL RELEASE**

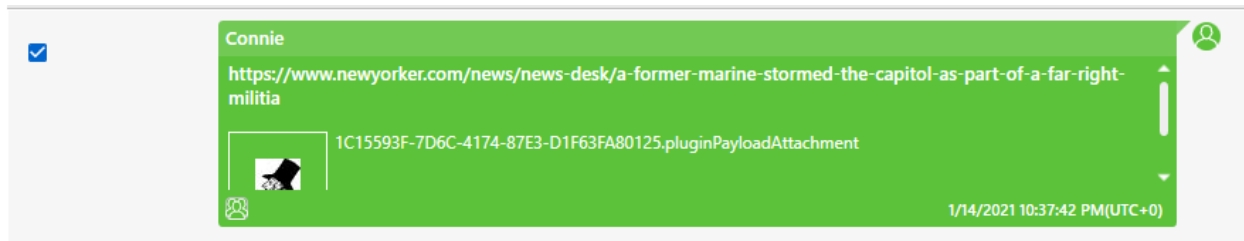
On March 17 and 23, 2021, the United States filed oppositions to the renewed requests for pretrial release of Defendant Connie Meggs (ECF 86) and Defendant Kelly Meggs (ECF 98). The Court is scheduled to conduct bond review hearings for both defendants on March 26, 2021. The United States recently became aware of two additional pieces of information that bear on the question of both defendants’ detention.

1. Destruction of physical evidence

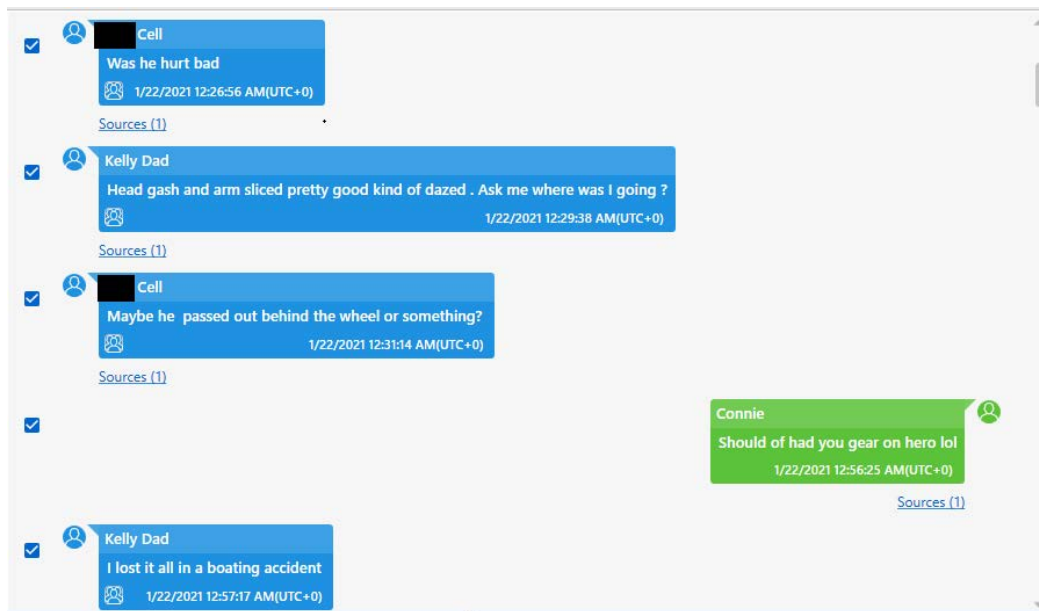
When the FBI searched the defendants’ residence in Dunnellon, Florida, on February 17, 2021, the FBI did not locate the clothing or paraphernalia that either defendant was wearing during the attack on the Capitol on January 6, 2021. That includes, for Defendant Kelly Meggs, his camouflage helmet, neck gaiter, Oath Keepers t-shirt, or plate carrier with “Oath Keepers” patches; and for Defendant Connie Meggs, her camouflage helmet, Oath Keepers hat, or Oath Keepers t-shirt.

On January 14, 2021, the New Yorker publicized the fact that co-defendant Donovan Crowl, a “former marine who belongs to the Oath Keepers,” participated in the attack on the

Capitol.¹ The same day, Defendant Connie Meggs sent a link to the New Yorker article to a family member:



On January 22, 2021 – just a week later, and after the media had publicized co-defendant Crowl’s arrest – Kelly and Connie Meggs sent messages to each other appearing to make light of the fact that Kelly Meggs had gotten rid of his “gear.”² Kelly Meggs told his family that he was injured in a car accident. Connie Meggs responded that Kelly Meggs should have had his “gear on,” and she added “lol.” Kelly Meggs replied that he “lost it all in a boating accident”:



¹ <https://www.newyorker.com/news/news-desk/a-former-marine-stormed-the-capitol-as-part-of-a-far-right-militia>.

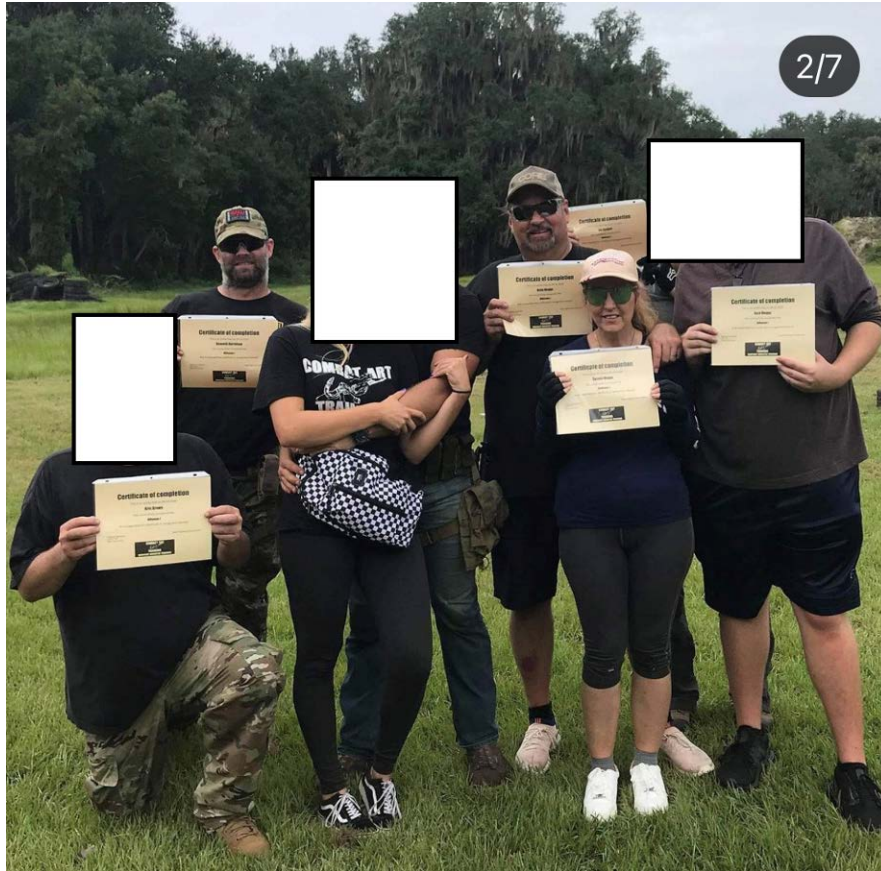
² A third individual was a part of the message chain, and therefore the communication is not protected by any marital privilege. See, e.g., *Pereira v. United States*, 347 U.S. 1, 6 (1954) (“The presence of a third party negatives the presumption of privacy.”); *United States v. Madoch*, 149 F.3d 596, 602 (7th Cir. 1998) (telephone communications between incarcerated husband and wife that were tape recorded by prison officials not protected by communications privilege since “communications made from jail are likely to be overheard by others, and thus, it is unreasonable to intend such communications to be confidential”).

2. Firearms training

Defendant Kelly Meggs wrote in his motion that he “never served in the military nor has he undergone any paramilitary training.” (ECF 81 at ¶ 3.) And Defendant Connie Meggs asked to “adopt” the facts advanced in Defendant Kelly Meggs’s motion as if they were made in her own motion. (ECF 83.) But both defendants have apparently participated in paramilitary training.³ A company in Leesburg, Florida, that provides combat training has photos and videos on its website and Instagram feed showing Kelly Meggs and Connie Meggs – along with co-defendant Kenneth Harrelson, and other individuals in Oath Keepers garb – participating in tactical firearms training:



³ As noted in the government’s opposition to Defendant Connie Meggs’s motion, she informed the FBI after her arrest that she and Kelly Meggs participated in a firearms training class to prepare to be “security” at the rallies and events. (ECF 86 at 13-14.) But the videos and photos discussed below appear to show her training for tactical warfare with an AR-platform firearm, not a protective security detail.



In fact, the facility captioned the following photo of Defendant Connie Meggs holding an AR-platform firearm as “gunfight oriented training”:



One of the videos, titled “Why and where do we shoot people (target areas),” and dated September 24, 2020, features both Kelly Meggs and Connie Meggs:



In the video, the instructor leading the defendants’ group teaches how to terminate a threat from a “bad guy.” In the caption to this video, the training facility adds various hashtags for context, including “#stopantifa,” “#fightback,” and “#giveviolenceachance.” At the training, the instructor explained to the defendants that they were not the police or military and that the goal is to incapacitate a threat. In using a rifle, he explained, the defendants should recognize that it is an “offensive weapon,” and should be used lethally. Specifically, the instructor taught the defendants that there are three areas on the human body to aim and shoot at to effectively terminate a “bad guy”: (1) the “high-thoracic cavity” area under the soft spot of the front of the neck, where you either aim to hit the “heart” to cause “massive hemorrhaging” or the lungs to cause “sucking chest wounds”; (2) the area “between the eyes at the top of the nose,” to hit the “squishy stuff” and hopefully the “brain stem, because they’ll drop”; and (3) the “center of whatever you can see,” in an effort to “break bones” and not just cause “flesh wounds.” At this point in the video, Kelly Meggs appears to laugh, and he later shows that he has multiple loaded magazines ready to practice what he learned on what appear to be human-shaped drawings on targets. “Anything worth

shooting once is worth shooting twice,” the trainer explained, because “a round on him is a good thing no matter what.”


In another video posted by the facility, a member of the Meggses’ group is “bounding with cover from a private,” practicing firing an AR-platform firearm in a crouch position, providing what appears to be suppressive fire while a comrade moves across a field, communicating with physical touches on each other’s shoulders, and aiming for accuracy on various targets.

When interviewed by the FBI, Defendant Kelly Meggs reported that the group of Oath Keepers did *not* participate in any firearms training: “In Florida, let’s say there’s ten people that are firearms trainers. Then those ten people would be the ones that would train us. We never actually did it, but that was like one of the things we were talking about.” (2/17/21 Interview Tr. at 16.)

Finally, Defendant Kelly Meggs’s financial records show that he made payments to this combat training facility on September 21, 2020 (around the time of the videos and photos shown above) and on November 27, 2020 (for \$600).

Respectfully submitted,

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