Twitter Thread by Zoe Tillman

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A federal judge in DC is holding a detention hearing in the cases of Capitol insurrection defendants Eric Munchel (who was photographed wearing tactical gear and holding a bunch of zip tie handcuffs) and his mother Lisa Eisenhart — the govt is arguing to keep both behind bars

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Government Appeal Exhibit No. 1



Re: the zip tie handcuffs that Munchel and Eisenhart allegedly picked up inside the Capitol, AUSA Ahmed Baset says they were visible to lots of people passing by at the time but these two not only took them, but did so "with glee"

on January 6, 2021. Upon penetrating the building through a door breached by insurgents, the defendant grabbed a handful of Capitol Police flexicuffs and exclaimed: "Zip ties. I need to get me some of them mother----s!" Then, with his co-conspirator, Lisa Eisenhart—who also wore a tactical vest and took flexicuffs—the defendant joined a group of insurgents searching for Members of Congress. Surrounded by insurgents exhorting veiled threats such as "Treason!",

Baset says it's true that Munchel and Eisenhart aren't charged with physically hurting anyone, the evidence shows they were looking for lawmakers, who had been cleared out. "They should not be given credit for that," Baset argues.

Baset says that Munchel was in touch with the Proud Boys in Tennessee *after* Jan. 6 and talked about how he'd wanted to join their ranks before but didn't know how

Munchel's lawyer Sandra Roland argues that the Tennessee magistrate judge who granted pretrial release to Munchel and Eisenhart got it right in finding that the govt failed to show there were no combination of release conditions that would protect the community

Roland argues that the judge in DC, Judge Royce Lamberth, should be focusing on whether the TN judge's decision was "clearly erroneous," versus doing his own review from scratch to decide the detention issue. She also notes that Munchel turned himself in + videos from his phone

Roland argues that the release conditions ordered by the TN judge were reasonable — home confinement with third party custodian + GPS monitoring, which she says is basically like jail but without the COVID risk

Roland focuses on the fact that Munchel isn't charged with violence. She also says that the govt hasn't actually confirmed the person Munchel communicated with after the riot was affiliated with the Proud Boys, and says there's no ev. of ties with anti-government/milita groups

Roland argues Munchel went to DC to protest and send a message, which people do all the time. Lamberth jumps in and asks what message he was trying to send by carrying around zip tie handcuffs. Roland notes there's no evidence he used them.

"Luckily," Lamberth quips back.

Lamberth is pushing Roland to explain *why* Munchel picked up the handcuffs, and Roland deflects, saying the govt hasn't presented evidence about that, and there isn't anything in the record about him indicating what he planned to do with them

Next up is Gregory Smith for Munchel's mother Lisa Eisenhart, who the govt is also arguing to keep in custody. Smith says she's a longtime nurse with no criminal record and argues she isn't a flight risk, noting she made arrangements to turn herself in and doesn't have a passport

Smith is criticizing how long it's taken for the DC court to address detention for Eisenhart (and Munchel), noting the TN magistrate judge ordered release on Jan. 22 and decided even a three-day stay to allow the govt to appeal was too long (a DC judge then granted a longer stay)

Smith accuses the govt of overselling the evidence in seeking detention, noting that the magistrate judge in TN concluded the govt didn't back up a claim that Eisenhart was chasing after officers inside the Capitol

Smith says pretrial detention should be about risk Eisenhart poses between now and trial. What does govt fear she's going to do, he asks, "now that Donald Trump is no longer in office, now that the electoral vote has been confirmed, now that there's a fence around the Capitol"

AUSA Baset is back up to reply to the defense arguments — he argues the factors that gave rise to Jan. 6 violence are still here, noting ongoing threat assessments about future demonstrations, alluding to one planned for early March (tied to QAnon: https://t.co/KXrxs6N1tR)

Responding to defense args that Munchel and Eisenhart aren't charged with any violence/destruction at the Capitol, AUSA Baset compares it to a burglar trying to get credit for not breaking a vase

It appears we are not going to get a ruling on detention for Capitol insurrection defendants Eric Munchel and Lisa Eisenhart today — arguments just concluded and Judge Lamberth said he wants to issue a ruling in writing as soon as possible, likely tomorrow