Twitter Thread by Andy Piltser-Cowan



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The government has filed its brief in support of holding Jake Angeli (aka "Q-Shaman") without bail pending trial. Let's take a look. #lawtwitter

First, an 18-page memo filed prior to a detention hearing isn't unheard of, but it's not every day, either. It's a signal that they really, really want this guy locked up.

Next: the charges. They're getting serious here. Angeli faces two felonies: 18 USC 231 civil disorder,

which carries up to to five years in prison, and 18 USC 1512(c)(2), obstructing an official proceeding (the electoral college count), which carries up to 20 years in prison. And some misdemeanors.

Next we come to the authorization for detention. The government has to show

That some law says the judge can jail him pending trial. In this case, Angeli is totally fucked because of a prop choice: he used a spear as a portable flag pole, and that gets him a "felony involving the use of a dangerous weapon."

In general, if you're gonna crime, crime without a weapon. It'll go better when you're prosecuted.

One really notable choice on page 1: they're calling the coup a "violent insurrection that attempted to overthrow the US Government." I haven't seen that in an official doc yet.

Again on page 3, "Chansely [Angeli's real name] was one of the insurrectionists..."

Not rioters, trespassers, protesters, or the like. Insurrectionists. It matters that the government is taking this view.

Another cool stylistic choice on page 4: embedding images within the brief. I've never seen a court rule that says not to do this, but it's rarely done. And when done, often highly effective (with the right image for the right point).

The brief goes on to explain that Angeli used his bullhorn to rile up the crowd whenever the cops got it settled a bit. They also have an officer saying he "used his bullhorn to communicate that they were there to take out several United States congressmen."

He's toast.

Judges can shake off an awful lot as "sad choices," but this is way over the line and into "get comfy in prison" territory.

Next, they allege that he left a note on Pence's desk: “it's only a matter of time, justice is coming.”

Chilling.

Page 6 is a whole list of things you should not do after failing to overthrow the government:
1) Call the FBI and confess
2) Say as part of your confession that your ambiguous note wasn't a threat
3) Drive to the FBI to confess some more
4) Bring your crime costume to the FBI.

The threat bit is a great example of why we say "don't talk." He confessed to so much, just to say he didn't mean the threat as a threat;
a) Nobody believes him;
b) Even if they did, he's given up a LOT more than he got;
c) There's no benefit to saying that before trial.

On page 7, probation recommends release with conditions. That plane ain't gonna fly. The government points out that he lied to the pretrial evaluator, and that they didn't consider the fact that he's a crazy insurrectionist who said he'd do it again.

Okay, I'm convinced, this guy's fucked. He's getting held.

Wait, there's more? That wasn't the conclusion? No, that was the conclusion of the introduction.

Now they're summarizing the legal standard.

Page 8: he says he has no mental health issues, but you don't have to be a psychologist to know this dude's delusional:

If that's not enough, here's a transcript of some word salad he made on YouTube on the day of the coup:

A lot of the analysis section is repeating facts from the introduction to match them up with the elements of the legal standard. This is not atypical.

On page 15, regarding the "nature of the offense" element, the government reiterates that Angeli is a participant in a violent insurrection to overthrow the government. Chilling characterization: "the insurrection is still in progress and he intends to continue participating."

"Strong evidence, including [Angeli's] own words and actions at the Capitol, supports that the intent of the Capitol rioters was to capture and assassinate elected officials[.]"

Page 16: the judge is supposed to consider the "weight of the evidence," and well, most of the evidence is his own spontaneous confessions on the internet. That's very bad for him.

Page 17: "His ability and willingness to conform his behavior to pre-trial supervision conditions appears to be virtually nil."

Searing. Also accurate.

The government concludes with a brief analysis of the final factor, "danger to others." They take all of 7 lines. It's a no brainer.

On page 18, they conclude with the signatures and certificate of service.

This guy is totally fucked. They are using his distinctive costume, assumed leadership role, and erratic words and behavior to make an example of him.

The only thing I see in his favor is that the government thinks he's nuts. So there *might* be a defense or mitigation there.

His affect and behavior may change after a few weeks in jail without access to his devoted followers and drugs of choice. That's not uncommon. But for now he's likely to be a very difficult client for his legal team, and probably continue to be self-destructive.