Twitter Thread by Port-a-Kushner

Port-a-Kushner
@WNYPolitix

Listening in to the Peter Harding arraignment. (THREAD)

Magistrate Judge Jeremiah McCarthy is presiding.

Criminal complaint against Harding is from DC District Court dated 1/11/21.

Harding is charged in a 2 count complaint from DC District - violating 18 usc 1752 (a)(1) and (a)(2) unlawfully being on federal grounds.

Second count is Title 40 USC 5104(e)(2)(c) violent entry and disorderly conduct on Capitol grounds. Max for both is 1.5 years and a fine.

Harding is represented by Jason DiPasquale and Jeremy Schwartz. He will be pleading not guilty.

Probation has 10 conditions of release recommended, and the Government consents to those. Harding's counsel objects to some of it because he contacted the FBI on his own and these are misdemeanors.

The Defendant left his house on 1/12 after his face was shown on the wanted poster and stayed with a friend. They are not asking for detention, but because he absented himself at that time, the govt believes monitoring is necessary.

The Defendant was in the Capitol on 1/6 to interfere with government, and he may do this again. He posted to Facebook things that expressed a desire to do it again. "We learned how strong our numbers are if we can take the Capitol there is nothing we can't accomplish."

Given Harding's desire to promote and engage in similar future conduct and disruptions to constitutional process, monitoring is reasonably necessary.

The government had to go looking for Harding after the FBI posted his picture, and this justifies monitoring per the govt. DiPasquale notes he was still in WNY and he did not flee when he learned of imminent charges. He cooperated with the FBI at arrest.

He owns a house in OP and Cheektowaga and has ties to the community. He is a lifelong resident of WNY. He has an adult daughter in the area and poses no flight risk. He has no prior history of rioting.

There are no allegations in the affidavit that he engaged in any destructive behavior while in the Capitol.

His intention was to protest peacefully and that he was non-violent while in the Capitol. Harding is self-employed in construction. Harding raises his hand to say something.

His lawyer tells him to be quiet. Judge rules: Electronic monitoring is reasonable. Mr. Harding is to travel only within WDNY and to the DC District but only for those court proceedings.

The judge adopts all of the probation recommendations. He must remain at a verifiable address, stay in WDNY, only travel to DC for court, no firearms allowed, avoid contact w potential witness/victim, abide by conditions of location monitoring program, has curfew, and will pay.

He must not tamper with monitoring. He will participate with computer monitoring, and inform them of any devices to which he has access and probation can install apps to monitor them.

Probation can review his computer and phone and hard drives whenever they want, and they can copy any media and peripherals. He will have to report within 72 hours to probation.

DC District has a return date next week at 1pm for Harding to appear via remote proceeding. Next Tuesday at 1pm is his DC District appearance.

/end