Twitter Thread by Colin Kalmbacher



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QAnon adherent and admitted Capitol Hill insurrectionist Kenneth Grayson has a hearing today. He allegedly sent the following DM to a friend: "I left one unconscious so I did my little part and got the fuck out before I got arrested." Grayson was later arrested. This is a thread.

D.C. Magistrate Judge Robin M. Meriweather is presiding. Currently hashing things out with the D.C. U.S. Attorney's office over scheduling concerns for today and the rest of the month. Defense counsel currently conferring privately. Grayson just got on the line and ID'd himself.

Stanley Greenfield is local counsel appearing for the defense. He just asked if the government would be willing to forego making Grayson pay for his own electronic monitoring. (Yes, the attorneys have skipped ahead of things a bit. The hearing has not officially started yet.)

AUSA Soo C. Song was on this case as attorney of record via the Western District of Pennsylvania. But AUSA Judy Smith is on the line and taking the lead for now. But D.C. AUSA Mary Dohrmann will be the actual prosecutor for the government. Lots of lawyers. Hope not too confusing.

Grayson just said he was outfitted with an electronic monitor by pre-trial services today. The hearing is focused on "courtesy supervision" (release provided to defendants referred by other jurisdictions) provisions of Grayson's bail. The conditions are being determined today.

The judge is finally on the line and asking if people can hear her. They can. Here we go.

Correction: Kelly Smith is the AUSA here. Greenfield was the local counsel and he is being represented in D.C. by court-appointed attorney whose last name is Voss (?).

"The government is not seeking detention in this case," AUSA says, notes that the defense and the government are largely in agreement, "or somewhat in agreement" on the conditions of release.

Defense confirms they are "generally in agreement."

Only major deviation between the sides here is that Grayson's defense doesn't want him to pay for his GPS monitoring, as is the custom in Pennsylvania, he notes that the custom in D.C. is for indigent defendants to not pay for those kinds of costs. Government pushes back here.

AUSA says they want to "defer" to Pennsylvania and asks for pre-trial to weigh in. Pre-trial says it's not something they can determine or impose but asks that it remains in place. Defense says there might be an equal protection problem here. "I'm not gonna push it any further."

The judge will leave that condition in but is willing to reassess later--though she notes that she also made her own determination of Grayson's ability to pay. Still, the complaint is lodged for the record.

"Understood your honor."

Release conditions: subject to pre-trial supervision in Pennsylvania, surrender his passport, not obtain international travel documents, travel restricted to Western District of Pennsylvania and D.C., home detention (with multiple caveats), avoid contact with victims or witnesses

possess no weapons, no excessive alcohol use, no use of controlled substances unless prescribed, submit to drug testing, participate in therapy if directed by pre-trial, pre-trial does its own assessment of ability to pay, report any change in contact information or LE contact.

"Some of that may be redundant," the AUSA notes, because of his home detention but says they'll leave it up to the judge to figure that out. The defense doesn't object but notes he has already complied with pre-trial meeting requirements because he was outfitted with GPS.

Judge takes out the international travel restriction because it is redundant. Defense doesn't need any additional explanation. Grayson will be released. Pre-trial chimes in to say they need him to "resolve" a West Virginia warrant "as an additional condition of his release."

The defense is "surprised" by this development and has requested a breakout room (a private teleconference). Pre-trial says they spoke with W. Va. state police this morning and confirmed the warrant is extraditable from Pennsylvania. Sprung this at the last possible moment.

Grayson was previously granted bond in Pennsylvania on Friday. That was his initial appearance but not for D.C. where he is actually being prosecuted. Grayson making bond in the first place was somewhat controversial. Local coverage:

"Things are already underway to resolve this outstanding warrant," the defense notes and says this issue was raised last week during his initial bond hearing. The defense has no objection to this condition. AUSA wants to know how this is going to be resolved.

Government says they think Grayson has to turn himself in to resolve the warrant. Greenfield (local counsel) speaks up to say that West Virginia is not going to extradite him and it's only a formality at this point concerning a computer. "They were not gonna come get him."

AUSA still not satisfied because of what D.C. pre-trial said minutes ago based on their own information. Greenfield effectively says, well, looks like both pre-trial services should communicate better. D.C. pre-trial speaks up and substantially repeats what they said earlier.

The judge wants to know what pre-trial services actually wants. "Do you want him...to...turn himself in?" Pre-trial says they want it to be "resolved." Just repeating the same boilerplate over and over now. Says, sure, he could turn himself in. The defense objects to that now.

Everyone is confused about what the warrant actually says. AUSA says they initially had "faulty information" about it not being extraditable. Now the government wants him to turn himself in.

Government wants Grayson to turn himself in within 24-48 hours. Defense push back, saying D.C. doesn't usually make defendants pay for their own monitoring (so why should they accede to this request, basically.) But says because of the storm, if it must be a condition, 72 hours.

Defense now claiming they never received a pre-trial services report that mentioned the West Virginia warrant. The reports are now being compared. Judge asks if there was a typographical error. Looks like there was. Request granted. Grayson must surrender within 72 hours.

That is, he must turn himself in or otherwise resolve the issue within 72 hours. Judge has concerns about the conflicting information. "We could have a situation where the left hand doesn't know what the right hand is doing." Doesn't want him unnecessarily detained.

Grayson just swore to God that he would abide by the conditions of his release.

Note: the court asked the "so help you God" iteration of the courtroom oath. The defendant did not volunteer that.

The next court date for U.S. v. Grayson is tentatively scheduled for March 9 at 1 p.m. before Judge Zia M. Faruqui.

"That concludes this matter."

Grayson will now be released.

"Thank you. You are all excused."