





Biggs' complaint, which was built entirely off *public* comments about Proud Boy planning, shows a picture of a large Proud Boys group already close to the Capitol by 12:15. It shows their use of radios (they would get details of the preplanned channel they used weeks later). It shows a group wearing pre-coordinated orange hats.

It also describes how Proud Boys started recruiting people to come to DC no later than December 29.

9. For example, on December 29, 2020, Tarrío posted a message on the social media site Parler1 about the demonstration planned for January 6, 2021. Among other things, Tarrío announced that the Proud Boys would “turn out in record numbers on Jan 6th but this time with a twist... We will not be wearing our traditional Black and Yellow. We will be incognito and we will be spread across downtown DC in smaller teams. And who knows...we might dress in all BLACK for the occasion.” I believe the statement about dressing in “all BLACK” is a reference to dressing like the group known as “Antifa,” who the Proud Boys have identified as an enemy of their movement and are often depicted in the media wearing all black to demonstrations.

10. On or around the same day, BIGGS posted a similar message to his followers on Parler in which he stated, among other things, “we will not be attending DC in colors. We will be blending in as one of you. You won’t see us. You’ll even think we are you . . . We are going to smell like you, move like

you, and look like you. The only thing we'll do that's us is think like us! Jan 6th is gonna be epic." I understand that BIGGS was directing these statements at "Antifa."

11. Separately, BIGGS has described the Proud Boys' efforts, in general, to plan for demonstrations and events attended by the Proud Boys. In an interview that was purportedly taped in December 2020 and posted online on or about January 3, 2021, BIGGS described how he, as an organizer of Proud Boys events, sets about planning them. BIGGS explained, in part:

When we set out to do an event, we go alright, what is our main objective? And that's the first thing we discuss. We take three months to plan an event. And we go, what's our main objective? And then we plan around that, to achieve that main objective, that goal that we want.

In other words, the complaint that Nordean complains (at a time when a number of people he interacted that day had already been arrested) shows pre-planning not to attend a Trump speech – which is what tens of thousands of people were planning on doing that day, but instead to *not* attend a Trump speech, and instead wait by the Capitol for key events to transpire.

In any case, Nordean explains one reason why these texts weren't provided right away: because he asked just for five days of Telegram chats at first, not the later ones. These aren't the texts that, Nordean believed, were going to be the most helpful.

On March 25, Nordean requested that the government produce, at least by March 30, Telegram chats on Nordean's phone sent and received between 1/4/21 and

1/8/21. Nordean did not say that no other chats should be produced, nor did he waive any right to Brady material of which the government was aware. On March 9, Nordean served a discovery letter on the government seeking all of the defendant's statements and requesting that Brady material be produced according to the schedule in Rule 5.1.

Another likely reason is that a protective order has not been signed in this case yet, as compared to a slew of other ones, meaning prosecutors are still going to focus on the evidence backing the indictment (and so the texts from before the insurrection, not after).

The charges already allege that Charles Donohoe encouraged everyone to write exculpatory things in their Telegram chats starting on January 5, in the wake of the Enrique Tarrio arrest. And here, Nordean managed to still provide evidence of a claim he has earlier contested: that he had a leadership role in this militia group.