

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

JOSHUA PRUITT,

Defendant.

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Case No. 21-CR-23 (TJK)

GOVERNMENT’S POSITION REGARDING CONDITIONS OF RELEASE

After Pretrial Services filed a report on January 4, 2022, noting seven violations of curfew by defendant Joshua Pruitt (“Pruitt” or “the defendant”) and recommending removal from the High-Intensity Supervision Program (“HISP”), the Court ordered the government to provide its position regarding conditions of release. Defendant Pruitt’s conduct on release, and throughout the pendency of this case, demonstrates that he is “unlikely to abide by any condition or combination of conditions of release.” 18 U.S.C. § 3148(b). The government respectfully requests that the Court revoke Pruitt’s release order.

The January 4, 2022 Pretrial Services report is the third such report filed in this case alleging multiple curfew violations and requesting removal from HISP. In addition to the violations noted in the Pretrial Services reports, the government has received information indicating that the defendant has been making threats, chiefly through videos posted on social media. Pruitt was recently sentenced for violation of a restraining order, in a case where the victim described receiving similar threats. Pruitt’s conduct on January 6 also demonstrated a similar defiance of court orders (defendant was on probation at the time and was arrested that night for breaking curfew). The Court has given the defendant multiple chances to demonstrate that he can abide by the terms of supervision. Enough is enough. Pruitt’s noncompliance means that

conditions cannot reasonably assure defendant's appearance, and the threats suggest that he poses an ongoing danger. Pruitt should be held pending trial.

BACKGROUND

I. The Offense Conduct and Charges

Pruitt was initiated into the Proud Boys in November, 2020 by Proud Boys "Chairman" Enrique Tarrío. While Pruitt initially described his initiation as a "drunk mistake," he continued to associate with the Proud Boys and made plans to meet with a Proud Boys group on January 6.

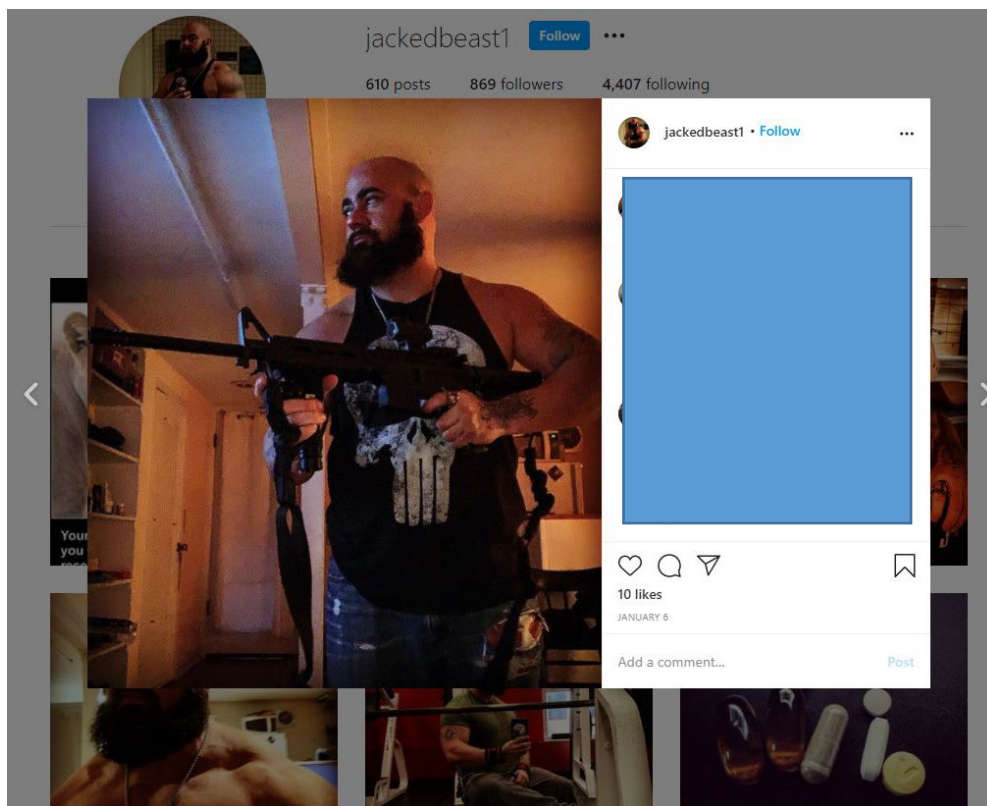
Photographs sent January 5 and 6, 2021 show Pruitt (left, below) in what appear to be hotel rooms with other individuals, flashing the three-fingered symbol associated with racially motivated extremist ideology.



Another photograph from January 6 shows Pruitt holding an assault-style rifle while standing on a Black Lives Matter banner.



A social media page showed Pruitt in a similar pose:



That day, wearing the same clothing, Pruitt made his way to the U.S. Capitol. He hopped

over a ramp to get to the Senate Wing Doors, entering soon after the initial breach, as windows were being broken. He picked up a “Quiet Please” sign and threw it across an atrium.



Pruitt made his way to the Crypt of the Capitol, where he was with a pack of people who confronted USCP officers. The officers engaged Pruitt and the pack, who then disappeared off-screen; an officer then reappeared, dragged by another back to safety. Pruitt later bragged after the incident that his “hand is swollen, cop came at [him] for no reason so...I dropped his ass” and

that he “got [pepper] sprayed” when he was inside the Capitol. Elsewhere, in the area of the Capitol Visitors’ Center, Pruitt grabbed a chair and threw it across the room.

At the time Pruitt committed the crimes for which he is charged on January 6, he was on probation in Maryland and Georgia. A little over a week before January 6, he was arrested for violating a protective order in Washington, D.C., and was released to HISP. Pruitt was on GPS tracking when he breached the Capitol, demonstrating that the conditions of HISP were not sufficient to prevent him from additional criminal conduct.

Pruitt was arrested the evening of January 6, 2021, when police found him out past the Mayor’s curfew and he did not obey orders to disperse. An MPD officer also recognized Pruitt in an image from Capitol that day. After being arrested, Pruitt spoke with officers and admitted to being inside the Capitol. He claimed he had tried to de-escalate the situation. He was initially charged by complaint with a violation of 18 U.S.C. § 1752(a)(1) (unlawful entry) and released under HISP on January 7, 2021.

On January 27, 2021, the grand jury returned an eight-count indictment against Pruitt, including felony charges of civil disorder, in violation of 18 U.S.C. § 231(a)(3), obstruction of an official proceeding, in violation of 18 U.S.C. § 1512(c)(2), and a misdemeanor charges of destruction of government property, in violation of 18 U.S.C. § 1361. ECF No. 7. The government later obtained a superseding indictment with the same counts. ECF No. 30.

II. Pruitt’s Violations

On January 26, 2021, Pretrial Services filed a report noting “multiple curfew infractions,” as well as two failures to report by phone. ECF No. 6 at 2. Pretrial Services recommended he be removed from HISP. Defendant also told his Probation Officer in Maryland that he was going to resume treatment and attend Alcoholics Anonymous online, after his officer had previously

indicated that Pruitt had not reported in over a year. ECF No. 6 at 2; ECF No. 4 at 5 (report from Maryland officer regarding noncompliance).

On March 26, 2021, Pretrial Services filed another report noting additional curfew violations. ECF No. 9 at 2. Pretrial Services again recommended he be removed from supervision. *Id.* On August 2, Pretrial Services filed a status report noting additional curfew violations and recommended that the Court admonish Pruitt. ECF No. 17 at 2. Pretrial Services's report also described how defendant moved to Covington, Virginia, and that police had been called to a domestic disturbance at his address. *Id.* The owner of defendant's residence obtained a protective order against him. *Id.* Defendant then moved to Tennessee, where he currently resides. *Id.*

On November 16, 2021, Pruitt was sentenced in connection with two violations of civil protection orders in D.C. (the violations that had led to his arrest shortly before the Capitol riot). He was sentenced to 12 months' probation and 180 days' suspended sentence, among other conditions. In a victim impact statement, Pruitt's former girlfriend described fear that Pruitt would hit her and believed that his heavy drinking made things worse. She described receiving a barrage of text messages and video clips, including threats, some of which depicted Pruitt playing with a knife or standing outside her apartment building. Pruitt threatened her friends as well.

Pretrial Services and the U.S. Attorney's Office have also received multiple reports that Pruitt had engaged in threatening behavior, often over social media platforms, such as TikTok.¹ In one video, an individual confronted Pruitt about his apparently online conflict with another individual, asking Pruitt to "calm down." After claiming the other individual was responsible for starting the conflict, Pruitt admitted he had sent the other individual a video displaying guns. Another individual insulted Pruitt online, and Pruitt responded by referring to sending him "six

¹ Circumstantial evidence indicates that Pruitt made these threats while on supervision.

feet under”:



Referring to the rounds in a Glock-19, Pruitt said “I have 30 friends waiting for you.” In another video, he declared, “This is a war.” He warned one individual online that he “found the bowling alley, so I know close to where you are.” In the course of another online argument, he said, “Fk around and watch your pulse disappear princess.” In screenshots of message exchanges, Pruitt referred to another individual getting a “full clip through if he doesn’t shut the fuck up.” Pruitt posted a video where an AR-15 type gun is visible while a Proud Boy slogan, “FAFO,” is also displayed; in another, he stares at the camera while a song about digging a hole (i.e. to put a dead body in) plays; he makes statements such as “I am going to fucking come for you, you son of a bitch.” Meanwhile, another woman Pruitt was dating sent a message to a friend saying that Pruitt had threatened her ex-boyfriend.

On January 4, 2022, Pretrial Services filed a status report noting seven additional curfew violations. For the third time, Pretrial Services recommended that Pruitt be removed from HISP.

According to Pretrial Services, several times, Pruitt was away from his work and residence for hours at a time in the middle of the night, often in proximity to bars or nightclubs.

On the evening of January 5, 2022, CNN broadcast an interview with Pruitt. *See <https://www.cnn.com/videos/politics/2022/01/05/january-6-capitol-rioters-remorse-charges-sentence-ebof-schneider-pkg-vpx.cnn>*. “If you ask me if I would do it again, I wanna say yes, but then I question in the back of my head, would I?” He continued, “I don’t feel like I did anything wrong,” he said, “but knowing the consequences that came out of it would be the part that would make me question it.” Pruitt said that he was a “Patriot” merely “protesting” against “what I think is a stolen election.” He said, “trying to send me to prison for a few years over this I think is a complete joke.”² CNN had previously reported that, in June, Pruitt had posted on TikTok, “Do I regret Jan 6? Not even a little!!! Patriots rise!!!” CNN, “The Proud Boy,” *available at <https://www.cnn.com/interactive/2021/06/us/capitol-riot-paths-to-insurrection/josh-pruitt.html>*.

III. Pruitt’s Criminal History

Pruitt had several arrests and convictions before his arrest on January 6, 2021: the original Pretrial Services report for this case noted 19 arrests and seven convictions (eight, now that Pruitt has been convicted for the protective-order violations for which he was sentenced in November). In addition to Pruitt’s December 2020 arrest for violating a civil protection order, in December 2018, he was convicted in Georgia of driving under the influence of alcohol and driving with a suspended license. A warrant for violation of probation was issued in June 2019 and remained outstanding. In October 2019, Pruitt sustained a DUI conviction in Maryland.

Pruitt’s other convictions include convictions for harassment in Rockville, Maryland in

² The interview describes Pruitt as a “former” Proud Boy, although Pruitt continues to invoke a Proud Boy slogan (“FAFO”) and has filmed himself with a song about being a Proud Boy playing in the background, among other indications.

2016; DUIs in Virginia (2012) and Nevada (2009), purchasing/possessing controlled substances in Georgia (CDS), and theft in Maryland (2005). He has been arrested for other DUIs, as well as for failing to appear in Nevada in 2010.

ARGUMENT

I. Applicable Authority

Under 18 U.S.C. § 3148(a), “[a] person who has been released under section 3142 of this title, and who has violated a condition of his release, is subject to a revocation of release.” Specifically, “[t]he judicial officer shall enter an order of revocation and detention if, after a hearing, the judicial officer finds that there is . . . clear and convincing evidence that the person has violated any other condition of release . . . [and that] the person is unlikely to abide by any condition or combination of conditions of release.” 18 U.S.C. § 3148(b).

II. Pruitt is Unlikely to Abide by Any Condition or Combination of Conditions of Release

The curfew violations here are the last straw. Pruitt violated both probation and pretrial release conditions the moment he set foot in the Capitol. Breaching the Capitol while being on GPS monitoring displayed a brazen disregard for the rule of law. When he was arrested that night, defendant was not honest with police: he told them he had sought to de-escalate. Throwing furniture is not de-escalating. From January 6, then, there were strong indications that Pruitt was not amenable to supervision, based on his criminal history and his conduct that day. There were also indications of danger, as seen in the violent images Pruitt posted and his confrontations with law enforcement and destruction of property on January 6.

Over the past year, Pruitt has continued to violate his curfew, just as he did the night of January 6. The Court has given him multiple chances to improve, and the problem only appears to have gotten worse. The sheer number of recent curfew violations, whatever the reason for them,

shows that Pruitt has not taken the Court's admonishments seriously. Even assuming that he intends to abide by the conditions of release, he has shown himself unable to do so.

In addition to curfew violations, the numerous reports of Pruitt continuing to engage in threatening behavior further show his inability to abide by conditions of release. They also indicate potential danger to the community. The government acknowledges that it does not know the full context of the circumstances involving the reported threats and the relationships between the individuals involved. But regardless of what someone else might have said to Pruitt, it appears that he has responded with threats. Images of guns.³ References to shooting people, to finding out where they are and attacking them. The government cannot, and the Court should not, ignore Pruitt's repeated references to violence, particularly given that Pruitt was recently convicted for similar behavior in violation of a civil protection order. Pruitt's actions on January 6 also suggest that the Court cannot easily conclude that his cyberbullying is simple puffery; after all, the day he stormed the Capitol, he posted a picture of himself on Instagram armed with a rifle. That Pruitt sees fit to respond to others by lashing out and threatening to "come at them" or put them "six feet under" both suggests potential danger and further demonstrates that Pruitt is not amenable to supervision.

Pruitt's unrepentant comments to CNN on January 5, 2022, further show that he does not take his case—and the authority of the Court—seriously. His admissions during the interview also indicate a danger of reoffending: he admitted a willingness to storm the Capitol again (but for the risk of getting caught), and he maintains the false beliefs that led him to breach the building in the first place. Pruitt appears not to grasp that disrupting the peaceful transfer of power and

³ Pruitt's conditions of release forbid him from possessing firearms. The government does not have sufficient information regarding the images/videos of firearms to determine whether Pruitt possessed any weapons. If he did, that would be further grounds for revocation.

committing violence in the course of doing so is, in fact, a serious crime. He cannot even seem to acknowledge that entering the Capitol as windows shattered and throwing things was wrong. If he views the charges against him as a “joke,” then it is no wonder he would defy pretrial restrictions related to those charges.

In summary, the totality of circumstances here establish that Pruitt cannot abide by conditions of release and poses a danger. He now has been convicted for violating a civil protection order and was on probation *and* pretrial release when he stormed the Capitol. Inside the Capitol, he engaged in destructive behavior and confronted law enforcement. He was arrested that night for breaking the rules by violating curfew. On release, he has violated curfew time and time again, leading to multiple recommendations from Pretrial that he be removed from HISP. He appears unable to refrain from threatening others and is unrepentant regarding his actions on January 6. The Court has trusted Pruitt for the past year, and Pruitt has abused that trust. The government respectfully requests that the Court revoke Pruitt’s pretrial release.

III. If Pruitt Remains on Release, His Conditions Must Include Prohibitions on Alcohol and Social Media

The government believes that Pruitt poses a danger and has shown that he cannot abide by conditions of release. If the Court gives Pruitt another opportunity to remain on release, however, at a minimum, that release should be under stricter conditions. First, Pruitt should be ordered to refrain from all alcohol use. Alcohol appears to be connected to Pruitt’s criminal behavior. He has multiple DUI convictions. His curfew violations appear to place him at or near bars or clubs. Alcohol appears to have been involved in at least some of his threatening behavior. He himself claimed that drinking played a role in his decision to join the Proud Boys.

Second, Pruitt should also be prohibited from accessing or using social media. Many of the reported threats took place on the social media platform TikTok. Courts in this district have

imposed similar conditions. *See, e.g., United States v. Bruno Cua*, No. 21-cr-107 (RDM), ECF No. 25-1, at 3 (D.D.C. March 10, 2021) (conditions included “Defendant may not use any social media--including, but not limited to, Parler, Gab, Reddit, Facebook, Instagram, Discord, Twitter, SnapChat, TikTok, and any similar platform--on any electronic device).

CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court revoke Joshua Pruitt’s pretrial release.

Respectfully submitted,

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