

STATE OF MICHIGAN

IN THE 13TH CIRCUIT COURT FOR THE COUNTY OF ANTRIM

STATE OF MICHIGAN,

Case No. 2022-005168-FH

Plaintiff,

v

ERIC MOLITOR,

**DEFENDANT MOLITOR'S RESPONSE
TO THE PEOPLE'S MOTION FOR
PROTECTIVE ORDER OF DISCOVERY
MATERIALS**

Defendant.

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**DEFENDANT MOLITOR'S RESPONSE TO THE PEOPLE'S
MOTION FOR PROTECTIVE ORDER OF DISCOVERY MATERIALS**

NOW COMES the Defendant, Eric Molitor, by and through his attorney, William S. Barnett,
and does respond to the People's Motion for Protective Order of Discovery Materials as follows:

1. Admits that MCR 2.602(E) is quoted properly by Plaintiff, although the Court Rule extends further to include an in camera process.
2. Admits that case precedence does exist as to appellate matters related to pre-trial publicity and its role in tainting jury pools with preconceived notions of guilt. See People v Jendrzewski, 455 Mich 495 (1997). That Supreme Court precedence also exists where a defendant's confession was issued by the prosecution as part of their pre-trial press release to the media. Irvin v Dowd, 366 US 717 (1961). In the case at bar, the People v Molitor matter, a similar prejudicial press release was recently widely disseminated by the Michigan Attorney General's Office, falsely asserting that Defendant Molitor and four other Antrim County defendants, were members of the Michigan-based militia group, "The Wolverine Watchmen". That the Attorney General's Office knew this assertion to be false and

nonetheless proceeded to prejudice all five (5) Antrim County defendants with this highly prejudicial misstatement and blatantly false misrepresentation. That this press release portrayed all the Antrim County Defendants in an extremely prejudicial false light as other Wolverine Watchmen members have either pled guilty, or have been tried and convicted in other courts in unrelated matters in Michigan. Two unrelated defendants were acquitted in federal court. That due to this prejudicial press release, an improper inference, could easily be made by the now tainted, prospective members of any jury pool proposed as hearing these matters. All of these defendants could therefore fall in the same preconceived and prejudicial category, when none of the Defendants were part of the "Wolverine Watchman". That Defendant Molitor seeks an immediate dismissal of his criminal matter in Antrim County for this deliberate misconduct committed by the Michigan Attorney General's Office as the same appears to be done deliberately to taint the Antrim County jury pool. (See attached - Defendant/Molitor's Exhibit #A). Defendant Molitor does not believe that any of the prosecutors appearing on this case were responsible for the dishonest press release, but the reckless actions of their superior, Dana Nessel, and the Michigan Attorney General's Office, have jeopardized Defendant Molitor's right to a fair trial and fair jury selection and violated his Due Process rights under the Constitution.


3. Admits that one-sided and excessive media exposure has occurred in this matter and that selecting an impartial jury will be extremely difficult. Defendant Molitor further states that the Michigan Attorney General's Office compounded this circumstance by disseminating a deliberate falsehood to further smear Defendant Molitor and other defendants. That the release of this unjustified and libelous press release was timed for when Defendant Molitor and other defendants were bound over to stand trial in this Honorable Court and the highest level of media attention was on these cases. That the false light press release was posted on a State of Michigan governmental website and presumably sent to all media sources in the State of Michigan.
4. Admits that Defendant Molitor was interviewed, in part, because of the dishonest press release issued by the Michigan Attorney General's Office, but denies ever agreeing to provide the local freelance reporter with the entirety or any part of the discovery materials that the Attorney General's Office had provided to the defense. Quite to the contrary, Defendant Molitor told the reporter that "if it were up to him", he would provide the discovery. The Defendant never agreed to do so and any inference otherwise is false and misleading this Honorable Court. Defendant Molitor never agreed to hand over any discovery and presumably understood, not only the District Court's protective order regarding the same, but also, his attorney's long-standing directive to not do so, based on the District Court's prior Order. Also, at the time of Defendant Molitor's statements to the reporter, Defendant Molitor had possession of all of the discovery in a digitally organized format and still did not share the immense digital discovery device with the reporter. Furthermore, Defendant Molitor does not support anyone being threatened or put in harms way as a result of this investigation and is a law-abiding, pro-police individual, who supports the 2nd Amendment, the defense of his and other citizens' property rights and his 1st Amendment right to defend his good name.

5. Admits that discovery materials being distributed may taint a jury pool but to do so would pale in significance as to what the Michigan Attorney General's Office and federal authorities have done so far in their press releases. Defendant Molitor is aware that federal authorities have previously released video and other exhibits directly to the media and have left portions of other related federal matters, open to the public and media for review and/or dissemination.
6. Admits that the disclosure of discovery materials in this case would include personal information as the Michigan Attorney General's Office did not redact personal information of the alleged victim or possible witnesses.
7. Denies that this matter is a domestic terrorism investigation and asserts that the federal government has not maintained secrecy, as several public trials have already been held from what are mostly other independent parts of this protracted, politically-based investigation.
8. Admits that a protective order was entered by stipulation in the District Court, however, that Order did not suppress any person's 1st Amendment right to defend their good name in defense to libelous and/or slanderous statements, in writing and/or spoken by their governmental accusers. Also, that the Plaintiff's requested relief is too broad and any relief granted should be narrowly written and to not prevent the exercise of anyone's Constitutional rights or protections.
9. Denies that good cause exists to enter any order other than to shield disclosure of the address of the alleged victim's real property and the witnesses' names and addresses that were not previously redacted from discovery materials provided to Defendant Molitor. Defendant Molitor objects to any suppression of his 1st Amendment rights or any other Constitutionally-based right in any protective order.

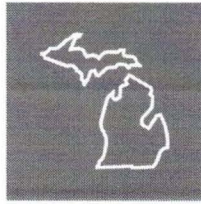
WHEREFORE, the Defendant requests this Honorable Court deny the Plaintiff's Motion for a Protective Order, other than setting reasonable limitations on addresses and identities of witnesses on both sides of this case, that are found in the discovery materials provided.

Dated: February 9, 2023

Respectfully submitted,



WILLIAM S. BARNETT (P39633)
Attorney for Defendant, Eric Molitor

**AG**

Wolverine Watchmen Bound Over in Antrim County

December 07, 2022

AG Press

agpress@michigan.gov

LANSING – Five men facing terrorism and other felony charges for their alleged role in a plot to kidnap the Governor are headed to trial on all charges, Michigan Attorney General Dana Nessel announced today.

Judge Michael Stepka of the 86th District Court in Traverse City bound over the following individuals:

Shawn Fix, 38, of Belleville, will stand trial on the following charges:

- Providing material support for terrorist acts – a 20-year felony and/or \$20,000 fine; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm – a two-year mandatory prison sentence to be served consecutively.

Eric Molitor, 36, of Cadillac, will stand trial on the following charges:

- Providing material support for terrorist acts – a 20-year felony and/or \$20,000 fine; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm – a two-year mandatory prison sentence to be served consecutively.

Michael Null, 38, of Plainwell, will stand trial on the following charges:

- Providing material support for terrorist acts – a 20-year felony and/or \$20,000 fine; and

*Defendant/
Molitor's
Exhibit A*

- Carrying or possessing a firearm during the commission of a felony; felony firearm – a two-year mandatory prison sentence to be served consecutively.

William Null, 38, of Shelbyville, will stand trial on the following charges:

- Providing material support for terrorist acts – a 20-year felony and/or \$20,000 fine; and
- Carrying or possessing a firearm during the commission of a felony; felony firearm – a two-year mandatory prison sentence to be served consecutively.

Brian Higgins, 51, of Wisconsin Dells, Wisconsin, will stand trial on the following charges:

- Providing material support of an act of terrorism, a 20-year felony.

“This bind over sends a clear message that acts of domestic terrorism will not be tolerated,” said Nessel. “Those who threaten our law enforcement agents and public officials endanger our entire state and must be held accountable. I am pleased to see this case move forward.”

The Attorney General’s office charged seven men after the execution of multiple search and arrest warrants in a joint operation with the U.S. Attorneys of the Eastern and Western Districts of Michigan, the Federal Bureau of Investigation and the Michigan State Police.

In total, 19 state felony charges were filed by Attorney General Nessel against seven individuals known to be members of the militia group Wolverine Watchmen or associates of Wolverine Watchmen. Federal charges were also filed against six other individuals.

The suspects were alleged to have called on the groups’ members to identify the home addresses of law enforcement officers in order to target them; made threats of violence to instigate a civil war leading to societal collapse; and engaged in the planning and training for an operation to attack the state Capitol building and kidnap government officials, including Gov. Gretchen Whitmer.

A pretrial conference is scheduled for December 19 at 8:00 a.m. in Circuit Court.

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Please note: *A criminal charge is merely an allegation and the defendant is presumed innocent unless and until proven guilty. The Attorney General’s office does not provide photos of defendants, but one may be available from the booking agencies.*

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Kalamazoo Sexual Assault Initiative Brings Charges in 2005 Rape Case

Oakland County Woman to Stand Trial on Unauthorized Practice of a Health Profession, Identity Theft, and Witness Intimidation Charges

AG Nessel Files Brief Supporting New York Law Criminalizing Possession of a Weapon on Private Property when Private Property Owner has not given Express Consent

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Wolverine Watchmen Bound Over in Antrim County

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