

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

**UNITED STATES OF AMERICA,**

v.

**BRYAN MOLES,**

**Defendant.**

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**Case No. 1:17-mj-000376**

**UNITED STATES' MOTION FOR REVOCATION OF RELEASE  
AND FOR COMPETENCY SCREENING AND HEARING**

The United States respectfully submits this Motion for Revocation of Release and for Competency Screening and Hearing. The United States concurs with the recommendation of the Pretrial Services Agency that defendant Bryan Moles should be removed from supervision under 18 U.S.C. Section 3148, and we submit that detention pending trial with court-ordered mental health treatment is appropriate. We additionally request a competency screening and hearing pursuant to 18 U.S.C. Section 4241(a-b).

**BACKGROUND**

The defendant was charged by complaint in this Court on June 2, 2017, with violations of 18 U.S.C. Section 922(g)(3) (unlawful possession of a firearm), and 22 D.C. Code Section 4504.02 (unlawful transportation of a firearm).

The affidavit in support of criminal complaint establishes that the defendant has a history of mental illness and drug abuse, and that he traveled to Washington, D.C., on May 31, 2017, with an intent, among other things, to remain at 1600 Pennsylvania Avenue until he secured a meeting with President Trump. The defendant was in possession of two firearms (a loaded

Glock handgun and an AR-15-style semi-automatic rifle), high-capacity magazines, and ammunition, when he checked into the Trump International Hotel. He also possessed marijuana and a vaporizer smoking device, and he later explained to law enforcement that he self-medicates with marijuana because anti-psychotic medications make him suicidal. He had described himself to an associate as a refugee intent on bringing down big pharmacy and big business medicine. He had withdrawn over \$10,000 from his checking account, and he told law enforcement that he left behind \$4.19 because the number 419 was significant to him (the Oklahoma City bombing occurred on April 19, 1995). The defendant reported to law enforcement that he had written a term paper once on Timothy McVeigh, who was convicted of perpetrating the Oklahoma City bombing. The defendant also reported having access to numerous firearms at his home in Pennsylvania.

The Court released the defendant on June 2, 2017, with a variety of pretrial release conditions, including requirements to: (1) surrender the firearms at his home in Pennsylvania to law enforcement; (2) not possess any firearms; (3) participate in and maintain mental health services at a Veterans Affairs facility in Georgia; (4) stay away from Washington, D.C., except for court hearings and attorney meetings, and to stay away from a section of Washington that includes the White House and the Trump International Hotel; (5) not be rearrested on probable cause; and (5) report to the Probation Office in the Northern District of Georgia for supervision, including drug testing.

Law enforcement recovered numerous weapons from the defendant's home in Pennsylvania, including five long firearms, a machete, and ammunition, as well as drug paraphernalia (photo attached as Exhibit 1).

On or around June 5, 2017, the defendant left a menacing voice-mail message with a female witness referencing his travel to the Atlanta area. The witness had been referenced in the affidavit in support of criminal complaint in paragraph 4, and the affidavit was disclosed to the defendant at his initial appearance. The defendant had previously left dozens of voicemail messages with this same witness in the hours prior to his arrest in the early morning of May 31, 2017, and these messages raised concerns about the defendant's travel to Washington. On the June 5 voice-mail message, the defendant stated, among other things: "My girl is fucking ready to die. She's ready for life after death. And I suggest you listen to that fucking album next. . . . My girl, I want you to listen to that fucking album, because you're done with ready to die, you're ready to die. And you have. It's time for life after death. That's me and you, starting in Atlanta, this fucking week. I need to see you, girl, I need your touch." The defendant was subsequently personally served with a restraining order forbidding any further communications with the witness.

On June 10, 2017, the defendant was charged by citation with a violation of federal regulation for engaging in willful destruction of property at the Veterans Affairs facility in Georgia. According to a statement of probable cause, the defendant intentionally tampered with a sprinkler system causing flood damage to his room, his personal items, and property belonging to other individuals. The flooding caused considerable water damage to government property, according to the statement of probable cause. (Attached as Exhibit 2.)

On June 12, 2017, as the Pretrial Services Agency reports, the defendant was discharged from the Veterans Affairs facility in Georgia against medical advice after having willfully failed to comply with his medical treatment, despite a release condition to maintain mental health

services as ordered. This is consistent with the defendant's prior history. Additional information pertinent to the defendant's medical history is filed under seal and attached as Exhibits 3 and 4.

The Pretrial Services Agency for the District of Columbia submitted a request for revocation of pretrial release on June 12, 2017. That same day, the Probation Office for the Northern District of Georgia submitted a bond violation report recommending that a warrant be issued for defendant Moles' arrest, and that the defendant be ordered to show cause why his pretrial release should not be revoked.

Law enforcement has interviewed several of the defendant's close family members and other associates in recent days. A close family member reported serious concern with the defendant's mental state, including that he may be a danger to himself. This family member held the view that the defendant needs to be ordered to participate in involuntary mental health treatment at a reputable hospital. Another individual in communication with the defendant reported recent efforts prior to the defendant's arrest to stage a sort of intervention to refer the defendant to mental health professionals.

### **ARGUMENT**

The defendant violated his conditions of release, and demonstrated that he cannot be trusted to participate in court-ordered mental health treatment and to comply with the law while on pretrial release. These violations demonstrate that there are no pretrial release conditions that will assure the defendant will not pose a danger to the safety of any other person or the community. See 18 U.S.C. Section 3148(b)(2)(A). Moreover, the defendant's conduct over the past week establishes that he is unlikely to abide by any conditions of release imposed by the

Court. See 18 U.S.C. Section 3148(b)(2)(B).

Revocation is necessary in light of all the evidence set forth herein, as well as materials filed under seal as Exhibits 3 and 4. This information sheds light on the defendant's mental state and the potential danger he may pose to the community. He suffers from mental illness, is a drug abuser, has an unusual interest in a domestic terrorist, and has had access to numerous firearms. Shortly after his arrest, he left a frightening and threatening voice-mail message with a witness who had provided information about him to law enforcement. And when presented the opportunity to obtain medical treatment, he destroyed government property and refused to fully participate in the treatment offered, opting instead to be discharged against medical advice. The defendant squandered his opportunity to be released pending trial, and demonstrated that detention is necessary to ensure the safety of the community. Pretrial release should be revoked, and the defendant should be detained pending trial under these circumstances.

The United States also respectfully requests a competency screening and hearing pursuant to 18 U.S.C. Section 4241. This is appropriate because there is reasonable cause to believe that the defendant may be "suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. Section 4241(b). The Court should order a competency screening in advance of the hearing under 18 U.S.C. Section 4241(b). Pursuant to the provisions of 18 U.S.C. Section 4247(b), the Court should commit the defendant to the custody of the Attorney General for a period not to exceed 30 days (unless a request for extension is made) in order that the screening may be done by a licensed examiner designated by the court, at a suitable facility for the examination. If the defendant is determined



Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing memorandum was delivered by e-mail upon Loui Itoh, counsel for the defendant, this 14<sup>th</sup> day of June, 2017.

/MJF/

Michael J. Friedman  
Assistant United States Attorney

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

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**Case No. 1:17-mj-000376**

**FILED UNDER SEAL**

**PROPOSED ORDER**

Having considered the United States' Motion for Revocation of Release and for Competency Screening and Hearing, as well as any materials presented in opposition thereto, **IT IS HEREBY ORDERED** that the motion be, and hereby is, **GRANTED**.

The Court finds that there is clear and convincing evidence that the defendant has violated conditions of release. The Court also finds that there is no condition or combination of conditions of release that will assure that the defendant will not pose a danger to the community, and that the defendant is unlikely to abide by any condition or combination of conditions of release. It is hereby **ORDERED** that the defendant's pretrial release is revoked, and he shall be detained pending trial.

The Court also finds that there is reasonable cause to believe that a mental competency evaluation is warranted. It is **ORDERED** that the defendant be committed to the custody of the Attorney General of the United States pursuant to 18 U.S.C. Section 4247(b) for a period not to exceed 30 days for placement in a suitable facility for a competency examination. The examination shall be conducted by a licensed or certified psychiatrist and/or psychologist, or more than one such examiner. A report shall be prepared by the examiner, and shall be filed



under seal with the Court with copies provided to counsel for the defendant and to the attorney for the government. The report shall include:

- (1) The defendant's history and any present mental health symptoms relevant to his legal competency;
- (2) A description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) The examiner's findings;
- (4) The examiner's opinions as to diagnosis and prognosis; and
- (5) Whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

It is also **ORDERED** that the United States Marshal shall transport the defendant to a designated facility for the examination.

**IT IS SO ORDERED.**

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Magistrate Judge Robin Meriweather





*Handwritten text on the table surface, possibly a signature or note.*

**Certificate of Inspection**  
I hereby certify that the above described  
firearm is in good working order and  
is safe to use.  
Date: \_\_\_\_\_  
Inspector: \_\_\_\_\_

**MULTIFUNCTIONAL WATER PIPE**  
2.5" 20-22

Small container with a blue lighter and other small items.



United States District Court  
Violation Notice

CVB Location Code

NG-27

Violation Number <b>6280538</b>	Officer Name (Print) <b>Hardy</b>	Officer No. <b>3769</b>
<b>YOU ARE CHARGED WITH THE FOLLOWING VIOLATION</b>		
Date and Time of Offense (mm/dd/yyyy) <b>06/10/2017</b> <b>13:22 hrs</b>	Offense Charged <input checked="" type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code <b>38CFR 1.218(a)(3)</b>	<b>6280538</b>
Place of Offense <b>1670 Clairmont Rd. Decatur, GA</b> <b>4th fl PICU rm #194</b>	<b>30033</b>	
Offense Description: Factual Basis for Charge		HAZMAT <input type="checkbox"/>

**Willful Destruction**

#508 I R 2017 06 10 - 000177

<b>DEPENDANT INFORMATION</b>		Phone: [REDACTED]
Last Name <b>Moles</b>	First Name <b>Bryan</b>	M.I. <b>D</b>
Street Address [REDACTED]		
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Date of Birth (mm/dd/yyyy) [REDACTED]	Drivers License No. <input type="checkbox"/> CDL <input type="checkbox"/> D.L. State <input type="checkbox"/> Social Security No. [REDACTED]	
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Hair <b>Bro</b> Eyes <b>Bro</b> Height <b>602</b> Weight <b>160</b>
<b>VEHICLE</b>	VIN: _____	CMV <input type="checkbox"/>
Tag No. _____	State _____	Year _____
Make/Model _____	PASS <input type="checkbox"/>	Color _____
A <input type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).		B <input checked="" type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
<b>PAY THIS AMOUNT →</b>		\$ <b>50.00</b> Forfeiture Amount + \$30 Processing Fee <hr/> \$ <b>80.00</b> Total Collateral Due

**YOUR COURT DATE**

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address	Date (mm/dd/yyyy)
	Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

*[Handwritten Signature]*

STATEMENT OF PROBABLE CAUSE  
(For issuance of an arrest warrant or summons)

I state that on 06/10, 20 17 while exercising my duties as a law enforcement officer in the Northern District of Georgia

On 06/10/2017 at approx 1322 hrs  
Off. P. Hardy was advised that a  
veteran patient had flooded his  
room located on the 4th floor  
Psychiatric Intensive Care Unit,  
Bryan D. Moles walked into his  
assigned room and tampered with  
the sprinkler system causing  
flood damage to his room, his  
personal items, and items belonging  
to patients in adjacent rooms.  
Willful destruction of Gov't Property.  
A check of NCIC/GCIC returned  
no wants/No warrants.  
This flooding caused considerable  
water damage to government  
property resulting in an estimated  
cost in excess of \$100.00 in  
replacement equipment; an undetermined  
cost for DeKalb Fire + Rescue; and,  
est. \$3000 worth of man hours in  
cleanup and recovery efforts.

The foregoing statement is based upon:

- my personal observation
- my personal investigation
- information supplied to me from my fellow officer's observation
- other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: \_\_\_\_\_  
Date (mm/dd/yyyy)      Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: \_\_\_\_\_  
Date (mm/dd/yyyy)      U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle;  
CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident