

January 6 trial – did government fabricate key evidence?

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Jim Hoft, head of *The Gateway Pundit*, asserts today the FBI fabricated and planted key evidence against January 6 defendants. This revelation is important for two reasons, beginning with the obvious issue of miscarriage of justice. Judge Timothy James Kelly, the trial judge, is the same judge who will shortly try the case of *Children’s Health Defense et al. v. The Washington Post Co. LLC et al.*

Key January 6 evidence and why it is a fabrication

At issue is this document, titled 1776 returns, an alleged war plan for revolutionary occupation of seven government buildings. It surfaced in this docket entry in *United States v. Ethan Nordean et al* – the January 6 criminal trial. (Why Court Listener has *forty* separate docket entries for this case is unclear.)

This 9-page document, that seems written in an affected amateurish style, proposes (threatens?) occupation of seven buildings. These include the Supreme Court and all six Senate and House office buildings on Constitution and Independence Avenues. In addition it calls for occupying or throwing eggs at the front doors of CNN’s Washington, D.C. headquarters. H-Hour for these occupations was supposed to be 1:30 p.m. EST. The plan after that was to present a series of demands which the document does not list. But this document says *nothing* about entering or attempting to occupy the Capitol.

Zachary Rehl, a Proud Boy defendant, offered this as an exhibit as he moved for a rehearing of his detention.

He said someone had sent this document to co-defendant Enrique Tarrío, the apparent head of the Proud Boys. Whether Tarrío ever read this document is unclear; Rehl said he never read it. The document first bore mentioned in the Third Superseding Indictment of Rehl, Tarrío, and others.

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Ultimately Judge Timothy James Kelly denied the motion. Among other things Judge Kelly said the 1776 Returns document was immaterial to Zachary Rehl's case.

The set-up

On February 13, 2023, Cara Castronuova at *The Gateway Pundit* first shared information about a motion for mistrial. Yet *another docket entry* on this case lists Document 660, a motion for the Court to:

1. Declare a mistrial, and
2. Strike the 1776 Returns document from the record.

By way of preamble, Roger Roots, counsel for January 6 defendant Dominic Pezzola, said:

It appears that the government itself is the author of the most incriminating and damning document in this case, which was mysteriously sent at government request to Proud Boy leader Enrique Tarrío immediately prior to January 6 in order to frame or implicate Tarrío in a government-created scheme to storm buildings around the Capitol. As such, Exhibit 528-1 and the government's efforts to frame or smear defendants with it, constitutes outrageous government conduct.

At issue is the behavior of one Samuel Armes, then an undergraduate at the University of South Florida. He was taking part in a "certificate program" designed to teach the skills that an intelligence agent, or "spook," needs. Armes gave this testimony to the January 6 committee, according to a later court order:

According to Armes, in late 2020, he became concerned about speculation that then-President Trump would refuse to leave office or to acknowledge defeat if he lost the upcoming election. He responded by describing in writing what he "thought might happen in a worst-case scenario" of that nature. The result, as he put it, was a "three-to-five page document" that contained maps and images, including the location of possible protests responding to the "chaos" he thought would result if there was uncertainty about who had won the election. He also testified that he shared that document with a woman named Erika Flores, who may be the same woman who allegedly later sent 1776 Returns to Tarrío.

This sounds like something out of the playbook document of the Transition Integrity Project, which CNAV is currently analyzing. That document presents four war games showing how the Trump and Biden campaign, and five other categories of players, would react to various published election results for the Election of 2020.

(See also this transcript of Armes' testimony before that Committee.)

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Unfortunately, Judge Kelly denied that motion also, apparently casting doubt on the allegations. More troubling still, Judge Kelly seems to accept uncritically denials by Armes of accusations against him by the defense. To be specific, Armes *denies having written the 1776 Returns document*. He seems to say that Erika Flores and/or Enrique Tarrío took Armes' ideas and ran with them on their own.

New information about Armes

Today, Jim Hoft reveals that Erika Flores, who testified to the Committee *before* Armes, specifically said she sent the document to Mr. Tarrío *on orders from Armes*.

These developments are especially troubling because Judge Kelly is *the same judge* set to deal with another major censorship case. Judge Terry A. Doughty, in Louisiana, transferred the case of *Children's Health Defense v. WaPo LLC* to Judge Kelly's court. If Judge Kelly is this uncritical about the testimony of a government witness who might have fabricated and planted evidence, this puts his impartiality, both in *U.S. v. Nordean* and potentially in *Children's Health Defense v. WaPo*, in very serious doubt.