

U.S. Appeals Court releases January 6 attacker involved in killing of Capitol Police Officer Brian Sicknick

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On Monday, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit overruled a decision by U.S. District Judge Thomas F. Hogan and ordered the release of George Tanios of Morgantown, West Virginia, in advance of Tanios' trial date.

Tanios, who is 39, owns a small sandwich shop in Morgantown. He and his co-defendant, Julian Khater, 33, of State College, Pennsylvania, were arrested in March on nine counts, including obstruction of a congressional proceeding, civil disorder and assault with a deadly weapon. Khater is alleged to have sprayed Capitol Police Officer Brian Sicknick with bear mace that had been given to him by Tanios. Sicknick died the following day after suffering a series of strokes.

Khater and Tanios, both ardent Trump supporters, traveled together to Washington D.C. on January 6 to participate in the storming of the Capitol. Body camera stills submitted as part of court documents show the pair engaging with Officer Sicknick outside the Capitol building as they push past police barricades at around 2:15 p.m.

According to court documents, Sicknick and two other police officers were doused with bear spray by Khater at around 2:23 p.m. Khater was allegedly recorded on police body cameras asking Tanios to "give me that bear sh*t" less than 10 minutes earlier.

In May, Judge Hogan ordered Tanios and Khater to remain in detention despite the fact that they did not have prior records because "they still committed this attack on uniformed police officers."

Judges on the D.C. Circuit did not dispute that Tanios participated in the assault on police with Khater but still claimed that the lower court "clearly erred in its individualized assessment of appellant's dangerousness." The judges cited the fact that "Tanios has no past felony convictions" and "no ties to any extremist organizations."

The same panel two weeks earlier upheld the ongoing detention of Tanio's co-defendant, Khater.

The release of Tanio is indicative of the generally lax treatment of the more than 610 people who have been arrested in connection with the storming of the Capitol on January 6. A May analysis by the *Guardian* found that at least 70 percent of the people charged in the attack were released prior to their trials, as compared to the usual pre-trial release rate of about 25 percent for defendants accused of federal crimes.

At least 33 have thus far pled guilty for their role in the attack, of which a large majority, 25, according to CBS News, have pled guilty to misdemeanors. Only eight have pled guilty to felonies.

Over 150 police were injured in the attack, and since January 6 three Capitol Police officers and one D.C. Metropolitan Police officer who participated in the defense of the Capitol have committed suicide.

Also on Monday, federal prosecutors offered a confidential plea agreement for "Cowboys for Trump" founder and Republican commissioner of New Mexico's Otero County, Couy Griffin. Griffin was on the Capitol grounds the day of the attack and posted videos of himself to the "Cowboys for Trump" Facebook page the next day, bragging that he had "climbed up on the top of the Capitol building" and had a "front row seat." Griffin is facing federal charges for knowingly entering restricted grounds and obstructing an official proceeding of Congress. He faces a maximum one-year prison sentence.

In the same video, Griffin vowed to return to the Capitol on January 20 for Joe Biden's inauguration, promising to bring guns and "embrace my Second Amendment."

Last year, Griffin gave a speech in which he declared that "the only good Democrat is a dead Democrat" and called on Trump to "hang" his opponents for "treasonous acts." In an interview with CNN earlier this year, Griffin disputed the fact that Sicknick and Air Force veteran Ashli Babbitt, one of the insurrectionists, had died.

The lenient treatment afforded Trump's foot soldiers has

prompted one judge, Chief U.S. District Judge Beryl Howell of Washington D.C., to question prosecutors' intentions and motives multiple times since January 6. During a July 29 plea hearing for defendant Jack Jesse Griffith, Howell asked the prosecutor to explain why Griffith was pleading guilty to only a class B misdemeanor with a maximum sentence of six months in jail, typically reserved for people who trespass at a national park after hours.

"I'm just curious," Howell said. "Does the government have any concern, given the factual predicate at issue here, of the defendant joining a mob, breaking into the Capitol building through a broken door, wandering through the Capitol building and stopping a constitutionality mandated duty of the Congress and terrorizing members of Congress, the vice president, who had to be evacuated?" The judge continued, "Does the government, in agreeing to the petty offense in this case, have any concern about deterrence?"

On Monday, Howell again questioned prosecutors as to why the Capitol attack defendants were ordered to pay a total of only \$1.5 million in restitution, while American taxpayers were being forced to pay over \$521 million to protect Congress. The latter figure includes costs incurred by the National Guard units that responded to the attacks and for "security improvements" to the Capitol, including an additional \$71 million to the Capitol Police department.

The \$521 million is part of \$2.1 billion bill that was overwhelmingly passed by Congress on July 29, with a 98-0 vote in the Senate and a 416-11 vote in the House.

Howell interrogated the U.S. Attorney's office in Washington D.C. as to why it was seeking only \$2,000 in restitution in each felony case and only \$500 in each misdemeanor case.

"I'm accustomed to the government being fairly aggressive in terms of fraud when there have been damages that accrue from a criminal act for the restitution amount," said Howell.

"Where we have Congress acting, appropriating all this money due directly to the events of January 6, I have found the damage amount of less than \$1.5 million—when all of us American taxpayers are about to foot the bill for close to half a billion dollars—a little bit surprising," she added.

The contrast in the treatment of left-wing protesters versus pro-Trump fascists was evident in Portland over the weekend. In two separate clashes, Portland police did nothing as thugs aligned with the Proud Boys and the Patriot Prayer group assaulted counter-demonstrators at religious events headed on Saturday by anti-LGBT Pastor Artur Pawlowski and on Sunday by COVID-19 denier Sean Feucht.

Pawlowski also opposes coronavirus restrictions and previously claimed that a 2013 flood in Alberta, Canada,

was caused by God "weeping over the perversion of homosexuality." During his event on Saturday, he enlisted the "security services" of Jeff Grace, 62, of Battle Ground, Washington. Grace is out on bond after being charged with a misdemeanor for his role in the January 6 attack on the Capitol. Photos show that Grace was inside the Rotunda during the attack.

Feucht held a church rally and concert on Sunday in opposition to any public health restrictions to stem the spread of the coronavirus. He enlisted the security services of Proud Boy street brawler Tusital ("Tiny") Toese along with several other Proud Boys, who fired paintballs at counter-demonstrators as the police looked on.

Toese recently completed a six-month jail sentence for violating the terms of his probation stemming from a previous assault. Last February, Toese served as the sergeant-at-arms at a Clark County, Washington Republican Party meeting that voted to formally censure Republican Representative Jaime Herrera Beutler, who has denounced Trump for his attempted coup.

After Feucht's event ended Sunday night, Toese led a group of Proud Boys against counter-demonstrators and provoked sporadic fighting in downtown Portland. As the night wore on and police did nothing to end the violence, a man wearing body armor and carrying what appeared to be a semi-automatic rifle was witnessed pointing the gun at anti-fascist activists and journalists. A crowd began to surround the man, who was on the phone with police. He eventually turned himself in to the cops, who later claimed the gun was just an air-soft rifle. Portland police have yet to announce any arrests in connection with either event.



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