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Clerk of the Superior Court

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By: T. Lancaster, Deputy

8 Attorney for Defendant  
9 JEREMY JONATHAN WHITE

10  
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 IN AND FOR THE COUNTY OF SAN DIEGO

13 PEOPLE OF THE STATE OF CALIFORNIA,

No. SCD274477

14 Plaintiff,

**NOTICE OF MOTION AND  
MOTION TO DISQUALIFY THE  
SAN DIEGO COUNTY DISTRICT  
ATTORNEY'S OFFICE**

15 v.

**[California Penal Code § 1424]**

16 JEREMY JONATHAN WHITE,

Date: November 17, 2023

Time: 9:00 am

Dept.: 1901

17 Defendant.  
18 \_\_\_\_\_/

19 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE DISTRICT  
20 ATTORNEY FOR THE COUNTY OF SAN DIEGO:

21 Elected district attorneys must ensure integrity in the administration of justice because,  
22 unlike other elected officials, prosecutors put people behind bars. In 2018, to seal political  
23 victory, District Attorney Summer Stephan used fear tactics, including photos of protestors in  
24 black bloc with Antifa flags and captions such as "San Diego Public Safety Is Under Attack" to  
25 get monetary contributions and votes. She prosecutes anti-fascists vigorously, while  
26 systematically ignoring vicious acts by known right-wing extremists who perpetrate violence at  
27 protests. Stephan has misled the public about the events giving rise to the prosecution of Mr.  
28 White and inexcusably deceived the Grand Jury by concealing the 'victims' associations with  
the American Guard, Proud Boys, and Defend East County—sworn enemies of antifa. No  
defendant in this case can be dealt with fairly by Stephan.

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24 black bloc with Antifa flags and captions such as “San Diego Public Safety Is Under Attack” to  
25 get monetary contributions and votes. She prosecutes anti-fascists vigorously, while  
26 systematically ignoring vicious acts by known right-wing extremists who perpetrate violence at  
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the American Guard, Proud Boys, and Defend East County—sworn enemies of antifa. No  
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3 **MEMORANDUM OF POINTS & AUTHORITIES**

4 **I. STATEMENT OF THE CASE**

5 On May 2, 2022, the San Diego County District Attorney’s Office convened a criminal  
6 grand jury seeking an indictment against Jeremy White and ten co-defendants alleged to be  
7 affiliated with Antifa. As to Mr. White, the District Attorney’s office sought an indictment for  
8 the following charges: (1) Count One, a violation of Penal Code § 182(a)(1)/404 [conspiracy to  
9 commit a riot]; (14) Count Fourteen, a violation of Penal Code § 22810(g) [use of tear gas, not  
10 in self-defense]; (15) Count Fifteen, a violation of Penal Code § 597(a) [animal cruelty]; (21)  
11 Count Twenty-One, a violation of Penal Code § 245(a)(4) [assault upon an unidentified victim  
12 by means of force likely to produce great bodily injury]; (22) Count Twenty-Two, a violation of  
13 Penal Code § 245(a)(4) [assault upon R.L. by means of force likely to produce great bodily  
14 injury]; and (24) Count Twenty-Four, a violation of Penal Code § 245(a)(4) [assault upon J.C.  
15 by means of force likely to produce great bodily injury].

16 On May 23, 2022, the grand jury returned an Indictment charging Mr. White with two  
17 counts. Mr. White now stands charged by Indictment, filed on May 23, 2022, with the  
18 following crimes: (1) in Count One, with a violation of Penal Code § 182(a)(1)/404 [conspiracy  
19 to commit a riot]; and (22) in Count Twenty-Two, with a violation of Penal Code § 245(a)(4)  
20 [assault upon R.L. by means of force likely to produce great bodily injury].

21 **II. INTRODUCTION**

22 Summer Stephan has been unable to separate her political platform against antifa from  
23 her ethical duty to enforce the law evenhandedly. This has resulted in false allegations against  
24 Mr. White while she has formed a prosecutorial shield around a core group of right-wing hate  
25 groups that have been responsible for a string of brutal publicized attacks at San Diego protests,  
26 including the one for which Mr. White is falsely accused.

27 When “circumstances of a case evidence a reasonable possibility that the DA's office  
28 may not exercise its discretionary function in an evenhanded manner,” disqualification is the  
remedy. (*People v. Conner* (1983) 34 Cal.3d 141, 148 (*Conner*). In 2018, then candidate for  
District Attorney, Summer Stephan exploited voters’ fears about antifa during one of the most  
politically divisive times in America. Choosing one of the simplest paths to election, she fed on

1 the psyche of citizens who were legitimately concerned about San Diego’s future by using  
2 propaganda that characterized antifa as an “attack” on public safety.

3  
4 Unfortunately, for over a decade in America, the extreme Left and extreme Right have  
5 antagonized one another using discussions about billionaire philanthropists to provoke their  
6 fundraising bases into action. The Left is quick to circulate pictures of famous conservative  
7 benefactors, like the Koch brothers, and bang the drum about their hefty donations into  
8 conservative causes perpetuating narratives about how they wish to destroy the working class  
9 and dominate through capitalism (and fascism).

10 The extreme Right uses George Soros as their boogeyman. Soros is a Hungarian-  
11 American billionaire philanthropist of Jewish descent who survived the Nazi occupation of  
12 Hungary. He has been presented to conservative voters as a mega-donor socialist who intends  
13 on bringing down the United States by the promotion of socialism. According to the Extreme  
14 Right, Soros is destroying the United States one local district attorney’s race at a time by  
15 contributing large amounts of money to progressive candidates in major cities. Regardless of  
16 one’s opinion of Soros, he is presented by far-right factions as the poster child for all that is  
17 wrong with America and white supremacists are obsessed with him because of his Jewish  
18 identity and affluence.

19 In a contentious 2018 election in San Diego, Stephan was at risk of losing to a  
20 progressive candidate as would eventually happen in Los Angeles, San Francisco, Contra Costa,  
21 and Sacramento. Soros was widely claimed to have donated to each of the aforementioned  
22 campaigns, including a \$400,000 donation to Stephan’s opponent. After decades of an  
23 impeccable track record of public service to the citizens of San Diego, out of desperation,  
24 Stephan’s career ambitions eclipsed her moral underpinnings merely to reach the next rung on  
25 the political ladder. Stephan sought a temporary advantage at any price, and she adopted a  
26 strategy that was working in many election races across the country at that time: blame antifa!<sup>1</sup>  
27 Stephan made a deal with the devil.

28 Antifa was not a true threat to San Diego public safety. Nevertheless, at the expense of  
the truth, this law-and-order candidate who would soon be the most powerful law enforcement

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<sup>1</sup> Stephan would later regret aligning herself with this extreme platform, eventually trying to publicly disaffiliate from the Republican Party. However, she continued to exercise prosecutorial discretion according to the same bias in favor of right wing hate groups.

1 official in San Diego, incorporated calculated deception on her own community. She did things  
2 like using fabricated photos of Soros and antifa together to encourage greater financial support  
3 from her base while galvanizing undecided voters in her favor.

4         Regardless of what Stephan’s true personal beliefs are, her political deal with the devil  
5 predictably aroused white supremacists, including members of San Diego’s chapter of the  
6 American Guard who have become emboldened by *Stephan’s adoption of their platform*.  
7 Stephan’s office has been criticized publicly for refusing to investigate or charge right-wing  
8 extremists for their violent attacks against racial justice protestors. She continues to target  
9 antifa through this prosecution despite the enormous evidence in discovery of organized  
10 political violence by American Guard members, Proud Boys, and Defend East County.  
11 Shockingly, even though the ‘victims’ are politically outspoken and prolific on social media<sup>2</sup>,  
12 Stephan moved to seal their names in the grand jury transcript so their publicly documented  
13 membership in violent hate groups would be concealed.

14         Leading up to the January 9, 2021 incident, at the national level, right-wing extremist  
15 were fixated on the transition of power between lame duck President Trump and president-elect  
16 Biden. Some on the right were misled by President Trump into believing the election was  
17 stolen, ultimately triggering the Capitol Insurrection. In San Diego, certain right-wing groups  
18 became more violent and were met with anti-fascist resistance. Protests became the  
19 battleground where both sides would show up in tactical gear, helmets, and yielding weapons.  
20 Local podcasters, including some of the defendants in this case, operated the Activated Podcast.  
21 The Activated Podcast had recently outed Stephan benefactor and San Diego Republican Party  
22 leader, Tony Krvaric’s son for his membership in a white supremacist organization. Weeks before  
23

---

24         <sup>2</sup> One example of how hard Stephan’s office is trying to protect identities of these dangerous  
25 people is alleged victim C.B who was supposedly an innocent bystander assaulted by antifa. C.B.  
26 attended the January 9, 2021 protest with his own bodycam dressed in self-described full combat gear.  
27 He livestreamed the bodycam to his YouTube channel as he provokes confrontations while continually  
28 gleefully claiming, “This is going to be great content boys and girls.” He can be heard challenging  
people to fights bragging about “triggering” a young kid by repeatedly calling him “faggot” and  
bragging “I knew that would trigger him.” At one point a police officer asked him to stop, saying, “You  
are going to get us both into a fight.” C.B. then challenges defendant to a fight and began to get the  
upper hand before others intervened, and then he brags to his audience while laughing, “Seven on one  
and I barely scratched a nail.” At one point before any encounter with anyone, he filmed himself putting  
on Kevlar gloves and told his audience he was going to knock antifa’s teeth out. He also filmed himself  
waiving a knife around claiming that he pulls it out on counter-protestors. No other prosecutor’s office  
would treat C.B. as a victim let alone attempt to seal his identity.



1 the January 9, 2021 protest, Tony Krvaric tweeted that police should focus on “Antifa  
2 terrorists.”

3 On January 9, 2021, three days after the insurrection at the U.S. Capitol, a mob of right-  
4 wing extremists, including Proud Boys, American Guard members, and other legitimate  
5 conservative supporters organized a “Patriot March” and descended on the Pacific Beach  
6 neighborhood in San Diego. Many of them intended on provoking anti-fascists into violence  
7 and were coordinating through the use of walkie-talkies with covert earpieces.

8 The Activated podcast organized a rigorous counterdemonstration. Left-leaning  
9 community members and anti-fascist counter protesters arrived in response to recent violence  
10 perpetrated by the same right-wing extremists, both locally and nationwide. The two groups  
11 clashed, and violence erupted on both sides. However, rather than impartially reviewing the  
12 events that unfolded to determine whether crimes had been committed, the District Attorney’s  
13 Office immediately began their efforts to pin the blame on antifa, driven by Stephan’s political  
14 agenda and in lockstep with Republican Party leader Tony Krvaric.

15 Despite viral videos, police bodycams, public witness statements, and widespread media  
16 coverage showing right-wing extremists committing violent and unprovoked attacks at the  
17 protest, Stephan’s office chose once again to ignore their criminal acts. Stephan chose to spend  
18 her office’s massive resources on a sprawling, multi-county investigation into the antifa  
19 defendants only. District Attorney investigators tracked down and elicited statements from  
20 right-wing extremists who are openly hostile to antifa without revealing their identities or  
21 extremist ideals. Meanwhile, they avoided interviews with numerous victims of right-wing  
22 extremists because they would have undermined Stephan’s campaign promise to protect San  
23 Diego from antifa’s “attack.”

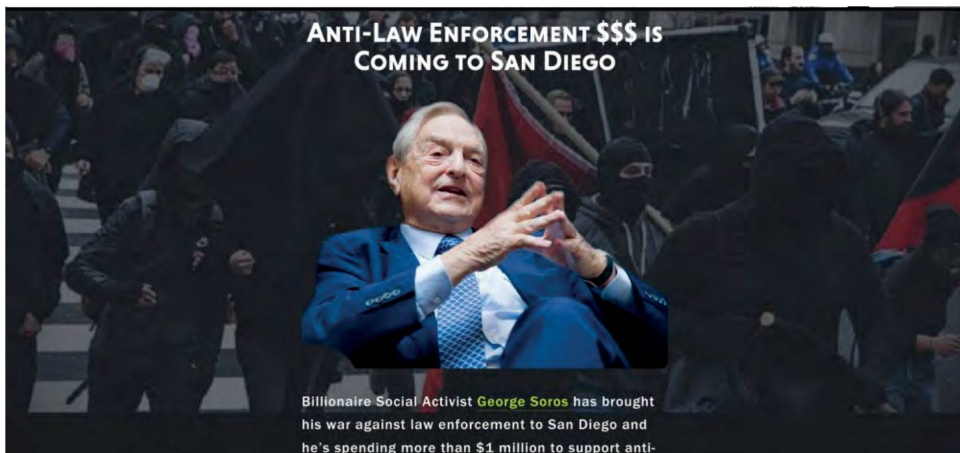
24 Months later, Stephan issued a press release falsely asserting that antifa was solely  
25 responsible for the violence at the protest. Stephan then directed her subordinate prosecutors to  
26 obtain a grand jury indictment in secrecy based in large part on incompetent and prejudicial  
27 “expert testimony” describing antifa as violent criminals who victimize innocent members of  
28 the general public. At the same time prosecutors obscured all of the ‘victim's’ associations with  
extremist groups who provoked the attacks by counterprotestors, and who are pledged to do  
anything legal or illegal to stop the antifa.

1           Ultimately, this motion establishes that Stephan’s bias not only creates an apparent  
2 conflict of interest; it amounts to an actual conflict that is directly interfering with Mr. White’s  
3 right to a fair trial. To enforce Mr. White’s right to a fair and impartial trial, the San Diego  
4 County District Attorney’s Office must be disqualified.

5  
6           **III.           STATEMENT OF FACTS**

7           **A. Summer Stephan Was Elected on A Campaign That Specifically Targeted Antifa.**

8           Since the start of her 2018 campaign, Summer Stephan has exploited for political  
9 advantage conspiracy theories about George Soros and antifa working together to undermine  
10 society. In early May 2018, Stephan published a campaign website called “Threat to San  
11 Diego.” The website prominently featured a doctored image of George Soros clasping his  
12 hands together superimposed over an image of black-clad antifa protestors carrying antifa  
13 flags.<sup>3</sup>



22           *Screenshot of www.threattosandiego.com from Internet Archive, 05/05/2018*

23           Above the photo, over a backdrop of police patrol cars with emergency lights activated,  
24 Stephan’s website declared: **“San Diego Public Safety is Under Attack.”**

25           On May 3, 2018, Stephan tweeted the same doctored image of Soros and antifa below  
26 which she announced: “Billionaire George Soros has launched a campaign against me, reserving  
27 a 6-figure television buy in SD. We expect him to spend in excess of \$1 million based on his  
28

---

<sup>3</sup> The website was taken down after intense criticism from civil rights groups, but it remains archived at The Internet Archive:  
<https://web.archive.org/web/20180505060629/https://www.threattosandiego.com/>

1 efforts in other jurisdictions. Get the facts on Soros’s campaign at <https://threattosandiego.com>  
2 Please share and RT.”<sup>4</sup>

3 Two days later, on May 5, 2018, Stephan held a news conference in front of her  
4 supporters displaying anti-Soros signs.



13 The San Diego Union-Tribune published an article about the news conference describing  
14 how Stephan was pushing a narrative with disparaging photos of antifa demonstrators.

15  
16 “A new website launched by Republican Summer Stephan, the  
17 appointed incumbent, **associates Soros with the far-left group**  
18 **Antifa**. The website ThreatToSanDiego.com features a photo of  
19 Soros superimposed over an image of Antifa demonstrators. Also  
20 on the site’s homepage, under the headline “Who does Soros  
21 support?” **is another photo of what appear to be Antifa**  
22 **demonstrators burning an American flag.”**<sup>5</sup>

23 Another news article aptly stated, “**Stephan has a history of obsessing about the anti-**  
24 **fascist movement.”**<sup>6</sup> Stephan’s use of such propoganda conveyed two important messages.  
25 First, it made it clear to the public that if they voted for Stephan, they could expect antifa to be

26 <sup>4</sup> See **Exhibit A** – Summer Stephan’s May 3, 2018 Twitter post:  
<https://twitter.com/SummerStephan/status/992142184651489280>

27 <sup>5</sup> See **Exhibit B** - “Money from billionaire George Soros is going to support DA candidate  
28 Jones-Wright”, *San Diego Union-Tribune*, May 4, 2018, emphasis added:  
<https://www.sandiegouniontribune.com/news/politics/sd-me-soros-da-20180504-story.html>

<sup>6</sup> See **Exhibit C** – “Prosecutor Going After Antifa Peddled Antisemitic George Soros  
Conspiracies,” *Daily Beast*, Dec. 16, 2021: <https://www.thedailybeast.com/san-diego-prosecutor-going-after-antifa-once-peddled-antisemitic-george-soros-conspiracies>

1 treated as the enemy whom Stephan would fight against to protect public safety. Second, it  
2 garnered support from right-wing extremists whose ideologies are largely based on the same  
3 conspiracy theories but with an antisemitic slant.<sup>7</sup>

4 Demonstrating how prolifically Stephan linked Soros to antifa, she was roundly  
5 criticized both in the media and online for basing her campaign on debunked Soros/antifa  
6 conspiracy theories. On October 31, 2018, the Times of San Diego published an op-ed titled  
7 “Summer Stephan Must Apologize for Anti-Soros Website.” The article stated in part:

8 Summer Stephan called [Soros] a threat to our city and **used**  
9 **Antifa imagery to support her claims that he was dangerous.**  
10 She was not shy about using fear and nationalism to score political  
11 points.”<sup>8</sup>

12 Despite this backlash, Stephan continued to exploit the Soros/antifa conspiracy theories  
13 which were met with explicit and well publicized endorsements by San Diego’s individual  
14 prosecutors, including all of the district attorney staff assigned to prosecute defendants in this  
15 case.<sup>9</sup> Furthermore, Stephan does more than simply side with right wing extremists at protests,  
16 she fans the flames with statements that would be interpreted as blaming Soros/antifa groups for  
17 causing local violence in San Diego. On September 15, 2020, Stephan participated in a Bench  
18 Bar Media Panel Discussion hosted by the San Diego County Bar Association. In response to a  
19 question about balancing the rights of protesters versus police, Stephan darkly claimed that

---

20  
21 <sup>7</sup> See **Exhibit D** – “Disinformation: Conspiracies connecting George Soros to protests and  
22 antifa,” *ADL*, 2020: <https://www.adl.org/disinformation-conspiracies-connecting-george-soros-protests-and-antifa>

23 <sup>8</sup> See **Exhibit E** – “Opinion: Summer Stephan Must Apologize for Anti-Soros Website”, *Times*  
24 *of San Diego*, Oct 31, 2018, emphasis added: <https://timesofsandiego.com/opinion/2018/10/31/summer-stephan-must-apologize-for-anti-soros-website/>

25 <sup>9</sup> Notably, the backlash over Stephan’s campaign being based on Soros/antifa conspiracy  
26 theories did little to create dissension in the ranks of the prosecutors working at Stephan’s behest.  
27 Rather, in both 2018 and 2022, Stephan was endorsed for office by the San Diegans Against Crime  
28 (SDAC) which operates as a PAC exclusively for the San Diego Deputy District Attorneys Association.  
In fact, Stephan has her own webpage on the SDAC website: <https://sdac.us/support-the-sdac/>  
According to the SDAC, “We deliberate carefully before making an endorsement.” The SDAC is  
essentially a money laundering scheme to give a degree of separation between individual prosecutors’  
donations and Stephan’s campaign. One need only review the vast list of payroll deductions by  
individual prosecutors to SDAC to see that nearly every San Diego district attorney is donating their  
money to Stephan. All San Diego prosecutors endorse her.

1 unspecified “movements” were behind the rioters who piggybacked recent Black Lives Matter  
2 protests in La Mesa and elsewhere in San Diego County.

3 Without offering any evidence to support her claims, Stephan stated:

4 “We’ve seen where there’s the peaceful protest and all of a sudden  
5 another group shows up without license plates, with generators and  
6 water, and there’s not good things that are happening.” “Somebody  
7 talked about subverting the truthful nature of the protesters, and  
8 that is going on. **There are movements that are not what you  
would think of.**”<sup>10</sup>

9 When asked by reporters to share evidence supporting Stephan’s claim that  
10 “movements” were behind the rioting and arson in La Mesa, district attorney spokeswoman  
11 Tanya Sierra answered, “There’s nothing more we can share on this.” The implication of  
12 Stephan’s comments was not lost on the public. When San Diego Union-Tribune reporter Ken  
13 Stone asked on Twitter “What is she [Stephan] talking about?”, another Twitter user responded  
14 “George Soros.”<sup>11</sup>

15 Most elected prosecutors at least pay lip service to fair trial rights. Although Stephan has  
16 tried to minimize her public pandering to the right wing the past few years, Stephan has made no  
17 statement to create an atmosphere where leftist persons in San Diego can get a fair trial by her  
18 office. She has allowed prejudicial misinformation to linger in the jury pool.

19 **B. Stephan’s Election to Office Was Funded by Right-Wing Extremists Who Are**  
20 **Directly Opposed to Antifa.**

21 Antifa are self-proclaimed anti-fascists who specifically oppose those working to further  
22 the causes of Naziism or white supremacy. Nazis and white supremacists have identified antifa,  
23 Marxists, and socialists as their enemy. Summer Stephan’s bias against antifa is partially  
24 demonstrated by her financial ties to right-wing extremists who are directly opposed to antifa.  
25 Between 2018 and 2021, Stephan accepted a total of \$1,800.00 in campaign contributions from  
26  
27  
28

---

<sup>10</sup> See **Exhibit F** – “DA Summer Stephan: ‘Movements’ Ignited Violence After Local BLM Protests”, *Times of San Diego*, Sep 16, 2020: <https://timesofsandiego.com/crime/2020/09/16/da-summer-stephan-movements-ignited-violence-after-local-blm-protests/>

<sup>11</sup> See **Exhibit F**

1 former San Diego Republican Party Chairman Tony Krvaric in his individual capacity.<sup>12</sup>  
2 Separately, Stephan accepted \$50,000.00 in campaign contributions from the Republican Party  
3 of San Diego County—under Krvaric’s leadership.<sup>13</sup> Krvaric’s endorsement served as a  
4 multiplier as others followed his lead to donate to Stephan. Krvaric’s website describes his  
5 power as a local Republican king-maker: “Tony is Chairman Emeritus of the Republican Party of  
6 San Diego County – where he served for 14 years as volunteer chairman, charged with electing  
7 and re-electing Republicans to all levels of government.” It is believed that Stephan received  
8 hundreds of thousands of derivative donations through Krvaric’s influence on campaign bundlers  
9 to combat the antifa/Soros narrative. Stephan, then a Republican, would not have been elected  
10 without Krvaric’s direct support and still relies on it today despite her status as an independent.

11 Four of Krvaric’s individual contributions were accepted by Stephan after a video of him  
12 with photos of swastikas and Hitler surfaced in 2020. The YouTube video features an image of  
13 Hitler giving a Nazi salute while bopping across the top of the screen. Scrolling below it are  
14 black and white photos of young men, including a few of Krvaric. One solo image identifies  
15 Krvaric by his computer handle “Strider” with the caption, “Kill a commie coz here’s Strider!”<sup>14</sup>  
16 A KPBS Evening Edition article, published on August 21, 2020, appropriately noted: “The video  
17 has surfaced at a time when the United States is in the midst of a racial reckoning brought on by  
18 high-profile examples of police violence against Black people and efforts by the Trump  
19 administration and other Republicans to bring white nationalism into the party’s mainstream.”<sup>15</sup>  
20

21  
22 <sup>12</sup> See **Exhibit G** – Excerpt of Summer Stephan’s Campaign Finance Disclosure listing  
23 donations from Tony Krvaric:

24 <https://www.southtechhosting.com/SanDiegoCounty/CampaignDocsWebRetrieval/>

25 <sup>13</sup> See **Exhibit H** – Excerpt of Summer Stephan’s Campaign Finance Disclosure listing  
26 donations from The Republican Party of San Diego:

27 <https://www.southtechhosting.com/SanDiegoCounty/CampaignDocsWebRetrieval/>

28 <sup>14</sup> See **Exhibit I** – “San Diego County GOP head explains old video showing him with Nazi  
images,” *The San Diego Union-Tribune*, August 24, 2020:

<https://www.sandiegouniontribune.com/news/politics/story/2020-08-24/old-video-shows-local-gop-head-with-images-of-hitler>

<sup>15</sup> See **Exhibit J** – “Video Resurfaces Featuring Images Of Hitler And Local GOP Party Chair  
Tony Krvaric,” *KPBS Public Media*, August 21, 2020: <https://www.kpbs.org/news/evening-edition/2020/08/21/video-surfaces-images-hitler-and-tony-krvaric>

1 On the same day that KPBS published its exposé of Krvaric’s Nazi propaganda video,  
2 Krvaric published a statement calling on San Diego Democrats to reject “communists, Marxists,  
3 anarchists, Antifa, supremacists and racists.”<sup>16</sup> On December 16, 2020, Tony Krvaric tweeted a  
4 statement urging law enforcement to “chase” “Antifa terrorists.”<sup>17</sup>

5 Not only have Krvaric’s white supremacist ideologies surfaced, it has come to light that  
6 both of Krvaric’s sons have ties to violent white extremist movements. On September 1, 2020,  
7 the Voice of San Diego published an op-ed entitled, “Republicans’ Relative Silence on Krvaric  
8 Video Is Deafening.” The article states:

9 To make matters worse, it also appears that the video featuring  
10 Hitler was only just the surface: the Krvaric family appears to have  
11 an affinity to white extremist movements. Krvaric’s eldest son,  
12 Viktor Krvaric, self-identified as a “Groyper,” which the Anti-  
13 Defamation League describes as “a loose network of alt-right  
14 figures who are vocal supporters of a white supremacist  
15 podcaster.” Krvaric’s younger son, Oliver, is the president of the  
16 San Diego State University College Republicans and has been  
17 accused of using coded language similar to what is used in white  
18 nationalist circles.<sup>18</sup>

19 The article goes on to state:

20 To date, only three prominent Republicans, Supervisor Dianne  
21 Jacob, congressional candidate Darrell Issa and San Diego Mayor  
22 Kevin Faulconer have condemned the video. No other Republican  
23 has condemned Krvaric’s ties to white nationalism, including  
24 Sheriff Bill Gore. **District Attorney Summer Stephan, who  
25 recently left the Republican Party and who spoke at multiple  
26 rallies after the synagogue shooting about eradicating hate in  
27 San Diego County, has also been silent.** (Stephan’s most recent

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28 <sup>16</sup> “County GOP Leader Urges Democrats to ‘Reject Extremists,’ ‘Sick Ideas’”, Times of San  
29 Diego, August 21, 2020: [https://timesofsandiego.com/politics/2020/08/21/county-gop-leader-urges-  
30 democrats-to-reject-extremists-sick-ideas/](https://timesofsandiego.com/politics/2020/08/21/county-gop-leader-urges-democrats-to-reject-extremists-sick-ideas/)

<sup>17</sup>[https://web.archive.org/web/20201217035434/https://twitter.com/TonyKrvaric/status/133941  
31 8503556726785](https://web.archive.org/web/20201217035434/https://twitter.com/TonyKrvaric/status/1339418503556726785)

<sup>18</sup> See **Exhibit K** – “Republicans’ Relative Silence on Krvaric Video Is Deafening,” *Voice of  
32 San Diego*, September 1, 2020: [https://voiceofsandiego.org/2020/09/01/republicans-relative-silence-on-  
33 krvaric-video-is-deafening/](https://voiceofsandiego.org/2020/09/01/republicans-relative-silence-on-krvaric-video-is-deafening/)

1 campaign for DA included attacks on liberal donor George Soros,  
2 which drew rebukes from the local Jewish community.)<sup>19</sup>

3  
4 More recently, it was announced that Krvaric’s eldest son Victor “is under investigation  
5 by the Marine Corps for allegedly trying to join the white supremacist group Patriot Front.” A  
6 KPBS news report stated: “Victor Krvaric is a Marine Corps reservist and he's accused of trying  
7 to join Patriot Front, a far-right group that preaches racism, antisemitism, and xenophobia.”<sup>20</sup> In  
8 what appears to be a leaked direct message with Patriot Front leaders, Victor Krvaric was asked  
9 to adopt a pseudonym for his membership. Notably, he chose the name “Strider”—the same  
10 name used by Tony Krvaric in the controversial video with Nazi symbolism. **Once again,**  
11 **“highlighting the threat of far-right extremism in the military and in San Diego County**  
12 **politics”<sup>21</sup> and reinforcing the importance of fairness in prosecution.**

13 The KBPS report goes on to state “The resemblance between Krvaric and the unnamed  
14 applicant to Patriot Front was [first reported on Twitter](#) by The Activated Podcast.” The  
15 Activated Podcast was described to grand jurors by Deputy DA Hopkins as one of the “main”  
16 groups who organized the antifa counter-protest on January 9<sup>th</sup>, 2021. (RT 51.) Hopkins further  
17 describes The Activated Podcast as one of the “same groups ... that led to this entire incident in  
18 the beginning.” (RT 67.) Thus, one of Stephan’s largest and most influential campaign donors  
19 presides over multi-generational white supremacist family enterprise whose white supremacist  
20 activities were exposed by a main organizer of the January 9<sup>th</sup> antifa counter-protest—the  
21 Activated podcast.

22 It is not a coincidence that Stephan draws contributions from white supremacist groups.  
23 Rather, it is because her antifa conspiracy theories also form a key ideological backbone for  
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26  
27 <sup>19</sup> See **Exhibit K**, emphasis added.

28 <sup>20</sup> See **Exhibit L** – Article and Transcript from “Marines investigate former GOP chair's son for  
white supremacy ties,” *KPBS Public Media*, February 8, 2022:  
<https://www.kpbs.org/news/local/2022/02/08/marines-investigate-former-gop-chairs-son-for-white-supremacy-ties>

<sup>21</sup> See **Exhibit L**, emphasis added.



1 violent right-wing extremist groups that operate in San Diego as Proud Boy affiliates<sup>22</sup>, including  
2 Defend East County and the Southern California Chapter of the American Guard.

3 For example, on June 2, 2020, The San Diego Union-Tribune published an article titled,  
4 “False claims of antifa protesters plague small U.S. cities.” The article explained: “In the days  
5 since President Donald Trump blamed antifa activists for an eruption of violence at protests  
6 over police killings of black people, social media has lit up with rumors that the far-left-leaning  
7 group is transporting people to wreak havoc on small cities across America.” The article  
8 explained that white supremacist groups like the American Guard had been posing online as  
9 part of the antifa movement to spread false information.<sup>23</sup> Further: “For years, some social  
10 media users have **tried to delegitimize controversial or political protests with baseless**  
11 **theories that they were organized by wealthy financiers** or extremist organizations.”<sup>24</sup>

12 The American Guard, however, does not just limit their intense dislike of antifa to online  
13 conspiracy theories and false information. Rather, the American Guard is a hate group described  
14 by the Anti-Defamation League as “hardcore white supremacists,” who pride themselves on their  
15 reputation as street brawlers.

16 According to the Anti-Defamation League’s profile of the American Guard:



23 “The group’s logo, for example, prominently displays two crossed  
24 meat-cleavers, while members frequently use images of actor  
25 Daniel Day Lewis in his role as “Bill the Butcher” in the movie  
The Gangs of New York. “Bill the Butcher” was a fictionalized

26  
27 <sup>22</sup> The leader of the Proud Boys was recently sentenced to 22 years in federal prison for his role  
28 in directing the Capital Insurrection.

<sup>23</sup> See **Exhibit M** – “False claims of antifa protesters plague small U.S. cities,” *The San Diego Union-Tribune*, June 2, 2020: <https://www.sandiegouniontribune.com/business/nation/story/2020-06-02/false-claims-of-antifa-protesters-plague-small-u-s-cities>

<sup>24</sup> See **Exhibit M**.

1 version of William Pool, the leader of the Bowery Boys, a violent  
2 street gang in New York City infamous for its attacks on  
3 immigrants.

4 And, like the Bowery Boys whom they apparently admire, the  
5 American Guard has a background with connections to anti-  
6 immigrant extremism, hatred, and violence.”<sup>25</sup>

7 Further, Defend East County, who are allied with the American Guard, originated with a  
8 Facebook group in May of 2020 as a response to racial justice protests in La Mesa. The  
9 Facebook group grew to over 20,000 members before it was shut down by Facebook for  
10 inappropriate posts celebrating violence against racial justice protestors.<sup>26</sup> Similarly, the Proud  
11 Boys are considered an extremist hate group with ties to white nationalism. In fact, the Southern  
12 Poverty Law Center has listed the Proud Boys as a “Designated Hate Group.”<sup>27</sup>

13 As discussed in greater detail *infra*, these violent hate groups have appointed themselves  
14 as vigilante street soldiers, often using violence to “defend” San Diego from those they deem as  
15 “antifa”, “BLM”, and “communist” threats. As one protest organizer described: “Their true goal  
16 is to intimidate people, to discontinue their 1<sup>st</sup> Amendment rights — they don’t want people to  
17 protest any longer,” [] “They see protesters as people that are crying about problems that don’t  
18 really exist.”<sup>28</sup> Thus, it makes sense that such right-wing extremists have endorsed Stephan’s  
19 fear-mongering about Soros and “antifa” by donating to and supporting her campaigns.

20 For example, on May 30, 2018, just weeks after Stephan launched her antifa conspiracy  
21 campaign website, she accepted a campaign contribution from Kristopher Wyrick, the President  
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24 <sup>25</sup> See **Exhibit N** – “Behind The American Guard: Hardcore White Supremacists,” *ADL*, March  
25 30, 2017: <https://www.adl.org/blog/behind-the-american-guard-hardcore-white-supremacists>

26 <sup>26</sup> See **Exhibit O** – “Racism, QAnon and ‘cold civil war’: Inside the 20,000-strong Defend East  
27 County Facebook,” *The San Diego Union-Tribune*, August 16, 2020:  
28 <https://www.sandiegouniontribune.com/news/watchdog/story/2020-08-16/inside-the-20-000-strong-defend-east-county-facebook-page-grown-as-a-reaction-to>

<sup>27</sup> See **Exhibit P** – “PROUD BOYS,” *Southern Poverty Law Center*:  
<https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys>

<sup>28</sup> See **Exhibit O**.

1 of the Southern California chapter of the American Guard.<sup>29</sup> Stephan accepted Wyrick’s  
2 campaign contribution despite the fact that he has repeatedly engaged in unprovoked attacks  
3 against antifa and racial justice protestors, and despite the fact that Wyrick’s violence has led to  
4 his arrest in other counties. In August of 2017, Wyrick was arrested by the Berkeley Police for  
5 “illegally fighting / challenging others to fight” at a “Say No to Marxism” protest.<sup>30</sup>  
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16 *Kristopher Wyrick (wearing a yellow shirt with a crusader cross) arrested by Berkely Police*

17 Numerous other examples of Wyrick and his fellow American Guard members’ violent  
18 attacks on racial justice protestors are described below. They illustrate that Stephan not only  
19 based her election campaign on promises to treat antifa as the enemy of public safety; her  
20 campaign was endorsed by individuals who perceive Antifa as their enemy.

21 **C. Stephan’s Loyalty to Right-Wing Extremists Has Given Them Carte Blanche to**  
22 **Engage in Acts of Violence Against Racial Justice Protestors in San Diego County.**

23 Stephan is free to express her beliefs about antifa and to accept campaign donations from  
24 anyone she chooses, but as an elected prosecutor it becomes problematic when it begins to  
25 influence her charging decisions. The evidence of right-wing extremists who are named as  
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27 <sup>29</sup> See **Exhibit Q** – Excerpt of Summer Stephan’s Campaign Finance Disclosure listing  
28 donation from Kristopher Wyrick:

<https://www.southtechhosting.com/SanDiegoCounty/CampaignDocsWebRetrieval/>

<sup>30</sup> See **Exhibit R** – “Berkeley police arrests 13 in confrontation between ‘alt-right’ ralliers,  
counter protestors,” *The Daily Californian*, August 28, 2017:

<https://www.dailycal.org/2017/08/28/berkeley-police-arrests-13-in-confrontation-between-alt-right-ralliers-counterprotesters>

1 ‘victims’ (in this case) committing organized violence at protests is overwhelming. Many of  
2 these attackers are so bold under Stephan’s protection that they livestream and post their violence  
3 to public social media channels, including their own social media profiles. There is no evidence  
4 that any of them have been investigated or prosecuted. They seem to have better than a free  
5 pass.

6 Notably, Stephan’s office has been criticized publicly for failing to investigate or charge  
7 American Guard members for their violent attacks. When Stephan tweeted her Soros/antifa  
8 image along with a link to her campaign website on May 3, 2018, San Diego-based Chicano  
9 activist Will Johnson tweeted a same-day reply:

10 “Wow, catering to the ultra-far right much? Why do you have anti-  
11 fascists behind Soros? Is it because you believe wacky Infowars  
12 conspiracy theories? I have an idea, how about ... you charge the  
13 white supremacists that attacked me on Dec 9<sup>th</sup> w/ assault?”<sup>31</sup>

14 Johnson’s reply referred to his December 9, 2017 attack by “white supremacists” near  
15 East Otay Mesa in San Diego. This attack was filmed from several angles and resulted in serious  
16 injuries to multiple victims. The attack was carried out by self-described members of the  
17 Southern California chapter of the American Guard, including Stephan’s campaign contributor  
18 Kristopher Wyrick, N.S., and others. Videos of the attack show victims being attacked with  
19 fists, feet, and flagpoles.

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<sup>31</sup> See **Exhibit A** - Summer Stephan’s May 3, 2018 Twitter post:  
<https://twitter.com/SummerStephan/status/992142184651489280>



Border Wall Rally Sparks Fight | San Diego Union-Tribune

The San Diego Union-Tribune 66.6K subscribers 18 likes Share Download

3,915 views Dec 18, 2017 A crowd of approximately 150 people came from around the county to cheer on the president's border wall promise at a rally in East Otay Mesa.

San Diego Union Tribune video showing Kristopher Wyrick attacking a Chicano activist.<sup>32</sup>



San Diego: Pro Trump & Wall Rally Turns Violent 12092017

911 VIDEO NEWS 292K subscribers 405 likes Share Download

38,289 views Dec 10, 2017 DATE/TIME OF INCIDENT: 12-9-17 11:00 am LOCATION: Enrico Fermi Place CITY: San Diego INCIDENT DETAILS:

911 Video News video showing Chicano activists being attacked by American Guard members Kristopher Wyrick, N.S., and others on December 9, 2017.<sup>33</sup>

<sup>32</sup> "Border Wall Rally Sparks Fight", San Diego Union-Tribune, Dec 18, 2017: <https://www.youtube.com/watch?v=bPOJQ7Gd-Io>

<sup>33</sup> "San Diego: Pro Trump & Wall Rally Turns Violent 12092017", 911 Video News, Dec 10, 2017: <https://www.youtube.com/watch?v=WAmBp1RjrnU>

1 On June 2, 2018, Will Johnson published an op-ed in the San Diego Free Press describing  
2 the December 9, 2017 attack titled, “**Interim District Attorney Summer Stephan Did Nothing**  
3 **When I Was Assaulted by White Supremacists**”<sup>34</sup> Therein, Johnson specifically named  
4 American Guard members Kristopher Wyrick and N.S. as the attackers, writing, in part:

5 “Those of us on the receiving end of these attacks on December 9<sup>th</sup>  
6 decided to press charges against these guys. We went through the  
7 normal procedures by filing a police report and giving an interview  
8 with the investigating officer. The officer took a few weeks to go  
9 through all the video evidence and interview witnesses and in the  
10 end, **the investigating officer recommended 11 felonies to the**  
11 **District Attorney’s office.**

12 Then we waited for the charges. We called up the DA’s office  
13 twice a week, but only heard they were still investigating.

14 A few weeks went by... and then the news. The DA was not  
15 pressing charges.

16 “None of them?” I asked

17 “No, we are not seeking any charges for this incident”

18 I was shocked. There was so much video evidence of the attack!  
19 And it was so clear who’d started it!

20 How could the DA just let them get away with this? These guys  
21 are clearly dangerous!

22 Does justice not matter?”<sup>35</sup>

23 A second victim of the December 9, 2017 attacks by American Guard members, Chicano  
24 tenants’ rights organizer Rafael Bautista, described how he was victimized in an article in the  
25 San Diego Reader. Bautista recounted how his group was surrounded and confronted by the  
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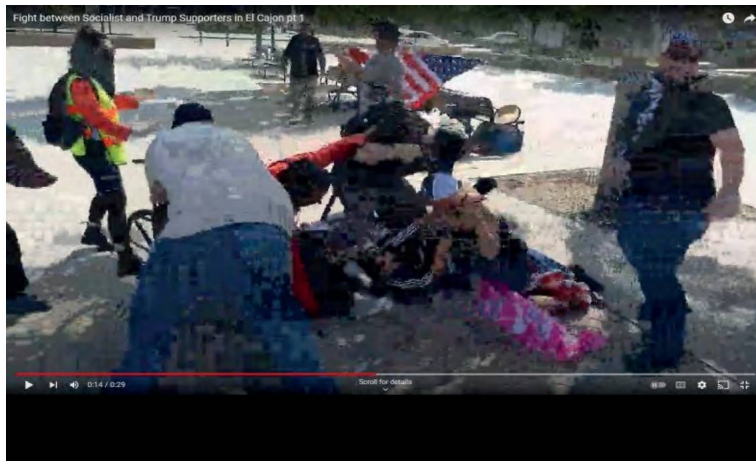
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28 <sup>34</sup> See **Exhibit S** – “Interim District Attorney Summer Stephan Did Nothing When I Was  
Assaulted By White Supremacists”, *San Diego Free Press*, June 2, 2018:  
<https://sandiegofreepress.org/2018/06/interim-district-attorney-summer-stephan-did-nothing-when-i-was-assaulted-by-white-supremacists/>

<sup>35</sup> See **Exhibit S**.

1 attackers, who sucker-punched a professor in the group and then hit Bautista in the head with a  
2 GoPro stick.<sup>36</sup>

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4 Another example of Stephan’s office refusing to investigate or charge violent right-wing  
5 extremists for their violent attacks occurred at a 2020 protest in El Cajon. On September 27,  
6 2020, American Guard members engaged in a violent attack against protestors who gathered in  
7 memory of Alfred Olango who was fatally shot by police four years earlier.<sup>37</sup> A review of  
8 publicly available video footage shows American Guard members and Proud Boy associates  
9 Robert Garland, Sarah Garland, Kristopher Wyrick, Rebecca Wyrick, James Kinard, N.S., T.G.,  
10 Chad Alvarez, and Mike Forzano engaging in coordinated attacks against the racial justice  
11 protestors, including a defenseless man in a wheelchair.<sup>38</sup>



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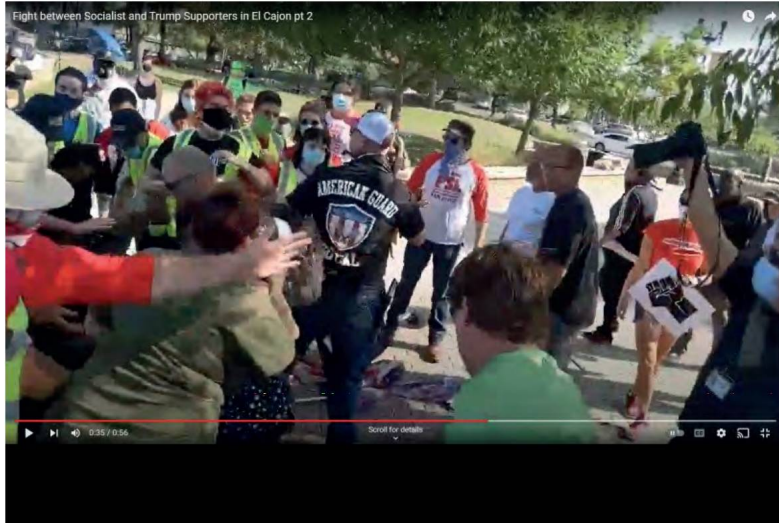
9/27/20: N.S. (grey shirt) knocking man out of wheelchair

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<sup>36</sup> See **Exhibit T** – “Clocked by a GoPro stick at border protest,” *San Diego Reader*, Dec 15, 2017: <https://www.sandiegoreader.com/news/2017/dec/15/stringers-clocked-gopro-stick-border-protest/>

<sup>37</sup> See **Exhibit U** – “Protests in El Cajon mark the death of Alfred Olango, killed by a police officer in 2016,” *The San Diego Union Tribune*, September 27, 2020: <https://www.sandiegouniontribune.com/news/public-safety/story/2020-09-27/protests-in-el-cajon-mark-the-death-of-alfred-olango-killed-by-a-police-officer-in-2016#:~:text=Black%20Lives%20Matter%20demonstrators%20and,Sunday%2C%20September%2027%2C%202020.&text=The%20afternoon%20demonstration%20on%20downtown,2020%20banners%20and%20American%20flags.>

<sup>38</sup> “Fight between Socialist and Trump Supporters in El Cajon pt 1”: <https://www.youtube.com/watch?v=LsJxtTlhqQQ> ; “Fight between Socialist and Trump Supporters in El Cajon pt 2”: <https://www.youtube.com/watch?v=D7xWiHAnUAW>



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*9/27/20: Robert Garland (American Guard shirt)*

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Photos of the event clearly show that crimes were committed. Yet, there is no evidence that any of the American Guard members were investigated or prosecuted.



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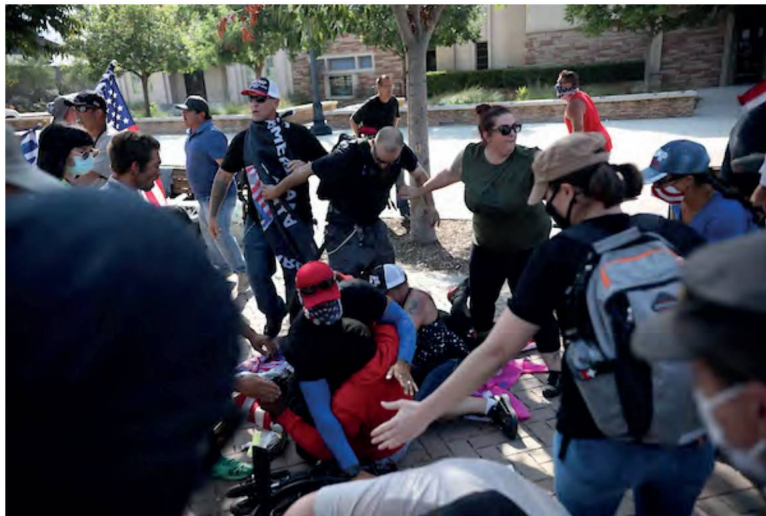
*9/27/20: T.G. (wielding flagpole like a weapon), Chad Alvarez (collared shirt/hat), Kristopher Wyrick (shaved head / American Guard shirt), Rebecca Wyrick (spotted shirt on the ground) and Robert Garland (American Guard shirt, standing above and kicking)*



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*9/27/20: T.G. (wielding flagpole like a weapon), Chad Alvarez (flexing collared shirt), Kristopher Wyrick (shaved head / kicking), Rebecca Wyrick in (spotted shirt punching)*



*9/27/20: American Guard members attacking the man who they pushed out of his wheelchair*

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9/27/20: From left to right, American Guard members Kristopher Wyrick (holding bear mace), T.G., Rebecca Wyrick, Sarah Garland



9/27/20: Kristopher Wyrick (holding flags) and N.S. (wearing gloves)



9/27/20: American Guard member James Kinard (standing in back, with shorts, white socks, colored sleeve tattoos, and a mask)

1 Yet another example of violence by right-wing extremists that Stephan’s Office declined  
2 to prosecute took place during the July 25, 2021, “We Are Israel” rally, at the Prescott  
3 Promenade in El Cajon. American Guard member James Kinard, who is recognizable because of  
4 his build and colored sleeve tattoos, is depicted in a Times of San Diego article spraying  
5 someone with bear spray.<sup>39</sup> Although the article reports that there was violence by both  
6 rightwing “patriots” and “black-clad protestors,” American Guard and Defend East County  
7 members are identified by name in the article (Kristopher Wyrick and Mike Forzano) as having  
8 committed criminal offenses. The article includes a Twitter post with a video and the following  
9 description: “Kris Wyrick throwing a punch and starting a brawl earlier.”<sup>40</sup>

10 American Guard member Kris Wyrick can be seen on the video violently punching a pro-  
11 Palestinian woman.



22 *Kris Wyrick punching non-violent pro-Palestinian woman protestor*

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28 <sup>39</sup> See **Exhibit V** – “Pompeo Praises Israel at El Cajon Rally, Oblivious to Street March, Mace Fights,” *Times of San Diego*, July 25, 2021: <https://timesofsandiego.com/politics/2021/07/25/pompeo-praises-israel-at-el-cajon-rally-oblivious-to-street-march-mace-fights/>

<sup>39</sup> See **Exhibit V**; videos available at: <https://timesofsandiego.com/politics/2021/07/25/pompeo-praises-israel-at-el-cajon-rally-oblivious-to-street-march-mace-fights/>

<sup>40</sup> See **Exhibit V**.



*Kris Wyrick punching non-violent pro-Palestinian woman protestor*

By failing to prosecute repeated attacks by these right-wing extremists, Stephan has created a dangerous situation where these groups have apparently concluded they have the state’s authority to violently attack their political opponents.

**D. The January 9, 2021 Protest that Formed the Basis of This Prosecution Was a “Patriot March” Organized by Right-Wing Extremists that Endorsed Stephan’s Campaign.**

On January 9, 2021, three days after the insurrection at the U.S. Capitol, a mob of right-wing extremists, including Proud Boys, American Guard members, and other legitimate conservative supporters organized a rally and descended on the Pacific Beach neighborhood. Described as a “Patriot March,” the mob consisted of numerous violent right-wing extremists. As one article in THE APPEAL explained, “at least five people involved in the Capitol rally on January 6, 2021 attended the violent pro-Trump ‘Patriot March’ in San Diego just three days after the democracy-shaking event. But police declared an unlawful assembly that only applied to anti-fascist counter protesters.”<sup>41</sup>

The article goes on to identify “Albert Nunez, a member of the Proud Boys, who posted on his Instagram account on Jan. 8 that he filmed during the Capitol insurrection and would soon upload footage...” The article further states:

“David Ramses, Kick Cunningham, Tony Be, and a far-right influencer known as MagaPit also attended the Patriot

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<sup>41</sup> See **Exhibit W –AT LEAST 5 CAPITOL RALLY PARTICIPANTS WERE IN A VIOLENT ‘PATRIOT MARCH’ IN SAN DIEGO,** *The Appeal*, Feb 03, 2021: <https://theappeal.org/capitol-insurrection-san-diego/>

1 March after participating in the Capitol rally. And they're  
2 visible in an Instagram video of Proud Boys burning the  
3 Black Lives Matter banner. The men are part of the ultra-  
4 nationalist group New Patriot Wave; the group rebranded  
5 from its previous iteration, the American Coalition Party,  
6 because of social media bans."<sup>42</sup>

7 According to THE APPEAL article, "The Jan. 9 march was organized by the New Patriot  
8 Wave group, which posted a video of one of their members defacing a George Floyd memorial  
9 last summer on Instagram."<sup>43</sup> In addition, numerous members of right-wing extremist groups  
10 that operate in San Diego County, including the same violent American Guard members, were  
11 present at the rally.

12 Thus, it is important to understand that when members of antifa arrived as  
13 counterprotestors on January 9, 2021, they had reason to believe that the right-wing extremists  
14 were there to commit coordinated acts of violence as they had done in the past. Furthermore,  
15 just three days before, in addition to the insurrection at the U.S. Capitol, nearly 40 extreme right-  
16 wing demonstrators attacked a black woman, ripped her wig off and called her the n-word  
17 following a rally in downtown Los Angeles.<sup>44</sup>

18 **E. Right-Wing Extremists Committed Numerous Violent Attacks at the Protest on**  
19 **January 9, 2021, But None Were Prosecuted by the District Attorney's Office.**

20 Exactly how Stephan's conflict of interest makes it unlikely that the defendants will  
21 receive a fair trial in this case is illustrated by the numerous criminal acts perpetrated by right-  
22 wing extremists on January 9, 2021. The attacks were never investigated, nor prosecuted by  
23 Stephan's office, despite the fact that evidence of these attacks is publicly available.<sup>45</sup>

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24 <sup>42</sup> See **Exhibit W**.

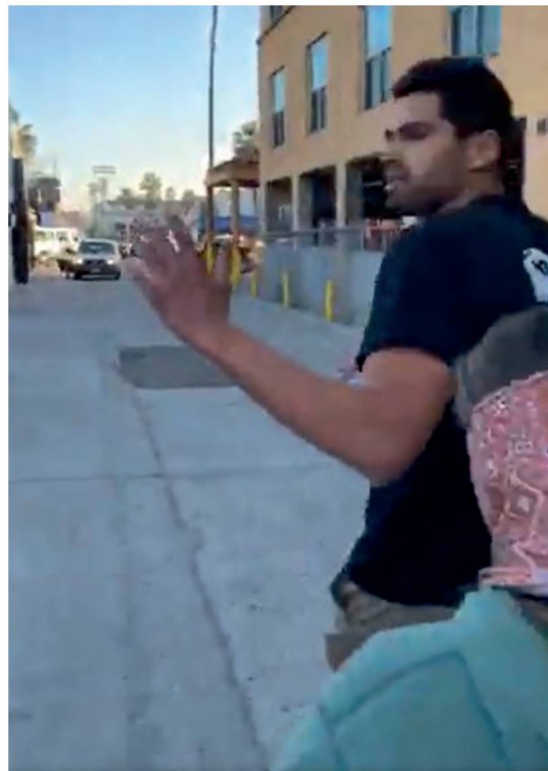
25 <sup>43</sup> See **Exhibit W**.

26 <sup>44</sup> See **Exhibit X** – "Black woman says group of Trump supporters attacked her following L.A.  
27 rally," *NBC News*, January 8, 2021: [https://www.nbcnews.com/news/us-news/black-woman-says-](https://www.nbcnews.com/news/us-news/black-woman-says-group-trump-supporters-attacked-her-following-l-n1253553)  
28 [group-trump-supporters-attacked-her-following-l-n1253553](https://www.nbcnews.com/news/us-news/black-woman-says-group-trump-supporters-attacked-her-following-l-n1253553)

<sup>45</sup> It is also relevant to note that law enforcement appeared to have had an agenda when it came to enforcing the law on January 9, 2021. For example, at 1:54 p.m., a police helicopter pilot can be heard starting to announce violence by pro-Trump protestors over the radio, but then evidently realizes that his statements will become a public record when he states, "actually.... I will just tell you over the phone."

1 One of the more violent attacks on January 9, 2021 took place in an alleyway and was led  
2 by American Guard member, James Kinard, AKA online as “RustyRodsSocal.”<sup>46</sup> This is the  
3 same James Kinard who engaged in unprovoked attacks with his fellow American Guard  
4 members against the man in the wheelchair on September 27, 2020, and the pro-Palestinian  
5 protestors on July 25, 2021, discussed above.

6 Kinard and a group of American Guard members are seen on publicly available Facebook  
7 videos of the alleyway attack. The right-wing extremists are depicted following a non-violent  
8 victim wearing a t-shirt that states “No Justice, No Peace, Black Lives Matter.” The video shows  
9 Kinard and his group following the victim and his girlfriend down an alley.  
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25 *Alleyway attack victim walking away with his hands up*

26 The victim has his hands up signaling that he does not want to fight. Kinard can be  
27 heard saying, “Fuck you and your no justice no piece bullshit!”, and then spitting in the  
28 victim’s face.

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<sup>46</sup> See **Exhibit Y** – Screenshot of James Kinard Parlor.com profile, stating “**FUCK ANTIFA!!!**”

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*James Kinard spitting in victim's face (1/9/21)*

A female with the right-wing extremists wearing a red sweatshirt then begins violently attacking the victim's girlfriend, wearing a green sweatshirt. When the victim attempts to render aid to his girlfriend, the group of right-wing extremists surround the victim in a coordinated manner, which allows Kinard to sucker punch the victim, knocking him to the ground.

Photographs obtained through investigation show unequivocally that the attack by the American Guard members amounted to a violent felony offense.



10 *Kinard sucker punching the alleyway attack victim while he tries to protect*  
11 *his girlfriend (photo on the left enhanced by counsel)*



20 *American guard members, including man with a furred-up flag*  
21 *and motorcycle helmet continuing to assault the alleyway attack victim*  
22 *while he is defenseless on the ground. Kinard (left) is seen walking away*  
23 *after sucker punching the victim.*

24 The right-wing extremists can then be heard saying “Fall back,” demonstrating that this  
25 was coordinated attack. Although the victim was severely injured, there are no discovery items  
26 to suggest any of these perpetrators were investigated at any point.<sup>47</sup>  
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<sup>47</sup> See **Exhibit Z** – Screenshots from publicly available Facebook post with video of attack:  
<https://www.facebook.com/amie.zamudio/videos/10225575568715118>



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*Alley attack victim's injuries (1/9/21)*

Another example of a criminal act on January 9, 2021 that was not investigated nor prosecuted was perpetrated by American Guard associate and Proud Boy member Chad Alvarez, a man from Lakeside, who was also present at the attack of the man in the wheelchair on September 27, 2020. Alvarez was previously featured on a San Diego County website teaching a fishing class until it was pointed out that he was wearing a t-shirt that stated, "Support Peckerwoods," which is a well-known white supremacist prison gang.<sup>48</sup>

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<sup>48</sup> See **Exhibit AA** – "County removes photo of man in White supremacist biker gang T-shirt from its website, *The San Diego Tribune*, October 1, 2021: <https://www.sandiegouniontribune.com/news/story/2021-10-01/county-biker-gang-t-shirt>

1 Police bodycam footage shows that at one point during the January 9, 2021 “Patriot  
2 March,” the right-wing extremists lined up across Mission Boulevard south of the Hornblend  
3 intersection, marching back and forth, wearing tactical gear, and carrying unfurled flags on  
4 flag poles like weapons. The right-wing extremists are pacing back and forth menacingly,  
5 screaming “fuck antifa” and gesturing.



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*Right-wing extremists inciting violence on 1/9/2021*

16 Chad Alvarez was captured on video at 2:24 p.m. at the intersection of Mission  
17 Boulevard and Hornblend along with a group of right-wing extremists wearing bullet proof  
18 vests and face masks who took over the intersection. Police officers are seen standing by.

19 At one point, Chad Alvarez can be heard on the video shouting “I’ll give \$20 to anyone  
20 who punches antifa.”



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*Chad Alvarez walking through police officers with smoke grenade in hand*

1 Alvarez can then be seen walking south on Mission toward the spanning line of police  
2 officers who are facing south toward antifa counterprotestors. Alvarez walks right past the line  
3 of police officers and is seen throwing a smoke grenade into the counterprotestors. Highly  
4 relevant to the trial defense is the fact that Alvarez threw the smoke grenade at the  
5 counterprotestors where defendants Jeremy White, Jesse Cannon, and Eric Yach were standing  
6 when the alleged assault on R.L. took place.  
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18 *Chad Alvarez throwing smoke grenade in view of line of police officers*

19 For several seconds prior to throwing the smoke grenade, Alvarez can be seen pacing  
20 back and forth menacingly right next to the police line, with the same right-wing extremist  
21 wearing a motorcycle helmet and brandishing a furled-up flagpole who attacked the victim in  
22 the alleyway.



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*Chad Alvarez prior to throwing grenade with one of the alleyway attackers  
right next to line of police officers*

1 30 seconds after Alvarez launches the smoke grenade, a police officer walks right up to  
2 Alvarez and does nothing.



12 *Police officer ignoring that Chad Alvarez just threw a smoke grenade*

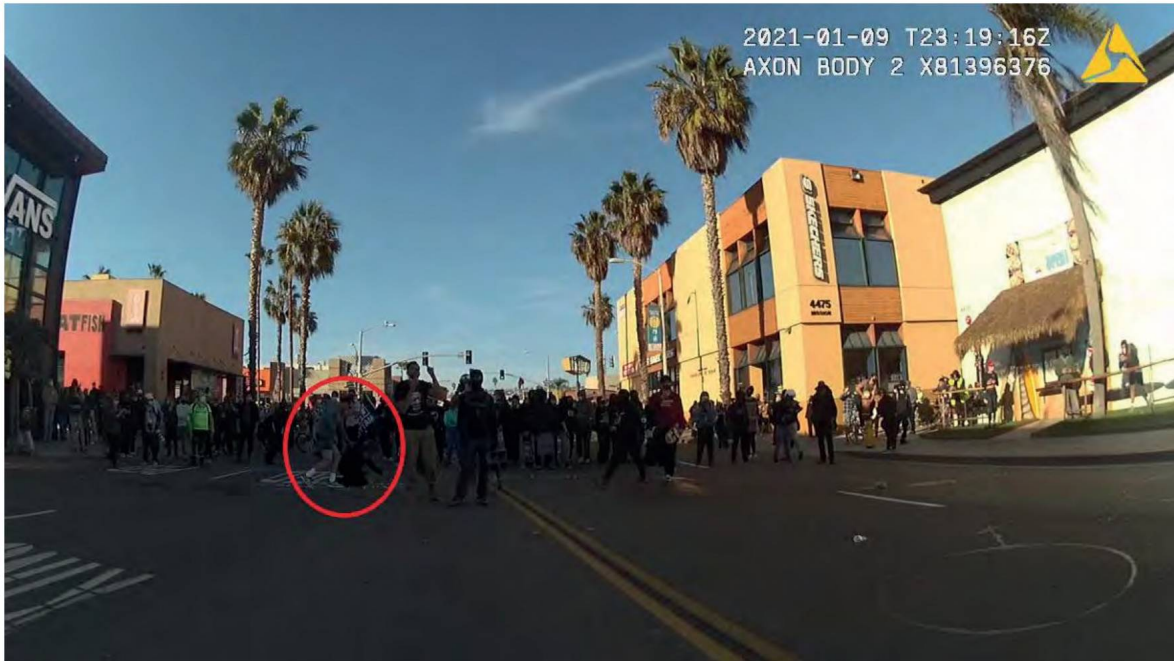
13 Seconds later a cloud of smoke from the smoke grenade blows back at the line of  
14 officers. Seconds after that, the officers merely kick the empty canister to the curb. Alvarez,  
15 another person prolific on social media proudly displays a meme on his public profile that says  
16 “send your local Antifa dirtbag to the hospital.” While questioning ‘victims’ who were  
17 members of the American Guard, investigators never bothered asking them anything about  
18 Alvarez.



*Smoke billowing from grenade thrown at counterprotestors by Chad Alvarez*

Another incident occurred where an antifa counterprotestor was peacefully writing with  
chalk on the sidewalk. A large man is shown on video kicking and shoving the antifa  
counterprotestor completely unprovoked and in plain view of the police officers.

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*Antifa counterprotestor being victimized by an unprovoked attacker*

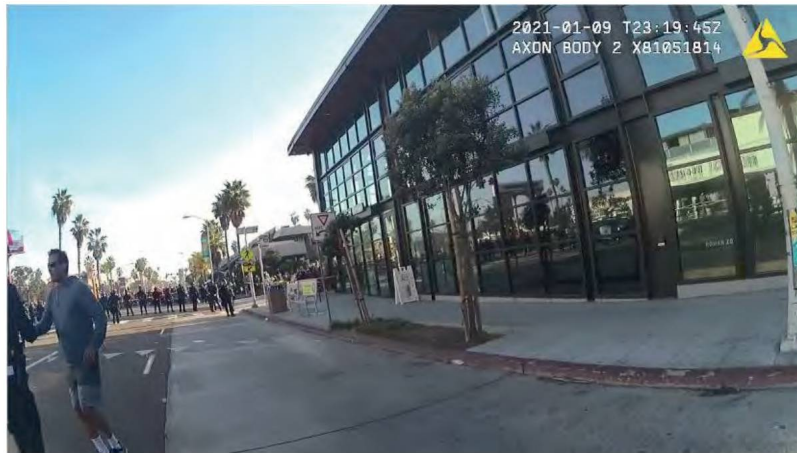


*The man who attacked antifa victim writing with chalk on the sidewalk pushes another woman*

The man then walks to the line of police officers and is embraced. One officer shakes the man's hand before he is sent on his way.



*Man who attacked antifa counterprotestors walks through police line*



*Police officer shakes hands with man who attacked antifa counterprotestors*

Yet another incident occurred with a right-wing extremist juvenile who came to the January 9, 2021 “Patriot March” armed with a replica Black Glock 17. Officers saw him running with the gun in his waistband through the protest. As it turns out, he was being chased after shooting protestors with what turned out to be a .177-Caliber BB gun loaded with 15 BBs and a CO2 cartridge. The juvenile can be seen in a redacted photo taken on January 9, 2021 standing with American Guard member James Kinard, below:



*BB Gun wielding juvenile standing with American Guard member James Kinard*

Kinard is the same person who led the vicious attack in the alley of a peaceful protestor and his girlfriend. It is not a coincidence that the juvenile is hanging out with Kinard because they are associated through familial connections and were at the protest together with the same agenda: terrorize and physically attack counterprotestors. In the photo above, Kinard has on a flannel. He is easily identified as the ringleader of the alley attack by his unique tattoos on his legs, his shorts and boots, his shaved head, his glasses, and his wedding band. The juvenile is posted up next to him with a Glock replica in his waistband ready to shoot defendant Mora and others.

Despite law enforcement receiving multiple reports that the juvenile was shooting antifa counterprotestors with the gun, he was referred for juvenile prosecution for possession of the BB gun only, not assault with a deadly weapon. Given the severity of the charges faced by the defendants, this decision once again establishes that Stephan's office is ignoring crimes committed by the right-wing extremists. It should also be noted that Stephan's office chose not to present the juvenile to the grand jury to prevent the grand jurors from questioning him about the shooting, which is concealing exculpatory evidence.

1           Despite all of these blatant criminal acts by the right-wing extremists, the police declared  
2 an unlawful assembly against the counterprotestors, only. Meanwhile, right-wing extremists  
3 stood behind the officers yelling “Fuck antifa” and giving stiff-armed nazi salutes.  
4



13           The police then began firing impact munitions and pepper balls to disperse the  
14 counterprotestors, even striking them in the face.



24           *Police officers firing munitions and pepper balls to disperse the antifa  
25 counterprotestors*

26           At 4:30 p.m., a full hour after counterprotestors were forcefully dispersed, police  
27 announced on publicly released radio dispatch that the right-wing extremist group had been  
28 “hijacked by Proud Boys, who are very anti-police and won’t go with the program.” The grand  
jury was also not informed of this highly exculpatory information. Body-worn camera shows  
that right-wing extremists went on to harass and attack members of the general public, yet still,  
Stephan’s Office is only prosecuting antifa members.



1           **F. Rather Than Impartially Investigate Violent Acts by Right-Wing Extremists,**  
2           **District Attorney Investigators Sought Out Every Possible Witness Against Antifa.**

3           Undersigned counsel is informed and believes that not one of the right-wing extremists  
4 who committed the crimes described above was investigated or charged with a crime.<sup>49</sup> Nor  
5 were the victims of their violent attacks contacted for statements.

6           When it came to investigating antifa, however, the District Attorney’s office went to  
7 great lengths to find any potential witnesses or possible victims, even going so far as reviewing  
8 news articles and reaching out to people who never reported a crime. One District Attorney  
9 investigator reached out to a potential witness against antifa stating, “*Would you be willing to*  
10 *meet with me for coffee next week to talk about your victimization?*” Further, “*I know you were*  
11 *only there to document the events and it seems like a senseless act that you were attacked.*”

12           San Diego Police Detective Clark told grand jurors of her attempts to locate  
13 Unidentified Victim 3, saying “*Numerous investigators have attempted to locate him through a*  
14 *variety of methods, including canvassing the boardwalk, talking to numerous businesses. I*  
15 *myself was calling businesses to locate that subject, but so far we’ve had no luck.*” (RT 1407.)

16           Deputy DA Hopkins exhorted the grand jurors “*Some of the victims didn’t want to*  
17 *participate, come forward. But that doesn’t mean they are not a victim, and we’re still asking*  
18 *you to consider those crimes committed against them.*” (RT 59.)

19           Meanwhile, the media had no issues identifying specific crimes committed by right-  
20 wing extremists. In addition to identifying at least five Proud Boys by name, THE APPEAL  
21 article stated: “One marcher, who identified himself as Chad Alvarez, walked past officers and  
22 threw a smoke grenade, which burned this reporter’s skin. The San Diego Police Department’s  
23 event log from that day, obtained via a public records request, does not include a mention of  
24 the grenade being thrown.”<sup>50</sup> The article also references the juvenile wielding a BB gun; thus,  
25 it is public knowledge that these crimes were being committed.

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28           <sup>49</sup> With the exception of the juvenile, who was referred for prosecution for possessing a BB  
gun, rather than what amounted to multiple incidents of assault with a deadly weapon, brandishing,  
unlawful discharge, etc.

<sup>50</sup> See **Exhibit W – AT LEAST 5 CAPITOL RALLY PARTICIPANTS WERE IN A  
VIOLENT ‘PATRIOT MARCH’ IN SAN DIEGO,** *The Appeal*, Feb 03, 2021:  
<https://theappeal.org/capitol-insurrection-san-diego/>

1 **G. Not Only Were the American Guard Members Not Prosecuted, They Are Now**  
2 **Named as Victims In this Prosecution Against Antifa.**

3 Even more troubling, the District Attorney’s Office has not only ignored the crimes by  
4 right-wing extremists, they have named numerous members of the American Guard as alleged  
5 victims in this case, without disclosing their affiliation with a violent hate group that views  
6 antifa as their enemy. In other words, the defendants are charged with committing crimes  
7 against members of a group who have historically arrived at protests to incite violence; who  
8 commit coordinated attacks on their political opponents, and whose members committed  
9 numerous acts of violence at the protest underlying the charges.



19 *At the January 9, 2021 protest: Left to right: T.G. (gray t-shirt),*  
20 *N.S. (blue flannel), M.A. (green t-shirt), R.S. (white t-shirt)<sup>51</sup>*

21 For example, Stephan’s office named M.A. as a victim of one of the incidents involving  
22 the defendants. M.A. described herself to the grand jury as a political consultant for campaigns  
23 who travels from state to state to work for different clients. (RT 844.) M.A. claimed that she  
24 went to the January 9, 2021 protest with a “fellow rally goer” because she expected it would be  
25 “very calm.” (RT 844.) She further claimed she knew nothing about the protest from social  
26 media and did not know if there were any counterprotestors there. (RT 844.) According to

27  
28 <sup>51</sup> Stephan’s office requested a sealing order requiring grand jury witnesses’ names be  
shortened to their first initials, so they do not get harassed. Frankly, it is a bizarre and futile request  
because their names and identities have been in the public sphere since well before the grand jury ever  
convened. Most of them publicized their own identities on well-known right wing social media outlets.  
Most, if not all of them, were in the media. Counsel is not required to use their initials because the  
information was already in the public sphere. However, to avoid controversy counsel has used initials  
so that the prosecution can remain focused on the important issues at hand as they relate to the merits of  
the motion.

1 M.A., she only knew two people at the rally who she came with, who were named as  
2 unidentified victims. (RT 844.) In reality, M.A. is a member of the American Guard, yet this  
3 was not disclosed to the grand jury or the defense.  
4

5 M.A. has attended numerous protests where fellow American Guard members T.G.,  
6 N.S., and Kristopher Wyrick have committed organized violence against their political  
7 opponents. As far back as 2019, M.A. has been named in published photos showing her  
8 wearing her American Guard shirt.



17 *M.A. wearing an American Guard “Probate” shirt at a June 14,*  
18 *2019 meeting in Portland, ME.<sup>52</sup>*

19 T.G. arrived at the January 9, 2021 protest with M.A. and is also named a victim in this  
20 case. T.G. is a member of the American Guard who took part in the attack on the man in the  
21 wheelchair on September 27, 2020 in El Cajon. Stephan’s office failed to disclose T.G.’s  
22 American Guard membership to the grand jury or the defense. See publicly available  
23 screenshot below:  
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<sup>52</sup> This photo is published online but the hyperlink lists M.A.’s full name, thus the link has not been included.



*R.S., T.G., Kristopher Wyrick, and Rebecca Wyrick (red hat) all wearing their American Guard uniforms in Washington D.C. at the "Million MAGA March" to overthrow the 2020 election.<sup>53</sup>*

Undersigned counsel is also informed and believes that two “unidentified victims” who were with M.A. and T.G. at the January 9, 2021 protest are N.S. and R.S.<sup>54</sup> N.S. and R.S. are also members of the American Guard, yet their affiliation with this group was not disclosed to the defense or grand jury. R.S. is depicted in the photos above. N.S. was named as an attacker in the December 9, 2017 attack by white supremacists near East Otay Mesa in San Diego. N.S. was also the man who knocked the defenseless social justice protestor out of his wheelchair in El Cajon on September 27, 2020. N.S. and R.S. are depicted below posing with fellow American Guard members.

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<sup>53</sup> See "Million MAGA March 2020 #MAGA #WashingtonDC #Trump #USA", YouTube - Yummy Cupcake Productions (UCSvBDvW2BW9yCLWwMGEuU7w), <https://www.youtube.com/watch?v=9GmFEomlR8s&t=385> (Timecode: 6:25)

<sup>54</sup> Again, counsel could name them publicly because there is no requirement to use initials as this information was independently gathered from public sources and not included in the sealing order.



*Aug 2019, Portland, OR: American Guard members from the Utah and Southern California chapters, including San Diego-based members Kristopher Wyrick (squatting, front right), N.S. (upper left), and R.S. (far right) wearing American Guard shirts*

Right-wing hate groups, like American Guard, capitalize on their favor with law enforcement and provoke leftist activists into violence so they can get leftists arrested. On June 15, 2019, hundreds of cities around the country held simultaneous rallies calling for Donald Trump to be impeached. One such rally took place in downtown San Diego, just steps from the Hall of Justice where the District Attorney's headquarters is located. American Guard members Kristopher Wyrick, and alleged victims R.S. and N.S. arrived to "counter-protest" the rally. In a video filmed by Wyrick and previously uploaded to his YouTube channel "Based Krusader", the three men can be seen walking back and forth in front of the protestors and can be heard deliberately seeking to incite violence.

Ultimately, the group is confronted by a 75-year-old Vietnam veteran wearing a knee brace, limping, and using a walker.

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*75-year-old victim in walker prior to being shoved to the ground by American Guard member R.S. (6/15/19)*

R.S. is captured on video violently shoving the victim to the ground after he gently pushes one of the American Guard members.



*75-year-old victim after being shoved by American Guard member R.S. (6/15/19). The San Diego Hall of Justice is seen in the background.*



*75-year-old victim on the ground after being shoved by American Guard member R.S., while Kris Wyrick and N.S. scream at the man that they will make him famous.*

Police should have arrested one or both parties in this incident. This assault by American Guard members on a disabled elderly man could easily have resulted in the man's death. It was an excessive response and, unlike the victim's actions, R.S. could have seriously injured the elderly man. This attack, which occurred literally steps from the District Attorney's office, was reported to police by bystanders. The video captures the heated tempers on both sides and highlights the need for equal administration of justice.

Details of the attack were published the same day by the San Diego Union Tribune, along with the victim's full name and age.<sup>55</sup> Despite all of this, Stephan's campaign donor Kristopher Wyrick felt so comfortable in his posse having carte-blanche to brutalize political opponents in San Diego County that he published a full video of the attack on his YouTube channel.

Stephan's office has not only failed to investigate and prosecute members of the American Guard for their coordinated violent acts on June 15, 2019, December 9, 2017, September 27, 2020, January 9, 2021, and July 25, 2021, she has named them as victims in her prosecution against antifa.

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<sup>55</sup> "Crowd Gathers downtown to rally for impeachment", *San Diego Union Tribune*, June 15, 2019: <https://www.sandiegouniontribune.com/news/politics/story/2019-06-15/crowd-gathers-downtown-to-rally-for-impeachment>

1           **H. Summer Stephan Released a False Narrative About the Protest to Justify Her**  
2           **Biased Charging Decisions.**

3           Yet another example of Summer Stephan’s conflict of interest in this case that is  
4 directly interfering with the defendants’ rights to a fair trial is the false narrative Stephan  
5 released to the press about the protest in question.<sup>56</sup>

6           On December 6, 2021, Stephan approved of her office issuing a press release entitled:  
7 “DA Charges Defendants Responsible for Violent Pacific Beach Incident.”<sup>57</sup> In addition to  
8 describing specific acts allegedly committed by antifa which will undoubtedly taint the jury  
9 pool, Stephan’s office falsely stated: “Video evidence analysis shows that **overwhelmingly the**  
10 **violence in this incident was perpetrated by the Antifa affiliates and was not a mutual**  
11 **fray** with both sides crossing out of lawful First Amendment expression into riot and  
12 violence.”

13           This blatantly false narrative, which is consistent with Stephan’s campaign propaganda,  
14 shines yet another spotlight on Stephan’s disabling conflict of interest. Stephan’s decision to  
15 release this narrative while naming American Guard members M.A., T.G., N.S. and R.S. as  
16 victims establish that she is unable to impartially prosecute this case.

17           **I. Summer Stephan’s Use of So-Called “Expert” Dawn Perlmutter as the First**  
18           **Witness in the Grand Jury Proceedings Also Illustrates Exactly How Biased This**  
19           **Prosecution Is.**

20           The decision to utilize Dawn Perlmutter is a perfect representation of how the  
21 defendants are viewed by Summer Stephan’s Office. Dr. Perlmutter, who was notably deemed  
22 a vexatious litigant after she filed a long line of frivolous lawsuits in a battle over her late  
23 mother’s estate,<sup>58</sup> considers herself an expert on antifa because she reads their texts,

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25           <sup>56</sup> It should be noted that according to the San Diego County District Attorney’s Office Policies  
26 and Procedures, page 22, “Representatives of this office should consult with their Division Chief and  
27 the Director of Communications in disseminating information, consistent with California's ethics rules  
28 and Rules of Professional Conduct.” Thus, there is no doubt Stephan approved this press release.

<sup>57</sup> See **Exhibit BB** – San Diego County District Attorney Press Release, dated December 6,  
2021.

<sup>58</sup> See *Perlmutter v. Varone* (E.D. Pa., May 6, 2022, No. CV 21-5018) 2022 WL 1443426, at \*4  
(unpublished decision) [The Court has read Plaintiffs’ filings and cannot find anything new beyond bare  
**allegations of bribery directed at the most recent federal judge to hear their claims.**.]



1 manifestos, their writings and their social media.<sup>59</sup> Based on her scouring the internet for  
2 documents and writings of unknown origin, Dr. Perlmutter repeatedly testified about divisive  
3 political views and prior bad acts that she attributed to antifa. This evidence served no relevant  
4 purpose. It was aimed to prejudice the grand jurors against the defendants.

5 Dr. Perlmutter testified that antifa members are primarily anarchists and socialist  
6 communists whose goal is to overthrow the economic capitalist system of the United States.<sup>60</sup>  
7 They want to “get rid of the different classes,” “abolish the capitalist system,” and they “feel  
8 that America is an illegitimate country.”<sup>61</sup> She stated that a lot of antifa members believe in  
9 squatting on foreclosed properties as they feel that people should be able to live in those  
10 homes.<sup>62</sup> Further, antifa members will not refer to San Diego by name. They refer to it as “so-  
11 called San Diego,” and they’ll call it “Kumeyaay,” the territory of the indigenous people.<sup>63</sup> This  
12 evidence served no relevant purposes in regard to issues that the grand jury, all citizens of San  
13 Diego, were tasked with deciding.

14 Dr. Perlmutter also purported to provide examples of antifa using “doxing” to attack  
15 law enforcement officers in their homes, including killing their cats.<sup>64</sup> She then opined as to  
16 the specific intent of the antifa defendants when they are dressed in black clothing, i.e., “they’re  
17 preparing to either be violent or do sabotage or do some type of action that is not legal.”<sup>65</sup>  
18 From her reading of unknown writings attributed to antifa, Dr. Perlmutter concluded that antifa  
19 “loves to get in there and film someone being hurt.”<sup>66</sup> The prejudicial effect of her testimony  
20 on the grand jury was evident. After Dr. Perlmutter described doxing and attacks on law  
21 enforcement officers at their homes, which included killing their cats, the grand jurors were so  
22 frightened that they asked to have their names removed from the roll calls.<sup>67</sup>

23 Dr. Perlmutter was also shown pictures of the defendants on January 9, 2021 dressed in  
24 what she described as “black bloc” clothing. She was then asked, “If you see the black bloc en

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26 <sup>59</sup> (RT 188:9-10.)

27 <sup>60</sup> (RT 190:13-22.)

28 <sup>61</sup> (RT 192:4-22.)

<sup>62</sup> (RT 193:1-5.)

<sup>63</sup> (RT 192:25-28.)

<sup>64</sup> (RT 221:3-8.)

<sup>65</sup> (RT 223:25-26.)

<sup>66</sup> (RT 230:22-28.)

<sup>67</sup> (RT 289:11-13.)

1 masse, is it fair to assume they're prepared to be violent?<sup>68</sup> Dr. Perlmutter replied, “Well,  
2 they're preparing to either be violent or do sabotage or **do some type of action that is not**  
3 **legal.**”<sup>69</sup> “They are gearing up literally to engage in fights or violence with the protestors.”<sup>70</sup>.

4 **Poignantly, Stephan’s office failed to ask Perlmutter about the American Guard.**

5 The purpose of Dr. Perlmutter’s testimony was to convince the grand jury that the  
6 antifa defendants must be viewed as an attack on public safety who are solely responsible for  
7 the violence on January 9, 2021 — irrespective of the facts of this case. This false narrative  
8 has become a recurring theme in this case, and it all began with Summer Stephan’s run for  
9 office in 2018.

10 **IV. ARGUMENT**

11 **A. THE UNITED STATES CONSTITUTION GUARANTEES A DEFENDANT**  
12 **THE RIGHT TO FAIR AND IMPARTIAL TRIAL**

13 A “fair and impartial trial” is fundamental to due process, and the prosecutor, as well as  
14 the court, must “respect this mandate” by exercising his or her discretionary powers  
15 **impartially.** (*People v. Vasquez* (2006) 39 Cal.4th 47, 60 (*Vasquez*), quoting *People v.*  
16 *Superior Court (Greer)* (1977) 19 Cal.3d 255, 266 (*Greer*), emphasis added.) The prosecutor  
17 “is the representative not of an ordinary party to a controversy, but of a sovereignty whose  
18 **obligation to govern impartially** is as compelling as its obligation to govern at all; and whose  
19 interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall  
20 be done.” (*Berger v. United States* (1935) 295 U.S. 78, 88, emphasis added.)

21 “There is no doubt that the breadth of discretion that our country's legal system vests in  
22 prosecuting attorneys carries with it the potential for both individual and institutional abuse.  
23 And broad though that discretion may be, there are undoubtedly constitutional limits upon its  
24 exercise.” (*Bordenkircher v. Hayes* (1978) 434 U.S. 357, 365.) In California, these limits are  
25 enforced by Penal Code section 1424 which “constitutes a statutorily authorized judicial  
26 interference with the executive branch's constitutional role to enforce the law.” (*People v.*  
27 *Bryant, Smith and Wheeler* (2014) 60 Cal.4th 335, 374.)

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<sup>68</sup> (RT 223:23-24.)

<sup>69</sup> (RT 223:25-26.)

<sup>70</sup> (RT 236:15-17.)

1           **B. PENAL CODE SECTION 1424 SETS FORTH A TWO-PART TEST FOR**  
2           **DISQUALIFICATION**

3           The test for recusal of a prosecutor under Penal Code section 1424 has two parts.<sup>71</sup>  
4           First, the moving party must show a conflict, such that the “circumstances of a case evidence a  
5           reasonable possibility that the DA's office may not exercise its discretionary function in an  
6           evenhanded manner.” (*People v. Conner* (1983) 34 Cal.3d 141, 148 (*Conner*)). Second, to  
7           warrant disqualification the conflict must be “so grave as to render it unlikely that defendant  
8           will receive fair treatment during all portions of the criminal proceedings.” (*People v. Eubanks*  
9           (1996) 14 Cal.4th 580, 592 (*Eubanks*)). This includes not only the conflict's effect on the trial  
10          itself; it includes the conflict's “effect on ‘the [district attorney's] discretionary powers  
11          exercised either before or after trial (e.g., plea bargaining or sentencing recommendations).”  
12          (*Id.* at p. 593.)

13          Where the record on the recusal motion indicates that the conduct of any deputy district  
14          attorney assigned to the case, or of the office as a whole, would likely be influenced by the  
15          personal interest of the district attorney or an employee, the motion is properly granted.  
16          (*Vasquez, supra*, 39 Cal.4th at p. 48.) For example, in *People v. Choi* (2000) 80 Cal.App.4th  
17          476 (*Choi*), the trial court disqualified the San Francisco County District Attorney’s Office  
18          based on former District Attorney Terrence Hallinan’s indirect personal connection to the  
19          crime. (*Id.*, at pp. 480-483.) Hallinan believed that the defendant charged with murder was  
20          also involved in the murder of his close friend. (*Id.* at 478.)

21          The defendant moved to disqualify Hallinan’s office based in large part on his  
22          statements to the press wherein Hallinan repeatedly asserted that he believed the murders were  
23          connected but his office could not prove it. (*Choi, supra*, 80 Cal.App.4th at p. 479.) The First  
24          District Court of Appeal upheld the trial court’s order, finding that Hallinan’s statements to the  
25          press factored into the totality of the circumstances that demonstrated his emotional  
26          involvement in the case prevented him from exercising the discretionary functions of his office  
27          in an evenhanded manner. (*Id.* at pp. 481-482.)

28          The *Choi* holding supports the proposition that a District Attorney’s personal or  
                emotional involvement in a case will have a particularly strong tendency to imply extraneous  
                motivation. (See *Eubanks, supra*, 14 Cal.4th at p. 595.) “But it does not follow that *only*

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<sup>71</sup> All further statutory references are to the Penal Code unless otherwise specified.

1 evidence of personal interest or emotional involvement will support a conclusion that there is a  
2 reasonable possibility that the [district attorney's] office may not exercise its discretionary  
3 function in an evenhanded manner.” (*Ibid.* citing *Conner, supra*, 34 Cal.3d at p. 148.)

4 Section 1424, on its face, allows recusal on a showing of *any* conflict of interest that  
5 renders fair treatment unlikely. (*Eubanks, supra*, 14 Cal.4th at p. 595.) For example, a conflict  
6 of interest arises when “**private financial contributions** are of a nature and magnitude likely  
7 to put the prosecutor's discretionary decision-making within the influence or control of an  
8 interested party.” (*Id.* at p. 599, emphasis added.) This creates a disabling conflict of interest  
9 because a public prosecutor must not be in a position of "attempting at once to serve two  
10 masters," the People at large and a private person or entity with its own particular interests in  
11 the prosecution. (*Ibid.*, quoting *Ganger v. Peyton* (4th Cir.1967) 379 F.2d 709, 714.)

12 Furthermore, “[i]t may be appropriate to recuse an entire district attorney's office when  
13 there is substantial evidence that a deputy's animosity toward the accused may affect his  
14 colleagues.” (*People v. Dekraai* (2016) 5 Cal.App.5th 1110, 1147 (*Dekraai* ), internal citations  
15 omitted.) Indeed, a prosecutor "is not disinterested if he has, or is under the influence of others  
16 who have, an axe to grind against the defendant." (*Eubanks, supra*, 14 Cal.4th at p. 596, citing  
17 *Wright v. United States*, 732 F.2d 1048, 1056 (2d Cir. 1984).)

18 Ultimately, the “recusable” conflict of interest is “a divided loyalty” at odds with the  
19 prosecutor’s duty to prosecute a defendant’s case fairly. (*Dekraai, supra*, 5 Cal.App.5th at p.  
20 1140.) “In each case, the trial court must consider the entire complex of facts surrounding the  
21 conflict to determine whether the conflict makes fair and impartial treatment of the defendant  
22 unlikely.” (*Eubanks, supra*, 14 Cal.4th at p. 595.<sup>72</sup>) This includes any public statements made  
23 by the District Attorney about the defendants or the prosecution of their alleged criminal acts.  
24 (See *People v. Lastra* (2022) 83 Cal.App.5th 816, 823–824 (*Lastra*) [affirming recusal of the  
25 district attorney's office based on statements made by the District Attorney about the  
26 prosecution of Black Lives Matter protestors in the media, Facebook posts, and a fundraising  
27 letter]).

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<sup>72</sup> For example, “[a]rguably, a factually weak case is more subject than a strong case to  
influence by extraneous financial considerations.” (*Eubanks, supra*, 14 Cal.4th at p. 600.)

1                   **C. SUMMER STEPHEN’S BIAS AGAINST ANTIFA COUPLED WITH HER**  
2                   **LOYALTY TO RIGHT-WING EXTREMISTS CREATED A DISABLING**  
3                   **CONFLICT OF INTEREST WHEN THE TWO GROUPS CLASHED.**

4                   The recent disqualification of the San Luis Obispo District Attorney’s Office further  
5 demonstrates why disqualification is necessary here.<sup>73</sup> In *Lastra, supra*, 83 Cal.App.5th 816,  
6 the defendants were protestors in a July 21, 2020 Black Lives Matter (BLM) protest that  
7 wound through the City of San Luis Obispo. “The protest was one of several such events  
8 organized by local college students in the wake of George Floyd, Jr.’s death at the hands of  
9 Minneapolis police officers earlier that year.” (*Id.*, at p. 819.) The protest provoked a range of  
10 reactions from local residents. While there were some who supported the defendants’ political  
11 movement, others were captured on video committing crimes against the BLM protesters  
12 during the march. (See *Ibid.*)

13                   Once the protest came to an end, Tianna Arata, a young Black college student who was  
14 alleged to be the marchers’ de facto leader, was arrested on felony charges. She was ultimately  
15 charged with 13 misdemeanor counts by the district attorney’s office. Soon thereafter, six  
16 more young Black Lives Matter protesters were charged. Meanwhile, not one person who  
17 committed a crime against the protestors was charged. Rather, District Attorney Dan Dow and  
18 local law enforcement began a concerted smear campaign against the BLM protestors. In  
19 response, Arata moved to disqualify the district attorney’s office on the grounds that District  
20 Attorney Dan Dow was “aligned with right-wing conservative political organizations and  
21 fundamentalist religious groups that seek to vilify the Black Lives Matter [BLM] movement.”  
22 (*Lastra, supra*, 83 Cal.App.5th at p. 820.)

23                   The trial court granted the motion and disqualified Dan Dow’s entire office. In support  
24 of the motion, the trial court considered, inter alia, that: (1) Dan Dow appeared on a television  
25 program weeks after the protest with Tony Perkins of the Family Research Council who  
26 described the BLM movements as a ‘Marxist’ group who promote ‘cop killings, prostitution,  
27 anti-Semitism, anarchy, and the suppression of speech and religion’ ”; (2) Dan Dow explained  
28 his charging decision in a local members-only Facebook group that posted defamatory hate-  
filled rhetoric about BLM; (3) Dan Dow and his wife sent out a campaign fundraising email

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<sup>73</sup> Undersigned counsel was an attorney of record in the disqualification of the SLO DA’s Office. The issues here are more egregious.

1 requesting financial support to “keep leading the fight in SLO County against the wacky  
2 defund the police movement and anarchist groups that are trying to undermine the rule of law  
3 and public safety in our community”; and (4) Dan Dow appeared alongside Candace Owens,  
4 who he later praised as being a role model for young women everywhere who speaks the truth,  
5 after she described BLM as one of the most racists movements that ever existed in this country.  
6 (*Lastra, supra*, 83 Cal.App.5th at pp. 821-822.)

7 The Second District Court of Appeal affirmed the trial court’s disqualification order  
8 and agreed that the defendants were unlikely to receive a fair trial. (*Lastra, supra*, 83  
9 Cal.App.5th at p. 823.) The court noted that it was proper for the trial court to consider the  
10 District Attorney’s campaign statements and political affiliations in context with his decision to  
11 prosecute the defendants. (See *Ibid.*) Finding that Dan Dow’s public statements and targeted  
12 fundraising appeal created a disabling conflict of interest, the court found it was necessary to  
13 disqualify his entire office. (*Ibid.*)

14 Here, the facts are analogous. Summer Stephan’s election campaign was based on  
15 propoganda that specifically targeted the antifa defendants as attacking public safety.  
16 Stephan’s campaign statements and her expressed views about dark “movements” behind the  
17 violence at local protests established, at a minimum, that Stephan harbors animosity against  
18 antifa. (*Dekraai, supra*, 5 Cal.App.5th at p. 1147 [“[i]t may be appropriate to recuse an entire  
19 district attorney's office when there is substantial evidence that a deputy's animosity toward the  
20 accused may affect his colleagues”].)

21 Stephan’s election campaign also sent a message to her voters that if they endorsed her  
22 campaign, they would be electing a prosecutor who would fight against antifa to protect public  
23 safety. Stephan’s conspiracy theories about antifa underlying her campaign also attracted  
24 support from right-wing extremists who share the same views. Stephan’s acceptance of  
25 campaign donations from right-wing extremists who view antifa as their enemy—based on her  
26 campaign promise to specifically target antifa, created an apparent conflict of interest when it  
27 comes to prosecuting antifa. (*Eubanks, supra*, 14 Cal.4th at p. 599 [a conflict of interest arises  
28 when “**private financial contributions** are of a nature and magnitude likely to put the  
prosecutor's discretionary decision-making within the influence or control of an interested  
party.”].)

1 For example, in *Eubanks*, the California Supreme Court upheld the trial court’s order  
2 recusing the Santa Cruz County District Attorney's Office after the corporate crime victim paid  
3 the “substantial” debts and expenses incurred by the district attorney investigating the case.  
4 (*Eubanks, supra*, 14 Cal.4th at p. 598.) The court focused on "the possible sense of obligation  
5 the district attorney would feel for [the victim's] payment of a debt owed by the district  
6 attorney's office," and held this evidenced a reasonable possibility the prosecutor might not  
7 exercise his discretionary functions in an evenhanded manner. (*Id.* at pp. 598-599.)

8 Thus, here, it is reasonable to infer that Stephan feels a sense of obligation to her voters  
9 who are directly opposed to antifa and who elected her based on a promise to target antifa.  
10 Stephan’s apparent conflict of interest then elevated to an actual conflict of interest when her  
11 loyalty those who funded her campaign began to affect her charging decisions. Numerous  
12 examples of Stephan failing to prosecute right-wing extremists who endorsed her campaign,  
13 despite publicly available evidence that they committed crimes, are listed above. Against this  
14 backdrop, Stephan’s loyalty toward right-wing extremists and her expressed bias against antifa  
15 became a disabling conflict of interest when the two groups clashed on January 9, 2021.  
16 (*Dekraai, supra*, 5 Cal.App.5th at p. 1140 [the “recusable” conflict of interest is “a divided  
17 loyalty” at odds with the prosecutor’s duty to prosecute a defendant’s case fairly].)

18 Similar to the District Attorney in *Lastra*, despite viral videos, public witness  
19 statements, and widespread media coverage showing that right-wing extremists committed  
20 violent, unprovoked attacks against the counterprotestors on January 9, 2021, not one right-  
21 wing extremist was prosecuted for their violent attacks. Rather, investigators from the District  
22 Attorney’s office went to great lengths to find any potential witnesses or possible victims  
23 against antifa, even going so far as reviewing news articles and reaching out to people who  
24 never reported a crime. Meanwhile, they avoided interviews with numerous victims of crimes  
25 by right-wing extremists because they were inconsistent with Stephan’s political agenda.

26 Furthermore, not only did Stephan’s office ignore the crimes of the right-wing  
27 extremists, they have now been named as victims in this case without disclosing their  
28 membership in violent white supremacist hate groups who view antifa as their enemy. In other  
words, members of a white supremacist hate group who view antifa as their enemy, who  
repeatedly commit coordinated violent attacks against antifa and racial justice protestors, and

1 who committed numerous violent acts against the counterprotestors on January 9, 2021, now  
2 form key witnesses in her prosecution of the antifa defendants.

3 The fact Stephan’s office not only chose to name these American Guard members as  
4 victims but also failed to disclose who they are, including their violent past, demonstrates that  
5 Stephan’s conflict of interest has permeated her entire office. Further, the fact that the blatant  
6 criminal acts of right-wing extremists were not only ignored but instead denied in a carefully  
7 worded press release by Stephen’s office demonstrates that the defendants are unlikely to  
8 receive a fair trial.

9 Ultimately, regardless of their political beliefs, the defendants here are entitled to a  
10 prosecution not clouded by the personal and political bias of a prosecutor. Because Stephan’s  
11 conflict of interest has made it unlikely that the defendants will receive a fair trial, the only  
12 recourse at this point is to disqualify the San Diego County District Attorney’s Office.

13 **D. DEFENDANT’S DISQUALIFICATION MOTION IS SUPPORTED BY**  
14 **COMPETENT EVIDENCE**

15 The prosecution will undoubtedly point out that a motion to disqualify “shall be  
16 supported by affidavits of witnesses who are competent to testify to the facts set forth in the  
17 affidavit.” (Pen. Code, § 1424.) Although this is true, when it comes to statements made by  
18 the District Attorney that are not in dispute, including public appearances and campaign  
19 statements, it is not necessary to “formally authenticate the exhibits at an evidentiary hearing  
20 under these circumstances.” (*Lastra, supra*, 83 Cal.App.5th at pp. 822-823 [taking judicial  
21 notice of the District Attorney’s appearances with anti-BLM commentators, his statements in  
22 the media, and his campaign fundraising statements], citing See § 1424, subd. (a)(1) [“The  
23 judge shall review the affidavits and determine whether or not an evidentiary hearing is  
24 necessary”]; see also Evid. Code, § 452, subd. (g) [court may take judicial notice of “[f]acts  
25 and propositions that are of such common knowledge within the territorial jurisdiction of the  
26 court that they cannot reasonably be the subject of dispute”].)

27 For example, recently, the San Francisco Superior Court took judicial notice of several  
28 undisputed facts regarding local politics for the purposes of a section 1424 motion. In *People*  
*v. Pomar* (2023) 313 Cal.Rptr.3d 457 (*Pomar*), the trial court took judicial notice of the fact  
that there was a recall campaign against the former District Attorney, the current District  
Attorney joined the recall campaign, and the current District Attorney made specific statements



1 that were published in the media about the case. (*Id.*, at pp. 463-464.) The trial court also took  
2 judicial notice of the fact that many ADAs had left the San Francisco District Attorney's Office  
3 since 2020, including their reasons for leaving the office. (*Id.*, at p. 464.) Subsequently, the  
4 First District upheld the trial court's disqualification order based on the aforementioned  
5 evidence. (*Id.*, at p. 471.)

6 Similarly, in *Choi*, the defendant moved to disqualify the San Francisco County District  
7 Attorney's Office based in large part on the District Attorney's statements to the press. (*Choi*,  
8 *supra*, 80 Cal.App.4th at p. 479.) The First District upheld the trial court's order and found that  
9 the District Attorney's public statements in the media demonstrated his deep emotional  
10 involvement in the case. (*Id.* at p. 481.)

11 In *Schumb*, *supra*, 64 Cal.App.5th at p. 985, a disqualification motion was based on the  
12 District Attorney's relationship with the defendant, who helped raise funds for his election.  
13 (*Id.*, at p. 982.) In support of the motion to disqualify, the defendant attached a supporting  
14 declaration and several e-mails he exchanged with the District Attorney that were sent from the  
15 District Attorney's private email address. (*Id.* at pp. 978-979.) The defendant in *Schumb* did  
16 not attach an affidavit from the District Attorney yet the trial court admitted one of the e-mails  
17 at the section 1424 hearing. (*Schumb*, *supra*, 64 Cal.App.5th at p. 979.) Based on the email,  
18 and several undisputed facts, the Sixth District found it was necessary to disqualify the District  
19 Attorney's Office. (*Id.* at pp. 980, 985.)

20 Here, nearly all of the evidence in support of the instant motion is publicly available  
21 online. Mr. White respectfully requests that the Court take judicial notice of the undisputed  
22 statements made by Summer Stephan, including her campaign material, and the news articles  
23 containing undisputed facts regarding local politics. Furthermore, the photographs of the  
24 protest attached herein stem primarily from police body camera footage or publicly available  
25 online sources that, when compared to the police body camera footage, establish their  
26 authenticity. (See *People v. Goldsmith* (2014) 59 Cal.4th 258, 269 [foundation for a  
27 photograph may be supplied by other witness testimony, circumstantial evidence, content and  
28 location and also may be established by any other means provided by law].)

However, should the prosecution seek to contest the authenticity of the photographs or  
any other exhibits, Mr. White respectfully requests that he be permitted to lay foundation for  
the exhibits at an evidentiary hearing.

1                   **E. AS THE ELECTED DISTRICT ATTORNEY, SUMMER STEPHEN’S**  
2                   **CONFLICT OF INTEREST HAS COMPRISED HER ENTIRE OFFICE**

3                   Individuals who head a government law office occupy a unique  
4                   position because they are ultimately responsible for making policy  
5                   decisions that determine how the agency's resources and efforts  
6                   will be used. Moreover, the attorneys who serve directly under  
7                   them cannot be entirely insulated from those policy decisions, nor  
8                   can they be freed from real or perceived concerns as to what their  
9                   boss wants. The power to review, hire, and fire is a potent one.

10                   (*City and County of San Francisco v. Cobra Solutions, Inc.* (2006)  
11                   38 Cal.4th 839, 853-854.)

12                   “...[U]nder section 1424, it may be appropriate to recuse an entire district attorney's  
13                   office when there is substantial evidence that a deputy's animosity toward the accused may  
14                   affect his colleagues.” (*People v. Hamilton* (1988) 46 Cal.3d 123, 140.) “This is especially so  
15                   if the elected district attorney herself harbors that animosity because she has broad discretion to  
16                   hire, fire, promote, and demote every attorney in her office.” (*Pomar, supra*, 95 Cal.App.5th at  
17                   p. \*6.) In *Choi, supra*, 80 Cal.App.4th at p. 83, the trial court recused the entire district  
18                   attorney’s office, recognizing the potential bias that might result from the fact that deputies are  
19                   hired, evaluated and promoted by the district attorney. (Accord, *Schumb, supra*, 64  
20                   Cal.App.5th at p. 984; *People v. Lepe* (1985) 164 Cal.App.3d 685, 689 [the same  
21                   considerations that bar the district attorney from participating in a case could also influence  
22                   deputies who serve at his will].)

23                   In *Pomar, supra*, 313 Cal.Rptr.3d 457, the First District found that the San Francisco  
24                   County DA’s Office policy of implementing an “ethical wall” was insufficient to insulate the  
25                   assigned prosecutors from the conflict held by the elected District Attorney. Rather, the court  
26                   found that the elected District Attorney’s “broad authority to fire, hire, promote, and demote  
27                   the ADAs prosecuting the case” required disqualification of the entire office. (*Ibid.*)

28                   Ultimately, “[s]ection 1424’s standards are ‘prophylactic.’” (*People v. Trinh* (2014) 59  
                 Cal.4th 216, 231.) Thus, “the standard for disqualification does not require evidence that [the  
                 district attorney] actually directed, influenced, or pressured” the ADAs prosecuting this case.  
(*Schumb, supra*, 64 Cal.App.5th at p. 985.)

                 It is also important to note that appellate courts “uniformly have held that a motion to  
                 recuse is directed to the sound discretion of the trial court, and its decision to grant or deny the

1 motion is reviewed only for an abuse of discretion.” (*Haraguchi v. Superior Court* (2008) 43  
2 Cal.4th 706, 711.) Appellate courts decline to substitute their “judgment for that of a trial court  
3 familiar with the social, legal, and political dynamics of” their particular county. (*Lastra*,  
4 *supra*, 83 Cal.App.5th at p. 823.)


5 Here, Summer Stephan is the Chief District Attorney of San Diego County and has  
6 been so since she took office in 2017. The prosecutors assigned to this case serve directly  
7 under Stephan and she has broad authority to fire, hire, and promote them. The fact that  
8 neither of the assigned prosecutors, after reviewing the evidence in this case, have changed  
9 course from the false narrative that antifa is solely responsible for the violence on January 9,  
10 2021 is also indicative of the office-wide conflict. The same can be set regarding the use of  
11 Dr. Perlmutter.

12 However, regardless, the standard for disqualification does not require evidence that  
13 Stephan actually directed, influenced, or pressured the Deputy District Attorneys prosecuting  
14 this case. Rather, longstanding legal precedent in California supports a finding that, as the  
15 elected District Attorney, Stephan’s conflict of interest has permeated her entire office.

16  
17 **V. CONCLUSION**

18 For all of the aforementioned reasons, Mr. White respectfully requests that the San  
19 Diego County District Attorney’s Office be disqualified from prosecuting this matter,  
20 consistent with arguments above.

21 Dated: October 30, 2023

22   
23 CURTIS L. BRIGGS  
24 Attorney for Defendant  
25 JEREMY JONATHAN WHITE  
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## DECLARATION OF COUNSEL

I, Curtis L. Briggs, declare as follows:

1. I am an attorney licensed to practice law in the state of California and I represent Jeremy Jonathan White in San Diego County Superior Court Case No. SCD274477.
2. Summer Stephan's conduct as an elected prosecutor in this case puts innocent San Diego citizens in clear and present danger. Although Stephan should be applauded for recent steps to disentangle herself from certain extremist ideologies, the only cure for the unsafe environment she has fomented is to evenhandedly investigate and prosecute all violence regardless of political affiliation.
3. Based on my review of this case, I am informed and believe that Mr. White has been unlawfully targeted by the San Diego County District Attorney's Office due to a conflict of interest held by District Attorney Summer Stephan and that this conflict of interest has now permeated the entire District Attorney's Office.
4. Based on my investigation, I believe it is more likely than not that operatives of the Republican Party have asserted inappropriate influence over the San Diego District Attorneys Office. This influence is in the way of direct personal influence on Summer Stephan, financial influence in the form of campaign donations, as well as influence through the District Attorneys Association and San Diegans Against Crime.
5. I am informed and believe that during the protest on January 9, 2021, numerous crimes were committed by right-wing extremists, including members of the American Guard, against counterprotestors, including members of antifa, and that the crimes were not investigated nor prosecuted by the District Attorney's Office.
6. I believe that there currently exists in San Diego a dangerous faction of American Guard members who believe they have full privileges to terrorize the community because Summer Stephan has not prosecuted them for violent acts against innocent civilians. I believe the only recourse at this point is to disqualify the San Diego County District Attorney's Office and refer this matter to the Attorney General's Office to determine if this matter can lawfully proceed.

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- 7. I have reviewed the grand jury transcript, grand jury exhibits, and the discovery in this matter.
- 8. I have also conducted and directed investigation into this matter.
- 9. I have reviewed the statement of facts of this motion, and I attest that they are true and accurate, either based on my personal knowledge, my investigation, my review of the discovery, my review of the grand jury transcript and exhibits, or where indicated, based on my information and belief.
- 10. I have reviewed the exhibits attached to this motion. I attest, either based on my own personal knowledge or my information and belief, that the exhibits are fair and accurate copies of what they are described to be. I further attest that the exhibits which have references to specific web addresses, including social media web addresses, were obtained and copied from those web addresses that are publicly available online.
- 11. I have also specifically reviewed all of the digital photograph exhibits inserted and attached to this motion. I attest, based on my investigation, that the photos fairly and accurately depict what they described to depict.
- 12. Should the Court find it necessary to lay further foundation for the photographs or any exhibits attached to this motion, I respectfully request that an evidentiary hearing be held where I will call witnesses to the stand for the purposes of laying foundation for the exhibits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 30<sup>th</sup> day of October, 2023 in San Francisco, California.

  
CURTIS L. BRIGGS

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**PROOF OF SERVICE**

The undersigned declares:

I am a citizen of the United States. My business address is 1211 Embarcadero # 200, Oakland, CA 94606. I am over the age of eighteen years and not a party to the within action.

On the date set forth below, I caused a true copy of the within NOTICE OF MOTION AND MOTION TO DISQUALIFY THE SAN DIEGO COUNTY DISTRICT ATTORNEY’S OFFICE

to be served on the following parties:

San Diego County District Attorney’s Office  
Hall of Justice  
330 W. Broadway  
San Diego, CA 92101

Via Email at:

william.hopkins@sdca.org  
makenzie.harvey@sdca.org

Office of the Attorney General  
600 West Broadway, Suite 1800  
San Diego, CA 92101-3702

Via Personal Service.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on October \_\_\_ 2023, at San Francisco, California.

\_\_\_\_\_  
CURTIS L. BRIGGS

People v. Jeremy White

Case No. SCD274477

Exhibits ISO Motion to Disqualify the  
San Diego County District Attorney's  
Office

EXHIBIT A



**Summer Stephan** @SummerStephan · May 3, 2018

Billionaire George Soros has launched a campaign against me, reserving a 6-figure television buy in SD. We expect him to spend in excess of \$1 million based on his efforts in other jurisdictions. Get the facts on Soros's campaign at [threattosandiego.com](http://threattosandiego.com) Please share and RT.



39

95

48



**Will Johnson**  
@WillofSD

Replying to @SummerStephan

Wow, catering to the ultra-far right much? Why do you have anti-fascists behind Soros? Is it because you believe wacky Infowars conspiracy theories? I have an idea, how about instead reading Gateway Pundit, you charge the white supremacists that attacked me on Dec 9th w/ assault?

9:48 PM · May 3, 2018

<https://twitter.com/SummerStephan/status/992142184651489280>



**EXHIBIT B**



## POLITICS

# Money from billionaire George Soros is going to support DA candidate Jones Wright

BY ANDREW DYER

MAY 4, 2018 5 PM PT

The district attorney's race in San Diego is heating up with news that billionaire George Soros is making television ad buys in support of Democratic candidate Geneviève Jones-Wright.

A review of Federal Communications Commission records shows that the Soros-funded California Justice and Public Safety PAC is planning to air commercials on at least two San Diego area news stations. Federal documents show that the political committee has made plans with Fox 5 to broadcast commercials, as well as with KUSI. The KUSI deal was worth \$39,660. It's unclear if a deal has been finalized with Fox 5.

State campaign finance records show that the California Justice and Public Safety PAC has received \$275,000 in contributions, all of which came through two donations by Soros.

A new website launched by Republican Summer Stephan, the appointed incumbent, associates Soros with the far-left group Antifa. The website [ThreatToSanDiego.com](http://ThreatToSanDiego.com) features a photo of Soros superimposed over an image of Antifa demonstrators. Also on the site's homepage, under the headline "Who does Soros support?" is another photo of what appear to be Antifa demonstrators burning an American flag.

Antifa, short for "anti-fascist," is a fairly disorganized group which gained notoriety in the U.S. after violent clashes with the so-call "alt-right" in Berkeley last year.

The website says Soros is supporting Jones-Wright as “the anti-law enforcement candidate for D.A.”

At a news conference Friday, Stephan and supporters stood with community members and crime victims as they talked about the incumbent district attorney’s track record as victim’s advocate.

Some held signs expressing opposition to Soros. One such sign said “Outside money doesn’t buy justice.” Another said, “\$oro\$.”

The new anti-Soros website says it was paid for by Stephan’s campaign, but she would not say whether she believes Soros to be a member or supporter of Antifa.

“I don’t know anything about that,” she said. “The point of the website was to inform the public that he has been able to overwhelm local elections with money.”

Mary Latibashvili, Jones-Wright’s campaign manager, said the campaign is glad of the new developments.

“We are excited about the fact that criminal justice reform is getting attention and that we are able to talk about things that we want to talk about,” she said. “We couldn’t be happier to be able to do it.

Latibashvili slammed the website for its tone and a number of news articles it highlighted.

“(It’s) taking quotes out of context,” she said. “All this is just fear mongering. Our opponent touts herself as non-partisan, yet released this website.”

Stephan’s campaign spokesman, Jason Roe, declined to answer questions about the site, but said any inference that the campaign was implicating Soros as being tied to Antifa

was in the eye of the beholder.

“That’s just your impression,” he said.

GOP operatives have been positioning for Soros’s involvement in the race for almost a year, to make a campaign issue of it.

“Soros’s agenda is not overtly partisan but rather an effort to elect prosecutors who oppose the death penalty and refuse to enforce drug laws,” Roe wrote in a June memo to Republicans.

Soros’s PAC is not the only outside money group eyeing the San Diego district attorney’s race.

Real Justice PAC, founded by activist and writer Shaun King, has also supported criminal justice reform-minded democratic candidates in several races across the U.S. He announced in March that the organization would “help elect a reform-minded DA” in San Diego.

*Staff writer Joshua Stewart contributed to this report.*

**andrew.dyer@sduniontribune.com**

**@adyer619**



Andrew Dyer

EXHIBIT C



U S NEWS →

# Prosecutor Going After Antifa Peddled Antisemitic George Soros Conspiracies

DOG WHISTLES

San Diego DA Summer Stephan, who is bringing a conspiracy case against leftist protesters, once paid for a website that accused George Soros of funding anti fascists.

Kelly Weill Updated Dec. 16, 2021  
Reporter Published Dec. 16, 2021

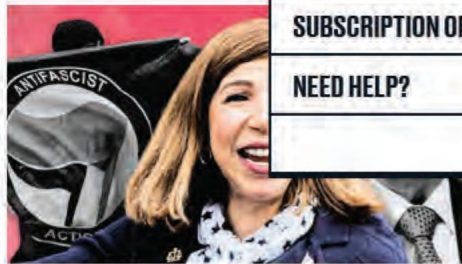


Photo Illustration by Thomas Levinson/The Daily Beast/Getty

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Jada 'Shocked' Will Smith Called Her His 'Wife' at Oscars  
KYNDALL CUNNINGHAM

A district attorney pressing an unusual slate of conspiracy charges against anti-fascist protesters previously had a campaign site accusing philanthropist George Soros of funding anti-fascists to increase crime.

San Diego County District Attorney Summer Stephan has brought a sweeping new conspiracy case against left-wing protesters who counter-demonstrated at a pro-Trump rally in San Diego on Jan. 9. The result was a beachside brawl, during which rallygoers on the right flashed a knife and a BB gun and protesters on the left fired pepper spray. But rather than result in simple assault charges, Stephan is pressing conspiracy charges—and only against demonstrators on the left.



ADVERTISING

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Stephan has a history of obsessing about the fascist movement while running against progressive challenger Geneviève Jones-Wright, Stephan's campaign paid for a website that accused billionaire philanthropist

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anti law enforcement candidates over experienced prosecutors, trying to tip the balance to the criminals.”



Thinning Hair In Old A This Home Remedy (S

### There's Been a George Soros for Every Anti-Semitic Panic



| FEVER DREAMS |

Spencer Ackerman

The caption ran directly under a picture of black clad anti-fascists—one of multiple such pictures that ran alongside photographs of Soros on the site

The website, which has since been removed, drew backlash Soros, a Holocaust survivor, is a frequent target of antisemitic conspiracy theories, including those that accuse him of funding “antifa ” (“Claims that George Soros funds antifa or is otherwise involved in fomenting civil unrest related to Black Lives Matter protests are false and touch on longstanding, sometimes

antisemitic conspir theories,” the Anti Defamation Leagu

When the Times o questioned Steph website and antise 2018, she walked the interview without comment.

In September 2020, Stephan again appeared to suggest

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“We’ve seen where there’s the peaceful protest and all of a sudden another group shows up without license plates, with generators and water, and there’s not good things that are happening,” Stephan said in 2020, adding that untoward events were unfolding “behind the scenes.”



“Somebody talked about subverting the truthful nature of the protesters, and that is going on,” Stephan said. “There are movements that are not what you would think of.”

**“Even things like bringing signs, a protec free spe activity, easily criminalized because prosecutors**

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# everyone got a memo.”

Although a Stephan spokesperson declined to offer more information at the time, the *Times of San Diego* noted that online commenters interpreted Stephan’s remarks as another allusion to Soros.

A Stephan spokesperson did not return The Daily Beast’s request for comment.

Unfounded conspiracy theories about roving anti-fascists, especially in suspicious vehicles, were popular with elected officials in 2020, with one such hoax leading to an extensive police manhunt in California that year. Those theories promoted a vision of “antifa” as a well-organized, unified organization with significant funding, instead of what it is: a loosely affiliated political movement with some localized groups. People like Donald Trump, who promoted the myth of a vast anti-fascist conspiracy

sometimes stylize movement as “AN Charging document San Diego case do Those conspiracy on several miscon about the anti-fasc

movement, experts say. It doesn’t help that Stephan has previously promoted some of those misconceptions on the conspiracy trail

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Prosecution Project, a research program tracking felony prosecution of political violence, said that some of the case's core conspiracy claims stemmed from simple acts, like defendants wearing black clothing.

"It has this equation of political organizing as akin to criminal conspiracy," Loadenthal told The Daily Beast "The 'acts in furtherance of,' which are always a big part of a charging document, in this case include things as mundane as clothing choices."

### Antifa-Hating Cops Keep Taking the Side of MAGA Terror



| FEVER DREAMS |

The Daily Beast

The Jan. 9 brawl took place in the shadow of the Jan 6 attack on the U S Capitol. The San Diego event, advertised as a Patriot March, saw participation from multiple far-right groups, and at least one person who had been at the Capitol just earlier, [the Appeal at the time](#). One journalist filmed a marcher giving a Nazi salute at counter-protesters while fellow rallygoers shouted "fuck antifa."

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Appeal reporter was struck with a right-wing participant's smoke grenade, and documented two Patriot March participants who wielded a knife or a BB gun. (Police reports also note the presence of those weapons.)

Charging documents filed by Stephan's office this month only focus on the fight's leftist participants. The case's 11 defendants are described as spraying people with mace, throwing a chair and bottles, using a taser on someone, and striking people with fists and other objects

All those charges, if proven in court, could result in serious assault convictions for individual defendants. But the case is more complicated than in a typical street fight. Instead of holding each defendant accountable for individual acts, it accuses them, and potential other "unidentified co-conspirators" of a prearranged conspiracy to riot. This more serious charge would hold counter

protesters responsible for each other's actions.

The argument poses a threat to people's freedom of assembly, said Dy. Petrohilos, a graphic designer who faced similar charges in a now dismissed 2017 conspiracy case.

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# Framed as Antifa

| TUMULT |

Kelly Weill

“It was a bit of deja vu for me, seeing those conspiracy to riot charges,” Petrohilos said of the San Diego case. Social movements, even loosely affiliated ones, can be sitting ducks for conspiracy charges, so long as participants are seen as communicating with each other, he said. “It’s very easy for prosecutors then to add those [conspiracy] charges to social movements

Even things like bringing signs, a protected free speech activity, can easily be criminalized because prosecutors think everyone got a memo.”

Stephan’s office offers two pieces of evidence for the alleged conspiracy to riot. One was a social media post “calling for ‘counterprotesting’ and direct action” against the Patriot March. Alleged conspirators (unnamed in the charging

documents) “pled support and participated in liking and sharing the essence agreeing to in the ‘direct action’ charging document. Others allegedly showed up to the counterprotest in black clothing

Wearing black, either as a fashion choice or as a

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constitutionally protected right. Still, the specter of black-clad anti-fascists with conspiratorial intentions have featured prominently in Stephan’s past campaign literature.

“ANTIFA is known to use force, fear, and violence to further their own interests and to suppress the interests of others,” the document reads. “This tactic is referred to as ‘Direct Action’ and is known to mean acts of violence such as assault, battery, assault with deadly weapons, arson, and vandalism.”

That is not, in fact, what direct action means. A philosophy of pursuing a group’s goals without government involvement, direct action tactics can range from counter-protesting a rally (instead of calling on lawmakers to cancel the event) to personally distributing free pandemic-era aid (instead of lobbying for federal assistance).

The argument that “direct action” means violence was recently laughed out of court when neo-Nazi Charles Cantwell invoked it last month. Cantwell attempted to argue that residents of Charlottesville were threatening violence when they called for “direct action” against a deadly white supremacist rally in 2017. Cantwell lost

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In the context of protesting a far-right rally, "direct action could be community self-protection," Loadenthal said. "Direct action could be patrolling a neighborhood to look for random assaults by right-wing activists. Direct action could be helping people across the street because people feel unsafe when there are right-wing demonstrations in their neighborhood."

Loadenthal, who tracks conspiracy cases with the Prosecution Project, said that leftist and antifascist demonstrators have been slapped with conspiracy charges multiple times in the past decade, but that most or all of those cases involved property damage, not fighting.

One of those cases saw the arrests of hundreds of leftist protesters at Trump's Jan. 20, 2017 inauguration, including Petrohilos. Despite thin evidence (some defendants like Petrohilos were not accused of attending the protest), the group was accused of conspiring based on supposed evidence of coordination, like wearing black clothing. The conspiracy charges against the defendants responded to the day's accumulated property damage, even if they weren't accused of committing it.

The case threatened decades

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have misleadingly altered video evidence.

But the San Diego case risks setting a similar precedent, casting a wide net of blame for specific actions at a street fight. That could mean trouble for future counter-protests where fights break out.

“The object of the far right assembly is to sow fear and insecurity amongst marginalized communities and to mobilize xenophobic and racist and nativist energy,” Loadenthal said.

“Antifascists and other anti-racist activists and community members respond.

“It’s a response to that threat and that’s very different than conspiring to initiate a riot.”



Kelly Weill  
Reporter  
kelly.weill@thedailybeast.com

Got a tip? Send it to The Daily Beast [here](#).

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EXHIBIT D

Overview: Claims that George Soros funds antifa or is otherwise involved in fomenting civil unrest related to Black Lives Matter protests are false and touch on longstanding, sometimes antisemitic conspiracy theories.

Description: George Soros, a Hungarian-American Jewish billionaire, philanthropist and Holocaust survivor, is a frequent target of [antisemitic conspiracy theories](#) about his funding of protests. In the days following the murder of George Floyd and the eruption of nationwide protests against police brutality and systemic racism, [conspiracies about Soros quickly gained traction on social media](#). ADL's researchers documented a significant rise in the number of tweets about Soros, soaring from 20,000 on March 26 to more than 500,000 by March 30—a 2400% increase. ADL explained that “the vast majority of these tweets allege that Soros is paying protestors to riot, and that he funds [antifa](#). A smaller number claim that he plans to radicalize African Americans in order to undermine society and enable the globalist takeover of America, while some go so far as to claim that George Floyd’s death was actually a false flag deployed by Soros in order to precipitate the current crisis.” Verified accounts belonging to right-wing personalities with large online followings promoted these conspiracies, including Candace Owens, Bill Mitchell and James Woods.

Soros conspiracies, some of which include explicitly antisemitic language, are common across mainstream social media platforms like Twitter and Facebook, and sites popular among extremists, such as 4chan and 8kun. Accusations about Soros often overlap with other disinformation. Soros has been tied to the specific claim about [busloads of antifa protesters](#) traveling across state lines to cause unrest, including in a manipulated photograph—[debunked by The Associated Press](#) in early June—showing two buses labeled “Soros Riot Dance Squad.” Both Soros and his Open Society Foundations were

also named on a [fake flier](#) advertising paid “professional anarchist” jobs—one of the many fliers with fake or incendiary language which have circulated online during the recent protests.

What the hell is this?? Is this real? 'Soros Riot Dance Squad'.. 🤔



3:23 AM - Jun 2, 2020 · [Twitter for iPhone](#)

**5K** Retweets **5.1K** Likes

Twitter screenshot



**Candace Owens**   
@RealCandaceO

The Minneapolis chief of police just confirmed that many of the protesters that are burning down the city are NOT FROM MINNEAPOLIS.

My guess: As he did with Antifa, Democrat George Soros has these thugs on payroll.

He is funding the chaos via his Open Society Foundation.



1:41 PM · May 28, 2020 · [Twitter for iPhone](#)

**25.7K** Retweets and comments **46.8K** Likes



**Open Society Foundations** @OpenSociety · May 28

Replying to @RealCandaceO

Hi Candace, Mr. Soros and the Open Society Foundations oppose all violence and do not pay people to protest.

We lament the effort, through baseless allegations, to distract from the crisis of police brutality in Minneapolis and in too many other parts of the country.

2.3K 694 2.1K

Twitter screenshot

**RELATED CONTENT**

ADL Debunk: Disinformation and the BLM Protests

**EXHIBIT E**

## OPINION

## Opinion: Summer Stephan Must Apologize for Anti-Soros Website

**T** by Editor  
October 31, 2018



In her campaign against Geneviève Jones Wright, District Attorney paid for a website that highlighted attacks on Jewish billionaire George Soros. Image via archive.org

**By Eva Posner, Mary Latibashvili, Susannah Bankhead and Jay Bartell**

On Monday night, District Attorney Summer Stephan attended the [vigil at Congregation Beth Israel](#) for the victims of the shooting at the Tree of Life Synagogue in Pittsburgh.



Ad by **CRITEO**

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and fear-mongering, we watched in horror as the voters of San Diego fell for hateful scare tactics.

Summer Stephan stoked anti-Semitic fears during her campaign for district attorney. In spite of concerns from the Jewish community, and questions from the media, she never acknowledged or apologized for the actions of herself and her campaign staff.

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**Opinion**


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Her anti-Semitic dog-whistling was not limited to a website. She spent nearly a year using the specter of George Soros with the media, donors and political power players to gain support for her campaign.

She sent fundraising emails, held press conferences, gave television interviews, and even brought it up in debates and public appearances.

Summer Stephan called a Holocaust survivor a threat to our city and used Antifa imagery to support her claims that he was dangerous. She was not shy about using fear and nationalism to score political points.



Eva Posner

Summer Stephan routinely refused to address concerns from the community that her website and rhetoric was anti Semitic and falsely misrepresented both Ms Jones Wright and Mr Soros

Stephan also allowed hateful and threatening comments to remain on anti-Soros posts she made throughout her social media accounts. It is exactly this kind of fear-mongering that fuels hate and bigotry, often with tragic consequences.

Only now, in the wake of the tragic shooting in Pittsburgh where Jewish congregants were literally gunned down while praying, and after the attempted bombings last week by the #MAGA Bomber who sent bombs to several people, including to Mr. Soros himself, has Ms. Stephan finally removed her hate-filled website.

Both terror attacks were fueled by anti-Semitism, with both the bomber and the shooter expressing their hatred on social media platforms and referencing anti-Jewish sentiment held by elected officials including President Trump.

campaign website itself. This is not a thing of the past.

As the person charged with public safety for San Diego County, which has seen an increase in overall hate crimes and an increase in anti-Semitic incidents, Summer Stephan must apologize for her part in stoking anti-Semitic, nationalist rhetoric before she can be trusted to keep the community safe.

While she may have removed the website, she has refused to comment on it or take responsibility for her actions. Her continued silence makes her complicit in any anti-Semitic hatred that brews in our city, and God forbid any violence that should result from that hatred.

*Eva Posner was campaign consultant for Jones-Wright. Her family is active in the Pittsburgh Jewish community and attends a neighboring synagogue. Mary Latibashvili was Jones-Wright campaign manager. She is an immigrant from Georgia. Susannah Bankhead was deputy campaign manager for Jones-Wright. She has lived the better part of three decades in San Diego County and has many colleagues and close friends in the local Jewish and immigrant communities. Jay Bartell was the field director for Jones Wright. A native San Diegan, he has been active in the local Jewish community his entire life. He was high school youth director at Temple Emanu El for 2 1/2 years.*

Advertisement





**EXHIBIT F**

## CRIME

# DA Summer Stephan: 'Movements' Ignited Violence After Local BLM Protests



by Ken Stone

September 16, 2020



Summer Stephan on Tuesday suggested that “movements” were behind rioters who piggybacked local Black Lives Matter protests in May and June.

Not specifying those involved, the San Diego County district attorney said: “We’ve seen where there’s the peaceful protest and all of a sudden another group shows up without license plates, with generators and water, and there’s not good things that are happening.”

Addressing the annual bench-bar-media forum — held remotely due to the pandemic — Stephan said much taking place “behind the scenes” is not pretty.

“Somebody talked about subverting the truthful nature of the protesters, and that is going on,” she told an online audience of more than 300. “There are movements that are not what you would think of.”

What evidence does Stephan have of “movements” that presumably incited arson, looting and other criminal acts following La Mesa and San Diego protests?

“There’s nothing more we can share on this,” district attorney spokeswoman Tanya Sierra said Wednesday





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From top to bottom, left to right: Judge Dwayne Moring, Judge Lorne Alksne, Andrea St. Julian, Summer Stephan, Adam Racusin and Dana Littlefield.

Moring asked Stephan how she balanced the rights of protesters and police.

She said that even with thousands of people taking part in protests, only 24 face felony charges in San Diego County. But none for unlawful assembly.

“They’ve been arson, they’ve been assault, they’ve been looting,” Stephan said. “It’s been a very bright line. ... The people that I hear from in the community ... don’t want the violent voices because they’re actually causing a negative effect to which should be a beautiful expression of First Amendment [rights].”

After my tweet noted Stephan’s “movements” remark, one commenter asked: “What is she talking about?”

Another replied “George Soros ”

Jewish billionaire Soros was featured in a Stephan campaign website three years ago that later was slammed as anti Semitic. It said “Billionaire Social Activist George Soros has brought his war against law enforcement to San Diego and he’s spending more than \$1 million to support anti law enforcement candidate Genevieve Jones-Wright for District Attorney.”

Stephan, in other remarks, boasted that county jails have only five positive cases of COVID-19 and the typical jail population has been cut from 5,400 to 3,700, although it “inched up to 3,900” Tuesday.

She said she’s formed a committee on race and equity, taking into account stories she’s heard from the 17% of her upper management who are Black.

“They see the reality that there are inequities and people don’t feel safe in interactions with police,” Stephan said in the Zoom session, posted Wednesday. “Hard times have forged beautiful things in the civil rights movement.... I take it as an opportunity to do better, to be better.”



She credits Capt. Kirk and company.

“I’m very glad that I loved ‘Star Trek’ in my childhood because it really prepared me to meet this moment,” Stephan said. “Although I didn’t know how it was going to work, I had the belief that somehow we could beam into the courtroom and be able to perform our jobs.”

**Lorne Alksne**, presiding judge of San Diego Superior Court, described the roller coaster of closed courtrooms (and a one-day shuttering because of vandalized courthouse windows) and a “0-60” move to remote court sessions.

She predicted a difficult fall and 2021 — with 20,000 criminal matters in the county pipeline. Some 8,000-10,000 people are in pretrial status, and 2,700 jury trials are backed up, she said.

“I can’t imagine that we’re going to be able to catch up with the number of cases that we have to do anytime soon,” said Alksne, a La Jolla High School and USD School of Law alumna who became presiding judge Jan 1 with “absolutely no playbook” for a pandemic

“We are going to be in an unprecedented situation with the backlog and the economic crisis,” she said, later adding that she’s forming a committee co chaired by Judges Rod Shelton and Paul Rosenstein on bias in the legal community.

“Their function is education,” she said. “It’s not a complaint committee.”

But she saw a silver lining — much higher attendance rates in places like family court. People accused or victims of domestic violence are phoning in.

“One woman was in a supermarket break room ... and that person might never have appeared before us,” Alksne said. “She couldn’t take the time off work.” The woman won her request for a restraining order.



were before COVID-19 and before court closures. ... Because if we only look at that we'd be really missing an important opportunity.”

Instead of talking or forming committees to talk, a commitment is needed to understand the sources of “rage” and “accept that our legal system is deeply, deeply flawed,” St. Julian said.

While Measure B would give a police oversight panel full power to investigate complaints, she said, “the real change in the long run is made from commenting and making suggestions about the policies, practices and procedures of the police department.”

The journalism panelists were [Dana Littlefield](#), public safety editor at The San Diego Union-Tribune, and Adam Racusin, investigative reporter and editor at San Diego’s ABC 10News.

They described the challenges of keeping reporters safe while covering the pandemic and protests and making sure their COVID coverage was accurate (with Racusin saying his team “triple and quadruple checks” its facts)

Littlefield, who began covering state courts in 2003, said she feels a “little bit hamstrung” when her reporters can’t speak to families and lawyers in the courthouses she used to roam

But her paper’s goal is “telling the stories that absolutely need to be heard and representing a wide array of perspectives within those stories,” she said, noting a \$30,000 Google grant employing six journalists (out of 100 applicants) working on a social justice project.

“I can’t tell you what that project is — because I don’t know,” she said. “I’m very excited to see what they come up with.”



EXHIBIT G

Krvaric Capital	President/CEO			3/16/2018		800
Krvaric Capital Risk Management	President & CEO			5/26/2021		500
Krvaric Capital Risk Management	President & CEO			6/24/2021		250
Krvaric Capital Risk Management	President & CEO			10/1/2021		150
Krvaric Capital Risk Management	President & CEO			10/1/2021		100

EXHIBIT H



Republican Party of San Diego County					San Diego	CA	92119					4/20/2018		10000
Republican Party of San Diego County					San Diego	CA	92119					5/24/2018		40000

EXHIBIT I



CALIFORNIA

## San Diego County GOP head explains old video showing him with Nazi images



San Diego County Republican Party Chairman Tony Krvaric. (San Diego Union-Tribune)

BY GARY WARTH | SAN DIEGO UNION-TRIBUNE

AUG. 24, 2020 9:34 PM PT

**SAN DIEGO** — San Diego Republican Party Chairman Tony Krvaric said Monday that a 30-year-old video that contains images of him along with pictures of Adolf Hitler and swastikas was part of a smear campaign and does not represent who he is.

“Criticize me all you want, but not for this,” he said, his voice cracking in a Monday telephone interview. “This is vile.”

In a story that aired Friday, [KPBS](#) reported on a [YouTube](#) video from the early 1990s that features an image of Hitler giving a Nazi salute while bopping across the top of the screen. Scrolling below it are black and white photos of young men, including a few of Krvaric. One solo image identifies him by his computer handle with the caption, “Kill a commie coz here’s Strider!”

Local Republican officials quoted in the story condemned the imagery. Supervisor Dianne Jacob called the video disturbing, congressional candidate Darrell Issa said it was inappropriate, and San Diego Mayor Kevin Faulconer said the images were wrong and should never be tolerated.

The video’s title is “Amiga Demo: Space Age (Fairlight),” and it doesn’t appear to have a clear message.

Krvaric has been chair of the San Diego GOP since 2007. He recently announced he is not seeking reelection and will step down from the position in January. Following the announcement, he said he would not speak to the media until after the November election, and he did not respond to requests for a comment from KPBS.

He did respond via [Twitter](#) on Friday, when he criticized KPBS for reporting on something that was done when he was a “teenage computer nerd.” He followed up with another [Tweet](#) on Monday, calling the Nazi images disgusting and saying he had nothing to do with the production of the short video.

He broke his silence Monday afternoon with an explanation of the origins of the video, which he said had been online since 2009. Krvaric said he had been the subject of an internal GOP smear campaign, and a story on the video had been “shopped around” to local media for years.

The two-minute, 32-second video, he said, was made when he was a member of a group of computer game hackers called Fairlight in his native Sweden.

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Fairlight would remove copyright protection to copy games, which he said was legal in Sweden at the time. They and other computer piracy groups would make boastful videos showing their skills at using sound effects, graphics and music.

“Usually it would be some bravado about girls or ‘Our hacker group is better than your hacker group,’” Krvaric said. “It’s basically like graffiti gangs.”

The demos were saved onto floppy discs and later uploaded using modems, then passed around to other enthusiasts.

“Fairlight probably cracked hundreds of games and made over 200 demos over two primary computers,” he said.

The demos followed similar formats, with music and an image bouncing on the top half of the screen. Among the hundreds made, Krvaric said one of the hackers used an image of Hitler. One of the young men pictured in the video, not Krvaric, appears to be making a Nazi salute.

The person who made the video recognized that this one was more edgy than others, and he ended a scrolling message with the disclaimer, “Now don’t think that we are mega Nazis just because of the Hitlersprite.” Krvaric explained that “sprite” is a graphic element.

While he didn’t think much of it as a 20 year old, Krvaric said he sees the images as offensive today.

“Of course it’s in bad taste and it’s offensive,” he said. “All those things go without saying.”

Krvaric said the video appeared online because people who have them on decaying floppy discs or deteriorating Commodore 64 and Amiga computers are trying to preserve them for posterity.

He said that as an outspoken defender of Israel, he is particularly hurt by the association with Nazi imagery.

*Warth writes for the San Diego Union-Tribune.*



Gary Warth

Gary Warth has covered a variety of beats since 1989 and now covers the cities of San Marcos and Vista and homeless issues at The San Diego Union-Tribune. A San Diego resident since the 1970s, he earned a journalism degree from San Diego State University and has won numerous awards for his work.

**EXHIBIT J**

# Video Resurfaces Featuring Images Of Hitler And Local GOP Party Chair Tony Krvaric

By [Amita Sharma](#) / Investigative Reporter, JW August

Published August 21, 2020 at 1 34 PM PDT



*Milan Kovacevic*

San Diego County Republican Party Chair Tony Krvaric speaks to a reporter at the U.S. Grant Hotel in downtown San Diego, Nov. 8, 2016.





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Aug 24, 2020

**Video Resurfaces Featuring Images Of Hitler And Local GOP Party Chair Tony Krvaric**

The video, produced three decades ago, shows a bobbing Hitler and Nazi symbols along with a photo of a young Krvaric, who is now the chairman of the San Diego County Republican Party

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An old animated [video](#) has surfaced that shows Nazi salutes and symbols and a bobbing Hitler above the image of a young Tony Krvaric, who is now chairman of the San Diego County Republican Party.

The early 1990s video features an image of Hitler — flexing his right arm brandished with a swastika band — floating up and down between photos of three young men. Among them is an image of a youthful Krvaric sporting dark shades.

“It’s pretty serious,” said local civil rights lawyer Jim McElroy, a former member and chairman of the board of The Southern Poverty Law Center, a legal advocacy group specializing in civil rights issues.

“There’s a dancing Hitler. There’s a swastika on someone’s neck. There’s a Sieg Heil salute. We’re talking about genocide. We’re talking about the deaths of millions of people. That’s not something to joke about.”

The video was produced by a group called Fairlight that was founded during the late

games, a practice called “cracking,” which at the time was legal in Sweden. The 49-year-old Krvaric has previously acknowledged that he was at one point a [leader of the group](#).

The video runs for two minutes and 32 seconds and includes a difficult to read scroll that says in part “now don’t think that we are mega Nazis just because of the Hitlersprite.”

KPBS became aware of the video in recent weeks and has not found other examples of Krvaric using Nazi symbols. Krvaric, who [recently announced plans to step down](#) in January, has refused numerous requests to comment on the video. But he did not deny his involvement with it.

UC San Diego political science professor Thad Kousser expressed surprise over Krvaric’s refusal to comment. Kousser argued Krvaric is missing an easy chance to “clarify” why his image is in the video.

“For 75 years, since World War II, there has been a bright line in American politics that anyone associated with Nazi symbolism, with the swastika, with the Heil Hitler imagery, that that’s beyond the pale,” Kousser said. “That is fringe politics. And it’s not part of what either of the two great parties in American politics stand for. And what I would expect is that anyone associated with this would be lining up to disassociate themselves from this, to condemn it.”

On Friday, hours before this story was published, Krvaric sent out a news release on local GOP letterhead that stated in part: “We ask San Diego Democrats to join us in rejecting extremists like communists, Marxists, anarchists, Antifa, supremacists, and racists who thrive on division to gain attention for their sick ideas and ideologies.”

## Swedish Computer 'Crackers'

Previously published [articles on Fairlight](#) indicate that Krvaric's involvement with the group began in the late 1980s. He went by the nickname "Strider," which appears under a photo of him in the Hitler video.

Members of the group were eventually [targeted](#) by federal prosecutors, and in 2004 several members were charged with crimes relating to online piracy. Krvaric was not among those who were charged.

Krvaric was born in Sweden and immigrated to the U.S. the early 1990s. He has said he worked in the computer industry for a few years before becoming a financial advisor. He [became a U.S. citizen](#) in 2003 and was elected to his first two-year term as chairman of the local GOP in 2007.

Rabbi Abraham Cooper, director of the Los Angeles-based Simon Wiesenthal Center's Global Social Action Agenda, has spent the past three decades tracking extreme online speech. He said the motive for the Hitler video could partly have been "bravado," but Krvaric should answer for it.

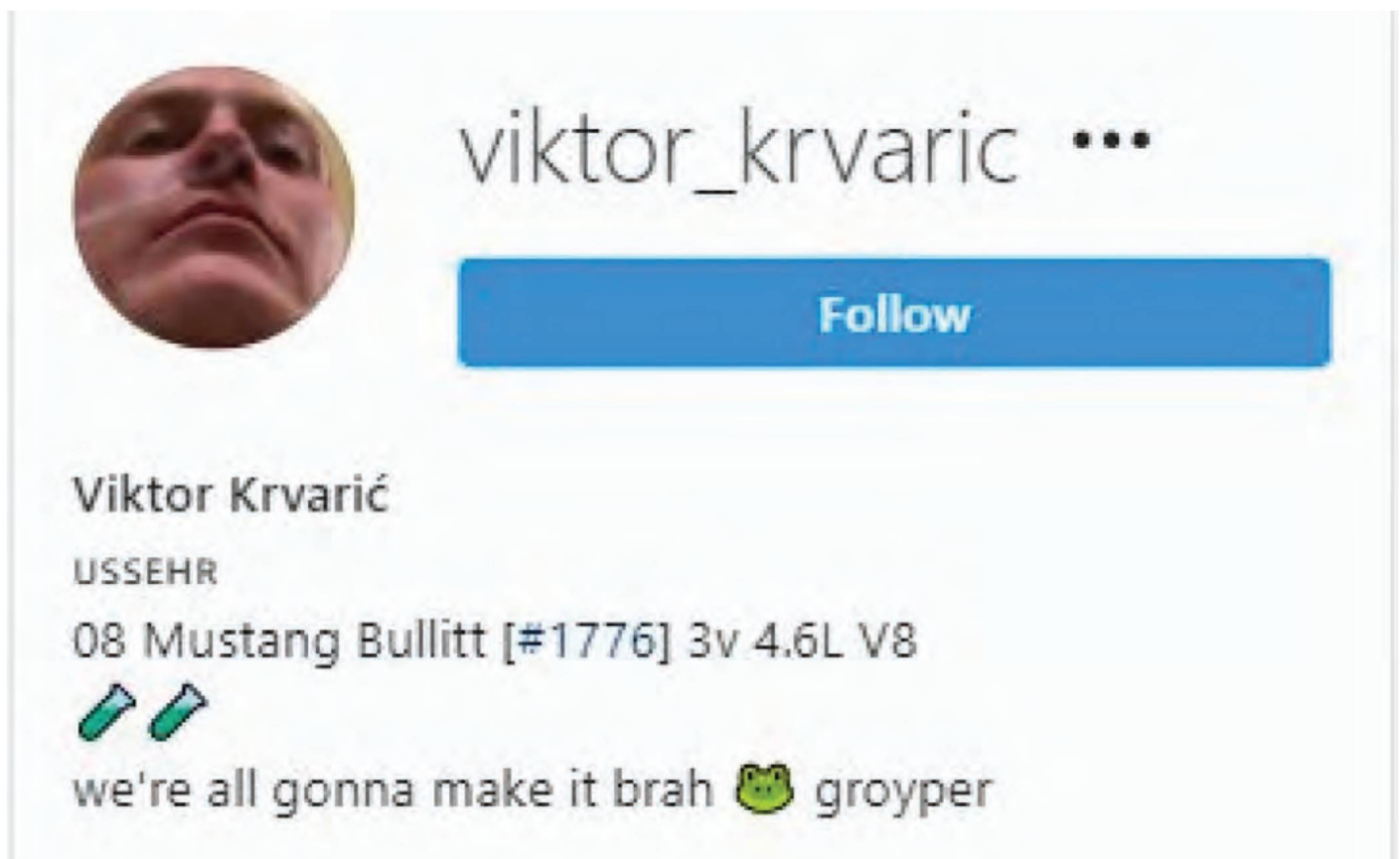
"I believe he owes everyone in San Diego and beyond an explanation," Cooper said.

The video has surfaced at a time when the United States is in the midst of a racial reckoning brought on by high-profile examples of police violence against Black people and efforts by the Trump administration and other Republicans to bring white nationalism into the party's mainstream.

### Questions Regarding Sons

Both of Krvaric's sons appear to share their father's interest in politics and have used rhetoric associated with white nationalism.

Krvaric's elder son Victor Krvaric has recently associated with a white nationalist group called the "Groyper Army" on his [Instagram page](#). The page's profile includes the saying, "we're all going to make it brah groyper," next to a cartoon frog.



*Instagram*

A screenshot of Victor Krvaric's Instagram page taken on Aug. 21, 2020. He spells his name with a K on his Instagram page.

The Groyper Army, which uses a similar cartoon frog as its symbol, is fighting a "war" with mainstream conservatives to move them [further to the right](#)

“They advocate for white America,” said McElroy, the civil rights attorney. “They advocate for the end of all immigration whatsoever. They say, ‘we’re losing our cultural identity and heritage,’ which for some reason, they don’t believe includes people of color but only white, Aryan, Europe-based people.”

Victor Krvaric did not respond to repeated attempts by KPBS to reach him for comment.

Oliver Krvaric, Tony Krvaric’s younger son, is president of the San Diego State University chapter of the College Republicans.

He recently wrote an [opinion piece](#) for the Union-Tribune where he discussed his hope that the Republican Party moves even more toward “national conservatism” that includes values like “reverence for our history, and an effort to uphold our national and cultural identity.”

McElroy said these terms are coded language that appeals to extremists on the right. “When people talk about cultural heritage, especially people on the right, they are talking about white heritage,” he said.

KPBS contacted Oliver Krvaric and he declined to comment.

## **Republican Reactions**

Longtime Republican Supervisor Dianne Jacob expressed alarm over Tony Krvaric’s Hitler video.

“I’ve certainly had several concerns with Mr. Krvaric’s leadership of the local Republican party and his troubling background has been highlighted in the past, but I wasn’t aware of this disturbing video,” Jacob said in a statement.

Republican Congressional Candidate Darrel Issa also repudiated the video.

“This video was inappropriate, just plain wrong then and now and Mr. Krvaric has to explain why it doesn’t represent who he is today,” said Issa, who is running for the 50th District U.S. House seat.

KPBS reached out to several prominent local Republicans including; San Diego Mayor

state's Republican Party, as well as Jessica Millan Patterson, the current head of the state's party. None agreed to comment for this story.

UC San Diego's Kousser said he is surprised by the lack of response. He said he would have expected "every Republican in the county to line up" to echo their sentiments.

"Because that is the easiest, clearest thing to do, both from a moral imperative and also a political imperative," Kousser said.

*Update: After this story was published, a member of Faulconer's communications staff sent the following comment from the mayor: "The images and messages displayed in the video were wrong then and are wrong today and should never be tolerated."*

## Video Resurfaces Featuring Images Of Hitler And Local GOP Party Chair Tony Krvaric

Listen to this story by Amita Sharma.

Corrected: September 21, 2022 at 1:36 PM PDT

*JW August is a longtime San Diego-area investigative producer.*

*KPBS reporter Matt Hoffman also contributed to this report.*

### Tags

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### Amita Sharma

As an investigative reporter for KPBS, I've helped expose political scandals and dug into intractable issues like sex trafficking. I've raised tough questions about how government treats foster kids. I've spotlighted the problem of pollution in poor neighborhoods. And I've chronicled corporate mistakes and how the public

EXHIBIT K



Opinion

# Republicans' Relative Silence on Krvaric Video Is Deafening

by [Jacob Mandel](#)  
September 1, 2020



Tony Krvaric, chairman of the Republican Party of San Diego County / Photo by Megan Wood

Just over one year ago, a man who praised Adolf Hitler walked into a San Diego County synagogue and opened fire, killing Lori Lynn Gilbert-Kaye and injuring three others. In the aftermath, political figures

aside their differences to unite against hate and stood with the Jewish community of San Diego. Leaders and elected officials from both parties condemned anti-Semitism and made promises to continue to use their positions of power to fight against it. But after a video [surfaced recently](#) of San Diego County Republican Party Chair Tony Krvaric that prominently featured Nazi imagery, including pictures of Hitler and a swastika, Republican leaders have been mostly silent.

My great grandfather was murdered by Hitler's regime – a regime that committed genocide against those whom they deemed to be impure, killing millions of innocent people. While the imagery of a prominent San Diego political figure posing with the anti-Semitic genocidal dictator is terrifying and deeply disturbing, even more concerning is the lack of condemnation by Republicans who stood with the Jewish community a little over a year ago. The video, produced in the early 1990s, included music and animations from the era, but Krvaric has failed to apologize or deny any involvement with the white nationalist movement.

Instead, Krvaric complained about the media and the Democratic Party, stopping short of denying his involvement with the video and so far has not apologized. To make matters worse, it also appears that the video featuring Hitler was only just the surface: the Krvaric family appears to have an affinity to white extremist movements. Krvaric's eldest son, Viktor Krvaric, self-identified as a "Groyper," which the Anti-Defamation League describes as "a loose network of alt right figures who are vocal supporters of a white supremacist podcaster." Krvaric's younger son, Oliver, is the president of the San Diego State University College Republicans and has been accused of using coded language similar to what is used in white nationalist circles.

Even with evidence that the chair of the San Diego Republican Party has familial ties to white nationalist movements, few in the Republican Party have disavowed Krvaric and his sons. The Republican leaders who stood with the Jewish community against hate last year have been silent to condemn it from their party chair, and that silence is deafening. To date, only three prominent Republicans, Supervisor Dianne Jacob, congressional candidate Darrell Issa and San Diego Mayor Kevin Faulconer have condemned the video. No other Republican has condemned Krvaric's ties to white nationalism, including Sheriff Bill Gore. District Attorney Summer Stephan, who recently left the Republican Party and who spoke at multiple rallies after the synagogue shooting about eradicating hate in San Diego County, has also been silent. (Stephan's most recent campaign for DA included attacks on liberal donor George Soros, which [drew rebukes from the local Jewish community](#).) Other elected officials, including Supervisors Jim Desmond, Kristin Gaspar and Greg Cox; in addition to San Diego City Council members Chris Cate and Scott Sherman, have been notably silent after the video was made public.

When the image of the well-known leader of a major political party appears in a video prominently featuring Hitler, the only tolerable response is to apologize and disavow your previous actions, in addition to condemning white nationalism. Instead, Krvaric deflects and blames the media, the Democrats, or rogue

members of his own party He refused to apologize after multiple opportunities to do so Krvaric has not apologized because he's not sorry

Without condemning Krvaric before his retirement as party chair, San Diego Republicans have signaled their complacency with extremism within their ranks. It's beyond time for the Republican Party to do the moral and patriotic thing by condemning white nationalism and Krvaric's actions.

*Jacob Mandel is an entrepreneur, activist and native of San Diego.*

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EXHIBIT L



DÍA DE MUERTOS: Submit your memories of lost loved ones to KPBS' Digital Community Altar.

LOCAL

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NEWS SECTIONS

# Marines investigate former GOP chair's son for white supremacy ties

By **Andrew Bowen** / Metro Reporter

Published February 8, 2022 at 5:27 PM PST



LISTEN • 6:12

Hide transcript

Speaker 1: (00:00)

The Marine Corps has launched an investigation into the son of San Diego's former Republican party chairman for ties to a white supremacist group. Victor Kava is a Marine Corps reservist he's accused of trying to join Patriot front a far right group that preaches racism, antisemitism, and xenophobia the case. Once again, highlighting the threat of far right extremism in the military and in San Diego county politics. Joining me to unpack this story is Andrew Dyer who covers military and veteran issues for the San Diego union Tribune. Andrew, welcome.

Speaker 2: (00:35)

Hi, thanks for having me.

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Let's start with how this investigation got started. So last month, the progressive media collective Unicorn Riot published a trove of private chats, belonging to Patriot Front. So tell us, what is this group and what was in those leaked chats? Well,

Speaker 2: (00:53)

Unicorn Riot is, uh, an activist kind of collective, uh, that, uh, you know, who's affiliates info-trait, extremist groups, um, and once they're allowed in, they will run software and kind of scrape everything that they can find, um, in whatever app the group might be using to communicate. Their first big hit was in 2017. They got all of the chat logs from the, the Unite, the right rally in Charlottesville, their planners. A couple years later, they leaked a bunch of chats from a, a video game communication app, uh, from several different groups. And, uh, this latest one from Patriot Front is kind of along the same vein, you know, uh, activists were able to infiltrate the group. And once in they published everything on the, a website that they collect.

Speaker 1: (01:45)

No, it was the activated podcast, which is based in San Diego. That first noticed similarities between one of the applicants to this group, Patriot Front in these chats and Victor KVA. So tell us who is Victor KVA and what evidence is there to suggest that he was the one who trying to join this white supremacist group?

Speaker 2: (02:05)

Oh, uh, Victor KU. Um, as far as I can tell, um, I, I, I didn't get to talk to him, but, um, you know, he, he's a college student. He is a Marine Corps reservist. He's had a couple different jobs, um, whether or not he still has those jobs is, is kind of unclear. Um, at one point he will worked for a contractor for, uh, the department of Homeland security handling detainees. He also, um, is listed as, uh, an employee at his, his father's financial firm. So that's kind of, what's publicly known about Victor. Now, there was an incident in, in 2020 where activists at a Black Lives Matter alley say he was harassing protestors. They, they published, uh, photos of him in his car on, on social media at the time. And obviously the, the KVA family is kind of known among the political community here and the KVA sons, two sons of, of, of Cova Victor and Oliver are known because Oliver was the head of the, uh, San Diego state college Republicans. So these are people that were already kind of on the radar of, of activists. So when these chats were leaked, you know, the Southern Poverty Law Center published a story about all of the people trying to join the group who claimed military ties. And one of the people highlighted in that story just kind of, uh, fit the bill with what was publicly known about Victor art

Speaker 1: (03:39)

And Tony Rebar of course, is the former chairman of the San Diego county Republican party. Uh, tell us, Andrew, how big is the problem of white supremacy and extremism in the military? You

Speaker 2: (03:51)

Know, it's, it's tough to quantify because you don't know what people believe in, in their, in their heart. But I know from the high level perspective of the Pentagon and the secretary of defense, they see this as a threat to, to the military. Um, several people who have, you know, either participated in, in violence or, uh, shown to be members of extremist groups, um, are

KPBS

**The World**

come to light in the past. One of whom was an assaulted people, um, at that not the right rally

in, in 2017 in Charlottesville. But, you know, these cases are really kind of case by case the, the military doesn't really actively, uh, pursue or investigate people. Um, they're not policing their social media posts. It's really the people that come to the attention of activists and journalists that kind of get the military to, you know, take action. And, and, and by action is to, you know, investigate.

Speaker 1: (05:09)

Now Tony KVA, the father of Victor KVA is no longer the chair of the San Diego county Republican party, but he was in that position for almost 14 years, have current officials with the Diego county, G O P said anything about this story or about right wing extremism in their own ranks.

Speaker 2: (05:28)

I haven't seen it if they have, and it's never been established, you know, how much Tony kava may or may not know about the alleged activities of his, of his children. I, I, I did send him an email with several questions about what's in these chats and, and, and other things that, um, have kind of been bubbling up through the years. And he, he, you know, he did not respond. So it is, it is tough to gauge how much this is really, uh, concerning to, to people within the

Speaker 1: (06:00)

Party. All right. Well, lots, uh, still uncover with this story. I've been speaking with Andrew Dyer who covers military and veterans issues for the San Diego union Tribune. Andrew, thanks for joining us. Hey, thank you.



*Milan Kovacevic*

San Diego County Republican Party Chair Tony Krvaric speaks to a reporter at the U.S. Grant Hotel in downtown San Diego, Nov. 8, 2016.

Victor Krvaric, a Marine reservist and son of former San Diego County Republican Party chairman Tony Krvaric, is [under investigation](#) by the Marine Corps for allegedly trying to join the white supremacist group Patriot Front.

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**The World**

## RELATED: Video Resurfaces Featuring Images Of Hitler And Local GOP Party Chair Tony Krvaric

The investigation came after a trove of private chats belonging to Patriot Front were [published online](#) by the progressive media collective Unicorn Riot. One of the chats involves an applicant to the group whose biographical details are similar to Krvaric's.

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The resemblance between Krvaric and the unnamed applicant to Patriot Front was [first reported on Twitter](#) by The Activated Podcast.

The San Diego Union-Tribune reporter Andrew Dyer joined KPBS Midday Edition to talk about the allegations and the Marine Corps's investigation.

#### Tags

[Local](#)[Military Life](#)

### Andrew Bowen

I cover local government – a broad beat that includes housing, homelessness and infrastructure. I'm especially interested in the intersections of land use, transportation and climate change.

[See stories by Andrew Bowen](#)

**What issues should San Diego's leaders be paying the most attention to?**

Contact Andrew

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The World



EXHIBIT M



NATIONAL BUSINESS

## False claims of antifa protesters plague small U.S. cities



Demonstrators gather to protest the death of George Floyd, Tuesday, June 2, 2020, in Washington. Floyd died after being restrained by Minneapolis police officers. (AP Photo/Alex Brandon) (ASSOCIATED PRESS)

BY AMANDA SEITZ | ASSOCIATED PRESS

JUNE 2, 2020 6:02 PM PT

**CHICAGO —** In the days since President Donald Trump blamed antifa activists for an eruption of violence at protests over police killings of black people, social media has lit up with rumors that the far left leaning group is transporting people to wreak havoc on small cities across America.

The speculation was being raised by conservative news outlets and pro-Trump social media accounts, as well as impostor Facebook and Twitter accounts.

Twitter and Facebook busted some of the instigators behind the unsubstantiated social media chatter. Twitter determined Monday that a tweet promising antifa would “move into residential areas” and “white” neighborhoods was sent by the white supremacy group Identity Evropa. The tweet was shared hundreds of times and cited in online news articles before Twitter removed it Monday, a company spokesperson said.

Yet the tweet continued to circulate Tuesday on Facebook and Instagram.

Facebook, using information shared by Twitter, announced Tuesday night it also took down a handful of accounts on its platform that were created by whites supremacy groups like Identity Evropa and American Guard, some of them posing as part of the antifa movement.

For years, some social media users have tried to delegitimize controversial or political protests with baseless theories that they were organized by wealthy financiers or extremists organizations. Over the weekend, Trump singled out antifa as being responsible for the violent protests triggered by the killing of George Floyd, saying in a tweet: “It’s ANTIFA and the Radical Left.”

“Usually you see this when there’s an interest to deflect conversations from protests to just accusing the protests of being violent, organized or having backers that are evil,” said Filippo Menczer, a professor of informatics and computer science at Indiana University. “The president mentioning it, of course, has generated a huge spike.”

The theories about antifa — short for “anti fascists” and an umbrella term for leftist militant groups that confront or resist neo-Nazis and white supremacists at demonstrations — have trickled through cities across the country in recent days.

Police departments say people are phoning in “tips” they see on social media claiming antifa is sending buses or even planes full of antifa activists to their area.

In Payette County, Idaho — a rural county of 24,000 — the calls started early Monday morning after one Facebook user said the sheriff had spotted antifa rioters in the area. The calls didn’t taper off until the sheriff’s office debunked the rumor on Facebook.

“It’s really a small community, where our citizens know us pretty well,” said Payette County Sheriff Lt. Andy Creech. “When the post got out there, we started getting phone calls directly.”

Meanwhile, Facebook users were also warning their friends to stay clear of a shopping center in a New Jersey suburb, saying it would be the center of antifa destruction on Tuesday.

But police had “no credible information” that antifa would be present in the area, Toms River Police Department media specialist Jillian Messina said in an email. The police aren’t aware of anyone showing up at all, she added.

Identical Facebook and Twitter posts about busloads of antifa protesters also stumped the Sioux Falls Police Department, where officers in the South Dakota city said they didn’t see any unusual bus activity in town. But the claims still spread for days ahead of a planned protest this Saturday, said Sam Clemens, a public information officer for the department.

“Everyone heard there were going to be buses of people,” Clemens said. “It was very specific: there were three busloads.”

Even the owner of a Michigan limousine business was forced to refute online rumors when two of his buses became the center of a conspiracy theory that liberal financier George Soros was funneling protesters to Milan, Michigan. Social media users widely

shared a manipulated photo of his white buses, edited to show the words “Soros Riot Dance squad” emblazoned on the sides.

The buses belong to Sean Duval, the owner of local transportation company Golden Limousine International, and don’t have any words printed on them.

Said Duval: “It’s frustrating when people from the outside start instigating and try to turn American against American.”

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Associated Press writers Barbara Ortutay in Oakland, Calif., Beatrice Dupuy in New York and Ali Swenson in Seattle contributed to this report.

EXHIBIT N

BLOG

# Behind The American Guard: Hardcore White Supremacists



Published: 03.30.2017

March 30, 2017

Dozens of people showed up at the Indiana State House in Indianapolis on March 25, 2017, to support President Trump and his administration at a “Make America Great Again” (MAGA) rally, one of a number of such events held around the country that weekend. Waving Trump signs and American flags, many participants were everyday Americans excited about their president.



But about a dozen of the ralliers—a significant portion of the whole—were a little different. They had American flags, but also carried strange shields. Many wore t-shirts that read “American Guard” or “Vinlanders.” A few had somewhat sinister appearances, such as the marcher who wore “Vinlanders” sunglasses and sported a “RAHOWA” (“Racial Holy War”) tattoo on the side of his head.





American Guard shield

These marchers were actually members and associates of a group called the American Guard and were there, they later stated, to provide “security” for the march against the threat of left-wing protesters.

The American Guard formed in Indiana in 2016 and officially went “national” in February 2017 with the stated goal of “voluntary community protection, activism, and service based around the ideals of American Constitutional Nationalism and the preservation of western culture” The group would, it claimed, “encourage Americans of any race, class or faith to participate with us in these beliefs”



### Bill the Butcher

Even a cursory examination of the American Guard, however, suggests that its deliberately innocuous self-description may not be accurate. The group's logo, for example, prominently displays two crossed meat-cleavers, while members frequently use images of actor Daniel Day Lewis in his role as "Bill the Butcher" in the movie *The Gangs of New York*. "Bill the Butcher" was a fictionalized version of William Pool, the leader of the Bowery Boys, a violent street gang in New York City infamous for its attacks on immigrants.

And, like the Bowery Boys whom they apparently admire, the American Guard has a background with connections to anti immigrant extremism, hatred, and violence

Indeed, before the American Guard was the American Guard, it was actually the Indiana chapter of a group called the Soldiers of Odin USA, a branch of an extreme anti-immigrant and anti-refugee group that originated in Finland in 2015 and has spread to many other countries. The Soldiers of Odin conduct vigilante patrols to "protect" citizens from the ostensible depredations of refugees; the Indiana Soldiers of Odin conducted several such patrols in 2016. As a [recent ADL report](#) has shown, many Soldiers of Odin USA members are white supremacists or anti-government extremists.

The man who started the Indiana Soldiers of Odin, and who later converted it into the American Guard, is Brien James, a long time Indiana white supremacist who was one of

the founders of the **Vinlanders Social Club (VSC)**, a hardcore racist skinhead gang that has had a high association with violence. In fact, members or associates of VSC have been responsible for at least nine murders, as well as many other crimes. Another VSC founder, Adrian Apodaca, was recently arrested in Florida on federal drug, robbery and weapons charges, as well as charges related to an alleged murder-for-hire plot.

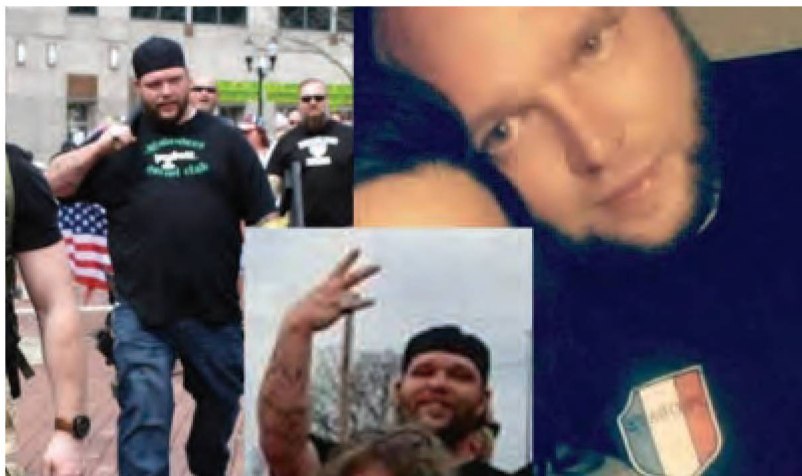
Brien James can be seen below, at the MAGA march and posing with other Vinlanders in a March 2017 Facebook image



A number of Vinlanders took part in the Indianapolis rally, some of whom posed for photographs among other unwitting marchers while flashing the **Vinlanders hand sign**:



Vinlander probate member Johnny Messer of Indianapolis can be seen below at the MAGA march, at the march flashing the Vinlanders hand sign, and in a Facebook image wearing a Vinlanders probate patch



Micky McGinley of Indianapolis, a patched VSC member, can be seen at the MAGA march using the Vinlanders hand sign, posing with Vinlander leader Brien James, and wearing a VSC jacket.



Below one can see Vinlander probate member Patrick Westfall at the MAGA march, posing with other march participants, and in a Facebook image wearing a Vinlander probate shirt



The white supremacist connections of the American Guard extend beyond the Vinlanders. The head of its Illinois chapter, Joshua Long, is a former member of The

Hated, a racist skinhead group, and has attended events hosted by the Illinois-based Aryan Nation Sadistic Souls.

Long can be seen below at the MAGA march and wearing a shirt for The Hated



Racist skinhead Jeremy Bowman of Columbus, Indiana, was previously a patched member of [American Front](#), a racist skinhead crew, and has since associated with a number of different white supremacist groups. Most recently he started a white supremacist motorcycle gang dubbed Dirty White Boyz. Below he can be seen at the MAGA march and in a photo with the late American Front leader, David Lynch. Additionally, there is a Facebook page of his Dirty White Boyz colors. The [9%](#) depicted on the colors is a numeric white supremacist symbol that refers to the percentage of the world's population that is purportedly white.



White supremacist Seth Peters of Norway, Illinois, is member of American Guard Illinois and a former member of the Traditionalist American Knights of the Ku Klux Klan (TAK).

Below he can be seen at the MAGA march, posing with other American Guard members in a Facebook image, and participating in a cross burning ceremony with the recently murdered TAK leader, Frank Ancona.



Other American Guard members and associates have present or past connections to such white supremacist groups as the Hammerskins, Aryan Nations, the Traditionalist Workers Party and the Atlantic City Skinheads. Some members also have aligned themselves with anti-government groups or movements, such as the Three Percenter wing of the militia movement.

The American Guard currently has members in Indiana, Illinois, Missouri, Arizona, Texas, North Carolina and New Hampshire, and claims chapters in Florida, Kentucky, Minnesota, Ohio, and Tennessee as well

A number of white supremacists energetically tried to exploit the Trump presidential campaign for their own purposes; the American Guard is an example of extremists similarly trying to take advantage of his presidency and his network of supporters to advance their own agendas. It won't be the last.

EXHIBIT O



WATCHDOG

## Racism, QAnon and 'cold civil war': Inside the 20,000 strong Defend East County Facebook group



A Black Lives Matter protester argues with a counterprotester during a Black Lives Matter demonstration in La Mesa Aug. 1. (Bill Wechter)

A group started in response to burned banks in La Mesa has ballooned into a clearinghouse for conspiracy theorists and right-wing extremism

BY ANDREW DYER

AUG. 16, 2020 5 AM PT



**SANTEE** — A Facebook group that organized after a Black Lives Matter protest in La Mesa turned destructive has ballooned to more than 20,000 members.

Called Defend East County, it has become an active online community of people who say they want to protect their cities, but it's also a place where conspiracy theories, racist banter and calls for violence persist.

Recently, videos of self-styled "patriots" in other cities punching and kicking Black Lives Matter protesters received hundreds of "likes" on the Defend East County page, as did a video of a car running over protesters.



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Some people affiliated with this and other East County community Facebook groups have counterprotested at area Black Lives Matter marches and, in at least five recent cases, have engaged in verbal and physical altercations. The latest verbal conflict occurred Tuesday at a march in La Mesa.

Now tensions between counterprotesters — including members of Defend East County and Black Lives Matter activists have some in both camps worried about the

possibility of escalating violence.

Justin Haskins, a former East County resident who now lives in Yuma, Ariz., founded the Facebook group May 31, the day after two banks burned to the ground and several businesses were looted in La Mesa after a protest. Now he and his wife, Alexandra, sell “DEC” brand shirts, hats and stickers from their incorporated “Defend East County” limited liability company in Arizona.

In June, some East County residents began standing watch in front of Santee storefronts during daily Black Lives Matter demonstrations. At one of those protests, a White man cracking a bullwhip was caught on video as others with him taunted protesters.

On June 7, there was a brief verbal altercation between counterprotesters and protesters in front of a Santee Target store, after a Black Lives Matter march drew close to 1,000 people. Defend East County members captured it on video and shared it on Facebook.

On Aug. 1, during a protest in La Mesa, several minor altercations between protesters and counterprotesters led to the arrest of a counterprotester, Ryan McAdams, of Jamul, on suspicion of battery. Some counterprotesters wore large knives on their hips, and others, who wore American flags in their back pockets, were involved in scuffles with protesters, videos show.

Haskins, in one of his Facebook videos, defended the actions of those who engaged with protesters that day.

“We’re a bunch of pissed-off patriots that are out there, sick and tired of our communities being attacked and threatened by these f----- terrorists,” he said.

On Sunday, Aug. 9, during a Black Lives Matter food drive at Santee’s West Hills Park, a handful of people — one with a “Defend East County” sticker on their truck — kept watch nearby. Twice people in that group, a few with American flags hanging from back pockets, approached food drive volunteers and engaged in verbal confrontations. One wore a large hunting knife on his hip.

On Tuesday, during another protest in La Mesa, Roger Ogden, an active member of Defend East County, was handcuffed and led away by police after he pulled out pepper spray while surrounded by protesters. Ogden said later he had felt threatened by demonstrators. He wasn’t charged and was released.

In 2017 and 2018, Ogden organized “Patriot Picnics” to protest murals at Chicano Park. The 2018 picnic ended in violence.

Not everyone engaged in counterprotesting against Black Lives Matter groups is part of the same community defense Facebook group, but Defend East County, with 20,753 members, is the largest.

Haskins said he considers everyone who counterprotests or guards a business as a defender.

“There are several groups out there,” he said by phone. “Anyone who is defending East County is ‘Defend East County.’”

Facebook conversations in Defend East County sometimes become heated and, despite stated rules against it, racist.

After Haskins called an injured La Mesa demonstrator a “colored girl” in an Aug. 4 post, members engaged in an almost 600-comment thread about the term, including jokes about the changing vernacular of race.

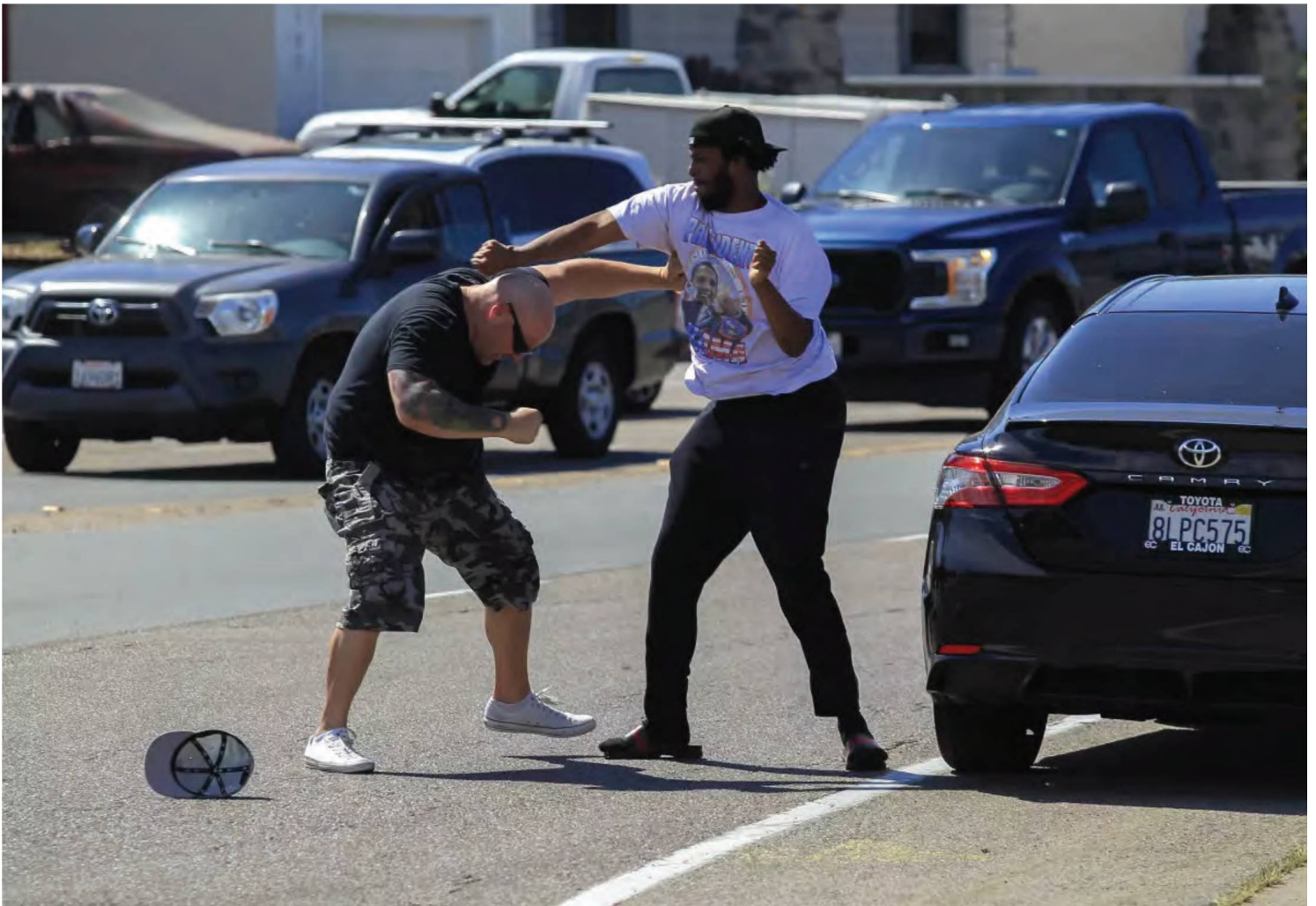
“Wtf you can say people of color but not colored girl?” one commenter responded. “I’m so sick a ALL this f goddamn BULLS .”

The term “colored” is offensive to many and fell out of favor in the late 1960s. Haskins later edited the post to “woman of color.”

East County has a fraught image when it comes to race.

Two racist incidents in Santee in May made news nationwide. A man wore a Ku Klux Klan hood to a Santee Vons, and later a couple wore swastikas on face masks to protest public health orders, they said.

In July, an Alpine man drove on a freeway with a large Nazi flag on his SUV, to protest Black Lives Matter, [he told NBC San Diego](#).



Two men tussle in La Mesa before a Black Lives Matter march Aug. 1 (San Diego Union Tribune)

A member wrote in Defend East County that they are frustrated these instances paint a racist picture of their community. Others said it didn't bother them.

“Who cares if people think that Santee is racist,” one member responded. “That’s been the only thing to keep the ghetto out all these years.”

The Facebook group also has become a clearinghouse for right wing conspiracies about who is funding Black Lives Matter and what ties it may have to liberal political funder and conservative boogeyman George Soros.

There were recent conversations about QAnon — a nationwide conspiracy theory that has been described as cult-like and that the FBI considers a domestic terror threat.

At its core, QAnon's theory alleges that President Donald Trump is leading a military operation to root out a Satanic child sex ring among Democratic "deep state" politicians and "Hollywood elites," including Tom Hanks. QAnon adherents subscribe to a number of baseless theories, including that a global "cabal" is sacrificing children to harvest adrenochrome from their adrenal glands and that John F. Kennedy Jr. is still alive.

On Aug. 5, a Defend East County user shared on the group's page a photo of an elementary-age girl in sexy lingerie holding hands with a naked man. The image bore a warning about child sex trafficking, and the person who shared it cited a debunked theory that the California Legislature is trying to legalize pedophilia.

Child trafficking allegations are part of the discredited "Pizzagate" and QAnon conspiracy theories that nevertheless found purchase among a vocal minority of political conservatives,.

Members of Defend East County engaged in a lengthy discussion about Hanks and other parts of the conspiracy in comments on the photo of the girl and naked man. In other threads they mention "pizzagate," the "cabal," and a QAnon phrase, "WWG1WGA," for "Where we go one, we go all."

Haskins, in an interview, defended the image of the girl and man as necessary to get people to act.

"People know child trafficking, sexual abuse exists," Haskins said. "A lot of people hear about it and move on, but once you see it, it becomes real."

Haskins said he does not specifically subscribe to the QAnon conspiracy theory but some of it makes sense.

"It sounds like there's a lot of truth to (QAnon) from what I've seen.... It's not a conspiracy theory," he said.

As to the role his group plays in civil unrest in San Diego County, Haskins said in a video on YouTube and Facebook that he is on one side of a “cold civil war.”

“I absolutely believe we are in the middle of a cold civil war,” Haskins said. “What do you think is going to happen in November? Win or lose, what do you think is going to happen?”

Haskins said “pro-BLM, pro-Antifa socialist, communist terrorists” are inciting fear and violence.

To local Black Lives Matter demonstrators, Defend East County and its affiliates are the inciters.

KC Short, 30, said he has organized several protests in San Diego County and has seen counterprotesters at many of them.

“Their true goal is to intimidate people, to discontinue their 1st Amendment rights — they don’t want people to protest any longer,” Short said. “They see protesters as people that are crying about problems that don’t really exist.”

Online videos from the Aug. 1 confrontation in La Mesa show a counterprotester wearing an “American Guard” T-shirt and a truck with an American Guard flag parked nearby. American Guard members are described by the Anti-Defamation League as “hardcore white supremacists.”

Many counterprotesters that day wore body armor and long knives on their hips. One wore a “three percenter” patch on his vest. Three-percenters are part of an anti-government militia, according to the ADL.

“There was definitely a White supremacist presence,” said Matthew Brooks, 22, a student journalist from Southwestern College who took photos at the protest. “One

counterprotester smashed cameras and megaphones on the ground.”

Haskins dismissed the notion that extremists were at the rallies.

“I haven’t seen White supremacists groups come out,” he said. “The racial tensions are a media prop tool. I haven’t been concerned with any of the groups that have come out.”

Haskins, in his livestream of the altercation, yelled at counterprotesters to get back and disengage with protesters. He said that as a group administrator he can only do so much to keep things under control — in the real world and online.

Despite group rules against racism and calls for violence, some Defend East County people advocated for a stronger response to protests.

“If they come to Santee this weekend there will be violence,” a member wrote Aug. 5, ahead of Sunday’s food drive. “Time for them to get a taste of there own medicine. It’s time to take the fight to them.”

“Time for armed citizen militias to step up and put a few thugs into body bags,” another member wrote Friday in response to Tuesday’s La Mesa protest.

Short, who was at the Santee food drive but did not organize it, said a handful of people there tried to scare the volunteers.

“Every single time DEC wants to say that ‘We’re not here to agitate; we’re here to defend,’ but what are you defending?” Short said. “Right now you just have people being peaceful and dropping off donations. These people are coming over here to intimidate people that are doing good.”

The food drive, organized by the East County BIPOC Coalition, collected food, clothes and other goods for organizations such as the Santee Food Bank and the Crisis House in



El Cajon.

Haskins said he tried to discourage people from his group from showing up at the food drive. He said up to a dozen people who went were affiliated with another group, which he didn't name.

There are differences of opinion among counterprotest groups about how to properly "defend" at protests.

Mike Forzano, a former organizer of Defend East County, said he left the group and started another called "Exiled Patriots," in part because of those differences. Forzano said people can protect businesses without engaging with protesters.

"Escalation can be avoided; it's about the tolerance level of (those) on the ground," Forzano said. "When we do what we do, we are relentlessly attacked verbally and sometimes physically by protesters."

Everyone on "Team Exile," Forzano said, is there because they've been kicked out of Defend East County "for one reason or another."

Forzano, Haskins and Short each said they're concerned about future confrontations escalating into more violence.

"Instigators are everywhere, on both sides," Forzano said. "But we want to avoid a race war at all costs."

Tasha, 24, an organizer of the Santee food drive, said her group is planning more actions in East County but they'll have to be careful about how they're announced, because their fliers are quickly shared in the Defend East County Facebook group.

“We’re not here for them — intimidation is not going to scare us,” said Tasha, who declined to give her last name.

Several elected officials from Santee, El Cajon and La Mesa are listed as members of the Defend East County Facebook group.

Kristine Alessio, a La Mesa city councilwoman, and El Cajon City Councilman Gary Kendrick said they are there to keep an eye on their community. Both said they found some things shared in the group objectionable.

Ronn Hall and Rob McNelis, Santee city council members with Facebook accounts in the group, did not respond to requests for comment.

An account named for Santee Vice Mayor Laura Koval was listed, but Koval denied being a member and suggested someone was impersonating her. An hour later the account was no longer listed.



Andrew Dyer

EXHIBIT P

# PROUD BOYS

Subscribe to the [Sounds Like Hate](#) podcast to learn more about hate groups like the Proud Boys.

Established in the midst of the 2016 presidential election by VICE Media co-founder Gavin McInnes, the Proud Boys are self-described “Western chauvinists” who adamantly deny any connection to the racist “alt-right.” They insist they are simply a fraternal group spreading an “anti-political correctness” and “anti-white guilt” agenda.



## EXTREMIST GROUP INFO:

SPLC Designated Hate Group

**Date Founded:** 2016

**Location:** New York City, New York

**Ideology:** [General Hate](#)

The Proud Boys’ actions belie their disavowals of bigotry: Rank-and-file Proud Boys and leaders regularly spout [white nationalist](#) memes and maintain affiliations with known extremists. They are known for [anti-Muslim](#) and misogynistic rhetoric. Proud Boys have appeared alongside other [hate groups](#) at extremist gatherings such as the “[Unite the Right](#)” rally in Charlottesville, Virginia. Former Proud Boys member [Jason Kessler](#) helped organize that event, which brought together a broad coalition of extremists including Neo-Nazis, antisemites and militias. Kessler was expelled from the group after the violence and near-universal condemnation of Charlottesville rallygoers.

Other hardcore members of the alt-right have argued that the “Western chauvinist” label is just a “PR cuck term” McInnes crafted to gain mainstream acceptance. “Let’s not bullshit,” Brian Brathovd, aka Caerulus Rex, told his co-hosts on “The Daily Shoah,” an antisemitic podcast popular with the alt-right. If the Proud Boys “were pressed on the issue, I guarantee you that like 90% of them would tell you something along the lines of ‘Hitler was right. Gas the Jews.’”

White nationalists and neo-Nazis themselves have [cited McInnes as a gateway](#) to the alt-right. On “The Southern AF Podcast,” one former Proud Boy who went on to embrace white nationalism said he was originally drawn to the group because of its “pro-white sentiment.” “All his jokes, all his content when I first started listening to him,” he said of McInnes, “was all freakin’ alt-right stuff and racial issues and funny, comedic ways to like try to point out that white civilization has been superior.” Many Proud Boys like him have [moved on to more extreme groups](#) and ideologies.

McInnes plays a duplicitous rhetorical game: claiming to reject white nationalism while espousing a laundered version of popular white nationalist tropes. He has ties to the racist right and has contributed to such hate sites as [VDare.com](#) and [American Renaissance](#), which publish the work of white supremacists and so-called race realists. McInnes has himself said it is fair to call him Islamophobic. He announced the founding of the Proud Boys in the far-right Taki’s Magazine.

The Proud Boys stage frequent rallies around the country. Many have descended into violent street riots where members openly brawl with counterprotesters. Indeed, as early as summer 2018, a document circulated by Washington state law enforcement described the group’s involvement in a series of violent incidents in Oregon and Washington, as well as its involvement in Unite the Right. This report came to light a mere two months before 10 members were charged with assault after [an attack](#) on antifascist activists in New York City in October 2018.

Through 2019 and 2020, the Proud Boys were one of a handful of far-right groups instrumental in instigating violence and civil unrest in the Pacific Northwest. Likewise, a series of leaked chats showed Proud Boys and extremists associated with other far-right groups discussing how and when to use violence against leftist activists while planning rallies in the northeast in early-to-mid 2019.

The group became a household name after a mention at the Sept. 29, 2020, presidential debate.

In early February 2021, the Canadian government designated the Proud Boys as a terrorist entity, citing the role the group played in the Jan. 6, 2021, insurrection at the U.S. Capitol

in Washington, D.C.

### **IN THEIR OWN WORDS**

“All the heroes of BLM and Antifa are degenerate criminal lowlifes or pedophile rapists. I don’t lose any sleep when they are justly removed from society.” – A Telegram channel associated with the Proud Boys, Sept. 22, 2020

“The true minority in this world ARE whites. White children are less than 3% of the worlds [sic] population. I think since white majority countries are on a pathway to extinction we should correctly refer to non whites by their true names. Worldwide majority.” – A Telegram channel associated with the Proud Boys, Sept. 7, 2020

“All I want to do is smash commies too. Actually I’m lying I’m way past just hitting them. When the time comes I will stop at nothing to fully eradicate them all.” – Anthony Mastrostefano, in a private chat associated with the Proud Boys, spring 2019

“I promise you this, Ted Wheeler: I’m coming for you, you little punk. And all your antifa bastards. I’m coming for you f-----s, too.” – Proud Boy and Patriot Prayer collaborator Reggie Axtell, in a video posted on his Facebook, January 2019

“The time is now. We’re gonna have to get some swollen fists. We’re gonna have to get some swollen fists. We’re gonna have to fight, alright?” – Gabe Silva, in a Facebook video, June 2018

“I just realized something. Cory Booker is kind of like Sambo. He’s kind of shucking and jiving for the white man. Cory Booker grew up rich in an all-white suburb. He’s basically a white guy. His parents were very wealthy executives at IBM. ... But he wants to be a Black dude, so he pretends that he’s down with the brothers and he acts outraged about racism all the time – for white people. That gets him votes from whites.” – Gavin McInnes, “Get Off My Lawn,” [Jan. 17, 2018](#)

“I’m not a fan of Islam. I think it’s fair to call me Islamophobic.” – Gavin McInnes, NBC interview, [Nov. 2, 2017](#)

“I am not afraid to speak out about the atrocities that whites and people of European descent face not only here in this country but in Western nations across the world. The war against whites, and Europeans and Western society is very real and it’s time we all started talking about it and stopped worrying about political correctness and optics.” – Kyle Chapman, who formed the Fraternal Order of Alt-Knights, a paramilitary wing of the Proud Boys, Unite America First Peace Rally, Sacramento, California, July 8, 2017

“Maybe the reason I’m sexist is because women are dumb. No, I’m just kidding, ladies. But you do tend to not thrive in certain areas – like writing.” – Gavin McInnes, “The Gavin McInnes Show,” June 28, 2017

“Put something on the table! Give us a reason to accept you, because you know what? Sharia law ain’t it. Raping women ain’t it. Cutting off clits ain’t it. Throwing gay people off roofs ain’t it. You are a disgrace.” – Pawl Bazile, an editor at Proud Boy Magazine, on Muslims and why he is a “Western chauvinist,” March Against Sharia rally, New York City, June 10, 2017

“Why don’t we take back Bethlehem? Why don’t we take back Northern Iraq? Why don’t we start our own Crusades? That’s what the Crusades were. They weren’t just someone picking on Muslims for no reason – they were a reaction to Muslim tyranny. We finally fought back.” – Gavin McInnes, “The Gavin McInnes Show,” March 8, 2017

“Palestinians are stupid. Muslims are stupid. And the only thing they really respect is violence and being tough.” – Gavin McInnes, “The Gavin McInnes Show,” March 8, 2017

“We brought roads and infrastructure to India and they are still using them as toilets. Our criminals built nice roads in Australia but aboriginals keep using them as a bed. The next time someone bitches about colonization, the correct response is ‘You’re welcome.’” – Gavin McInnes, “10 Things I Like About White Guys,” Taki’s Magazine, March 2, 2017

“The white liberal ethos tells us Blacks aren’t at MIT because of racism. They say Blacks dominate the prison population for the same reason. They insist America is a racist hellhole where ‘people of color’ have no future. This does way more damage to Black youth than the KKK. When you strip people of culpability and tell them the odds are stacked against them, they don’t feel like trying. White liberals make this worse by then using affirmative action to ‘correct’ society’s mistakes. When Blacks are forced into schools they aren’t qualified for they have no choice but to drop out. Instead of going back a step to a school they can handle, they tend to give up on higher education entirely. Thanks to the Marxist myth of ubiquitous equality, this ‘mismatch’ leaves Blacks less educated than they would have been had they been left to their own devices.”

– Gavin McInnes, “America in 2034,” *American Renaissance*, June 17, 2014

## **BACKGROUND**

Canadian Gavin McInnes has flaunted his contempt for PC culture for decades. Before entering the fray of right-wing politics, McInnes co-founded *VICE* magazine, a publication that epitomized hipster culture in the late 1990s and 2000s. While the magazine tended to dabble in provocative and taboo topics – generally under a veneer of irony – McInnes took

pleasure in stepping over the line. In 2002, for instance, when a [New York Press reporter asked McInnes](#) what he thought the residents of New York's Williamsburg neighborhood, he responded, "Well, at least they're not fucking n-----s or Puerto Ricans. At least they're white."

While presenting his observation as a joke and revenue-generating ruse ("incendiary political statements garnered endless publicity for us," he [later told Gawker](#)), it's a sentiment McInnes has expressed repeatedly. "I love being white and I think it's something to be very proud of," he told [The New York Times](#) a year later, revealing an ideology that would become the foundation of the Proud Boys. "I don't want our culture diluted. We need to close the borders now and let everyone assimilate to a Western, white, English-speaking way of life." McInnes also began writing for VDARE.com, a white nationalist hate site. In a 2005 article, he railed against Canadian multiculturalism and lamented that Jared Taylor, the editor of the white nationalist outlet *American Renaissance*, had not been invited to speak at the University of Ottawa. In 2016, McInnes would welcome Taylor onto his own show.

Citing creative differences, McInnes [left VICE in 2008](#) to pursue other media projects. But his relationship with mainstream outlets began to erode in 2014 as he swapped irony for earnestness. As part of an *American Renaissance* series featuring "race-realist commentators on the future of American race relations," [McInnes offered](#) his predictions alongside fellow contributors such as John Derbyshire, Paul Gottfried, [Richard Spencer](#) and [Jared Taylor](#). McInnes claimed he didn't harbor hate for minorities. He did, however, write that he despised white liberals who subscribed to a "Marxist myth of ubiquitous equality" and who refused to acknowledge innate disparities between people of different races. He supported this notion using the long-discredited work of white nationalist social scientist Charles Murray. McInnes insisted he held out hope for the future of American race relations: "When we're all forced to live side by side, we'll quickly realize we're incompatible, and agree to disagree. The blind utopians at *The New York Times* will be crushed and the rest of us realists will be dancing in the streets."

Only months later, McInnes published an article titled "Transphobia is Perfectly Natural" that prompted his then-employer, the ad agency Rooster, to [indefinitely sever ties](#) with him. "We're all transphobic," [he wrote](#) in the piece, published on the website Thought Catalog. "We see there are no old trannies. They die of drug overdoses and suicide way before they're 40 and nobody notices because nobody knows them. They are mentally ill gays who need help, and that doesn't include being maimed by physicians." McInnes has also referred to transgender people as "gender n-----s" and "stupid lunatics."



With former business partners turning him away, McInnes formed a partnership with the Canadian far-right video channel Rebel Media in spring 2015. A few months later he launched “The Gavin McInnes Show” with Compound Media. On both platforms, he regularly chatted with right-wing guests. (His first show featured the far-right provocateur and former Breitbart reporter Milo Yiannopoulos.) He carved out an ideological space for frustrated young men to rally around: Western culture is superior to all others, racism is a myth created by guilty white liberals, Islam is a culture of violence, and [feminism](#) “is about de-masculinizing men,” he told his audience. A group of like-minded men at Compound Media – who bonded over their shared frustration with PC culture – [began to meet in New York City dive bars](#). From these gatherings, the Proud Boys were born, and McInnes officially introduced the group in Taki’s Magazine in September 2016.

There are four [degrees of membership](#) within the Proud Boys, and to become a first degree in the “pro-West fraternal organization” a prospective member simply has to declare, “I am a Western chauvinist, and I refuse to apologize for creating the modern world.” To enter the second degree, a Proud Boy has to endure a beating until they can yell out the names of five breakfast cereals (in order to demonstrate “adrenaline control”). Those who enter the third degree have demonstrated their commitment by getting a Proud Boys tattoo. Any man – no matter his race or sexual orientation – can join the fraternal organization as long as they “recognize that white men are not the problem.” The fourth is reserved for those who have gotten in a “fight for the cause.” All [members are banned](#) from watching pornography or masturbating more than once a month because, in theory, it will leave them more inclined to go out and meet women.

Women have their own group, the [Proud Boys’ Girls](#), who – like all women in the eyes of the Proud Boys – are defined by their relationship to men. Members of the women’s contingent, an informal organization, are overwhelmingly the wives and girlfriends of Proud Boys.

Proud Boys believe women are happier when they stay home and have children. Women are “less ambitious” than men, McInnes [told a host on Fox News](#) in 2015. “This is sort of God’s way – this is nature’s way – of saying women should be at home with the kids.” Just as he believes women are ill-suited for the workplace, McInnes has argued that the world of politics is best left to men. “When I hear women talk about politics and so often put emotional claptrap over policy,” [he tweeted](#) in early 2017, “I think, ‘Who let these bitches vote?’”

Members of the Proud Boys are identifiable by their yellow-trimmed, black knockoff Fred Perry polos and tongue-in-cheek catchphrase “Uhuru!” – a Swahili word they picked up from a [YouTube video](#) in which an activist talks to white people about reparations. Their

name comes from the *Aladdin* song “Proud of Your Boy.” They adhere to a [list of libertarian-leaning principles](#), including opposition to the drug war, racial guilt and political correctness, and support for small government, closed borders and “venerating the housewife.”

In September 2020, Fred Perry announced it was pulling the black and yellow polo shirt preferred by the Proud Boys, saying it would remain off the market “until we’re satisfied that its association with the Proud Boys has ended.”

The oddball humor that tinges Proud Boys culture, which creates a set of references incomprehensible to those on the outside, has attracted a surprisingly large number of men. They are vehement supporters of President Donald Trump, whose 2016 election preceded an increase in Proud Boys membership. The website [Rewire estimated](#) that by August 2017 there were roughly 6,000 members and, by the end of the year, the Proud Boys’ official Facebook and Twitter pages each had over 20,000 followers.

Red “Make America Great Again” hats are nearly as prominent at Proud Boys gatherings as their black and yellow polos. In fact, one of their first public outings was at a [pro-Trump art show](#) – called “#DaddyWillSaveUS” – where McInnes displayed photos of himself posing as a white slave. It’s a favorite mythical reference of his as well as [neo-Nazis and white nationalists](#). One [episode of his Rebel Media show](#) centered on the notion that the “history of slavery is rife with white slaves.”

Group meetings, according to McInnes, “usually consist of drinking, fighting, and reading aloud from Pat Buchanan’s “Death of the West,” an anti-immigrant treatise.

For McInnes and the Proud Boys, much like Buchanan, pro-Westernism is indistinguishable from outright opposition to Islam. McInnes’s Rebel Media videos feature such titles as “Donald Trump’s Muslim ban is exactly what we need right now,” “10 examples of the Koran being violent,” and “Islam isn’t ‘dope.’ It’s sexist.” He’s also hosted [Pamela Geller](#) – one of the most prominent figures in today’s anti-Muslim movement – on “Get Off My Lawn,” his show that was broadcast on the conservative online media platform CRTV. “People here in America say, ‘Muslims are what? One or two percent of the population? There’s never gonna be sharia law here,’” he said during the interview, assuring viewers that Britain, where Muslims are “raping children regularly” and where “we have a woman raped several times in one night,” is the “canary in the coalmine.” In an [interview with NBC](#), McInnes admitted “I’m not a fan of Islam. I think it’s fair to call me Islamophobic.”

Proud Boys quickly became a staple at anti-Muslim and other far-right demonstrations. Rank-and-file members [were in attendance](#) at the anti-Muslim hate group [ACT for America](#)’s “March Against Sharia” rallies held in 28 cities around the country on June 10,

2017. At the New York City event, local Proud Boy Pawl Bazile gave a speech contrasting his own Italian forebears with Muslim immigrants. “Give us a reason to accept you,” he yelled, “because you know what? Sharia law ain’t it. Raping women ain’t it. Cutting off clits ain’t it. Throwing gay people off roofs ain’t it. You are a disgrace.” He also referred to Burkas as a “ghost costume.”

Only weeks after the rally, the New York chapter gathered for an event they called “Islamberg Exposed: Ride for Homeland Security.” The Proud Boys, along with radical antigovernment groups including the [Oath Keepers](#), caravanned through the small, upstate New York African-American Muslim community of Islamberg, [which they described as](#) a “suspected grounds for recruiting, housing, and training terrorists, as well as a place away from the public eye to stock pile weapons.” In a [film Bazile made](#) of the “ride through,” one of the participants claimed to have conducted “night-vision reconnaissance” in the town, and allegedly witnessed “breaking-neck practicing” and “hand-to-hand combat training.” Participants featured in the film, including Lisa Joseph from ACT for America, referred to the community as a “[no-go zone](#)”: fictitious Muslim neighborhoods that are so dangerous even the police refuse to enter. The outing turned up nothing.

### **PROUD BOYS JOIN OTHER FAR-RIGHT EXTREMISTS AT ‘UNITE THE RIGHT’**

The Proud Boys’ pro-Western posture allows them to position themselves – somewhat counterintuitively – as a tolerant and progressive social force. If Islamic backwardness, as they imagine, threatens gay people and women, then they serve as their guardians by protecting and promoting Western values. Their opposition to Muslims and Islam, improbably, stands as a marker of their own tolerance.

The Proud Boys do their best to muddy right-wing taxonomies. Despite the pains they’ve taken to distance themselves from open white nationalists and antisemites, Proud Boys have been present at high-profile alt-right events, including the Unite the Right rally in Charlottesville, Virginia. “Just don’t fucking wear your Fred Perry, or decide to belt: ‘Proud of Your Boy,’” McInnes warned followers before the event. “If you decide to rub elbows with those people [while] in colors, you very well could find yourself being disavowed.”

But they did show up, which McInnes evidently expected. In the first episode of his Compound Media show after the August rally, McInnes said he had been “just combing through all the media reports going, ‘Don’t say Proud Boys, don’t say Proud Boys, don’t say Proud Boys,’” hoping the “lunatic Nazi” who killed Heather Heyer wasn’t a member of his group. He wasn’t, but the white nationalist Jason Kessler – who has been filmed undergoing his second-degree Proud Boy initiation – was the rally’s principal organizer.

Less than two months earlier, Kessler had been a guest on “The Gavin McInnes Show,” where he promoted Unite the Right and, in a chummy interview, laid out the ideological overlap he and McInnes shared: “What’s really under attack is if you say, ‘I want to stand up for white people. I want to stand up for Western civilization. I want to stand up for men. I want to stand up for Christians,’” to which McInnes added other examples: “I’m against immigration. I’m against jihadis. I’m against radical Islam.”

After Charlottesville, in a move to protect the fratty and innocuous Proud Boys brand he’s worked so hard to cultivate, McInnes ejected Kessler from the organization and insisted he had never really been a Proud Boy. “I’m suspicious of you, coming to Proud Boys meetings saying you’re not alt-right ... and I think you were there to try to recruit guys,” McInnes told Kessler when they spoke on his show two days after the rally. It was only after the violence in Charlottesville, when [any doubts about the true nature of the movement](#) were stripped away, that McInnes [attempted to earnestly distance](#) the Proud Boys from the alt-right label. Before that, he seemed content to let the Proud Boys brand appear more ideologically ambiguous, profiting off the alt-right’s rising popularity until things got ugly.

### **THE PROUD BOYS ‘TACTICAL DEFENSE’ ARM BLURS IDEOLOGICAL BOUNDARIES**

Although McInnes attempted to distance his organization from Charlottesville, violence is firmly entrenched in Proud Boy dogma. McInnes was filmed punching a counterprotester outside the D.C.-based, far-right gathering [Deploraball](#) in January 2017. Then, after a speaking engagement at New York University the next month turned violent, he wryly declared, “I cannot recommend violence enough. It’s a really effective way to solve problems.” The Proud Boys added the fourth degree to their membership hierarchy in early 2017. “You get beat up, kick the crap out of an antifa,” McInnes explained to [Metro](#). Though he claimed in the interview he was ready to “get violent and beat the f--k out of everybody,” he later backtracked in a [Proud Boy Magazine piece](#), assuring the public the fraternal group was opposed to “senseless violence.” “We don’t start fights, we finish them,” McInnes wrote.

Around the same time, Proud Boys member Kyle Chapman [announced he was forming](#) a new “tactical defense arm” of the Proud Boys – with McInnes’ “full approval” – called the Fraternal Order of Alt-Knights (FOAK). The paramilitary wing positioned itself as a defensive organization formed to protect right-wing activists at political demonstrations.

Chapman, who has an [extensive criminal history](#), openly encouraged fellow Proud Boys and others on the far right to sacrifice for their beliefs. “You’re maybe gonna have to do some time in jail and you very may well have to die. ... I’m willing to die. Are you guys willing to die?” Chapman first gained the attention of the alt-right when he was photographed

hitting a counterprotester over the head with a stick at a March 4, 2017, pro-Trump rally in Berkeley, California. His action earned him the nickname “Based Stick Man.”

Chapman quickly became one of the most recognizable faces of the Proud Boys on the West Coast. The group continued to attend a series of rallies (dubbed “[The Battle of Berkeley](#)” in far-right circles) throughout spring 2017, bringing them together with white nationalists and antigovernment extremists. At a pro-Trump rally on April 15, Proud Boys [distributed recruitment fliers](#) while other attendees – including members of white nationalist groups such as [Identity Evropa](#) and the [Rise Above Movement](#) – carried [antisemitic signs](#) and performed Nazi salutes.

[Augustus Sol Invictus](#) – born Austin Mitchell Gillespie – also exemplifies the permeable barrier between the Proud Boys and outright white nationalists. Invictus is an attorney and one-time Senate candidate whom Chapman named his second-in-command in FOAK. Invictus’ ideology is a bizarre mix: in addition to some mainstream libertarian beliefs, he claims Nazi and antisemitic thinkers (from the likes of Carl Schmitt and Francis Parker Yockey) as his chief intellectual influences. He identifies as a pagan and is an admitted Holocaust denier. Indeed, as Invictus told Hatewatch in 2017, “Do I believe that 6 million Jews were killed by the evil Hitler? Is that what you’re asking? ... Okay, then I am still waiting to see those facts.”

McInnes welcomed Invictus onto his June 28, 2017, show, where the conversation repeatedly dipped into Invictus’s interest in armed revolution. He explained that he’d fallen out with fellow attorneys who took offense at his suggestions that “maybe lawyers should be hanged in a revolution and ... if people get in our way, shoot them.” With regard to journalists, Invictus continued, “I’ll tell them, ‘You’re the first ones that are gonna be hanging from a lamppost in the event of revolution.’”

Like other former Proud Boys, Invictus eventually left the group for more hard-core parts of the white nationalist movement. Two months after his interview with McInnes, Invictus severed his ties with FOAK and, by implication, the Proud Boys, explaining in a Facebook video that he was frustrated with Chapman’s lack of professionalism. With its leadership bogged down by infighting and Chapman’s legal troubles mounting, FOAK dissolved in the early months of 2018.

There’s no shortage of current members with violent histories. [Brien James](#), the state representative for the Indiana Proud Boys and a onetime member of FOAK, gained his skinhead credentials in the Outlaw Hammerskins before becoming one of the founding members of the [Vinlanders Social Club](#), a racist gang linked to at least nine murders nationwide. He now leads American Guard, which he describes as a “constitutional

nationalist” organization, but which has a number of easy-to-spot racists. Rick Hervey, the vice president of the Colorado chapter, appears in a Facebook photo wearing a shirt bearing the white supremacist [“14 Words” slogan](#), and John Camden, the New Hampshire chapter vice president, has a neo-Nazi Wolfsangel tattooed on his neck. James’ roles in the Proud Boys and American Guard point to a larger overlap in membership between the two groups, whose members appeared at a number of the same events during summer and fall 2018.

Invictus, too, has faced years of allegations of domestic abuse, as Hatewatch [first reported](#) in July 2017. He was arrested on Dec. 30, 2019, on charges of kidnapping, domestic violence and possession of a weapon during a crime of violence. Though Invictus was briefly released on bail in April 2020, he was arrested again after reportedly harassing his ex-wife upon his release from prison after health concerns raised by his lawyers [related](#) to the COVID-19 pandemic.

### **TEAMING UP WITH PATRIOT PRAYER**

Unite the Right marred the image of the alt-right and ensnared the groups and individuals responsible in lawsuits. As they receded back to the internet to focus on building their movement through content creation, the Proud Boys stepped in to become the face of far-right marches and rallies. Their generic, pro-America messaging allowed the Proud Boys to succeed where the alt-right had failed: operating under the banner of “free speech” and playing up the idea of a violent left-wing menace, they could do battle in the streets without the same degree of scrutiny that the public and law enforcement placed on groups who presented their mission in explicitly racial terms.

The Proud Boys’ rally activity in 2018 centered in the liberal stronghold of Portland, Oregon, alongside the far-right group [Patriot Prayer](#). Led by onetime U.S. Senate candidate [Joey Gibson](#), Patriot Prayer has been the driving force behind right-wing organizing in Washington and Oregon since late 2016. It’s a big-tent organization that attracts a wide range of figures from the far right, including militia members and white nationalists (who have continued to show up at events even though Gibson denounced white supremacy at a rally in August 2017). The object of their rallies is almost always the same: to create combustible situations where violence is likely and, once ignited, can be used to fuel the narrative of right-wing victimization.

The rhetoric surrounding the Pacific Northwest rallies made clear that the Proud Boys see “antifa” as their foremost enemies. While antifa is, in reality, a small and loosely organized antifascist collective that utilizes militant tactics to counter the influence of far-right activists in their communities, the Proud Boys have turned them into a boogeyman that represents the whole of leftist politics. They denounce anyone they disagree with politically as a member of antifa, with McInnes going so far as to describe the group as a

paramilitary arm of the Democratic Party. Flattening any distinctions between militant activists and mainstream Democratic politicians is a rhetorical trick aimed not only at delegitimizing all of the political left but also justifying their own violent actions against anyone they consider a political enemy.

The Proud Boys/Patriot Prayer campaign to counter liberal influence in Portland built steadily throughout summer 2018, with violent clashes between the far-right organizers and antifascist encouraging larger crowds at subsequent rallies. During a [June 3 march](#), after the Proud Boy Tusitala “Tiny” Toese declared that they were ready for “whatever kind of fight,” another member of the group, Donovan Flippo, teamed up with Allen Pucket of the hate group the Hell Shaking Street Preachers to attack a man outside of a parking garage.

With tensions high, members of the Proud Boys and Patriot Prayer vowed to return for another rally. “The stench-covered and liberal occupied streets of Portland will be CLEANSED,” a post by a Patriot Prayer Facebook account declared. The June 30 “Freedom Rally” [descended into a riot](#), with Proud Boys and their political opponents openly brawling in the streets amidst explosions of flash-bang devices and pepper spray.

Violence is the Proud Boys’ most effective recruiting tool, and the June 30 rally provided arguably the group’s biggest promotional boost. On the streets of downtown Portland, Proud Boy Ethan “Rufio Panman” Nordean was caught on camera knocking out an antifascist protester in a single punch, instantly sparking a celebrated meme within the far right. Applause even came from the hosts of the neo-Nazi podcast “The Daily Shoah.” “It’s so much fun to see that guy get fucking clocked,” host Mike Peinovich said after watching the footage from Portland.

After Nordean’s punch went viral, membership in private [Proud Boys “vetting pages” on Facebook](#) spiked nearly 70% over the course of a month. “Seeing that soy boy antifa scum get knocked the fuck out has been the highlight of my year. Ive [sic] watched it over and over,” a new recruit wrote in one of the vetting pages.

The far-right groups rode the momentum to the “Gibson for Senate Freedom March” on Aug. 4, which drew the largest crowds of the summer. The [lead-up](#) to the event was dominated by talk of [martyrdom and blatant threats](#). “Guess what antifa?” the Sacramento Proud Boy Gabe Silva asked in a video posted to Facebook, “We are pissed off Americans. We’re coming for you. We’re not playing games no more. You like what we served up? We got more where that’s coming from.”

The Proud Boys clearly showed up looking for a fight: Many were decked out in padding and helmets, with a large group [wearing shirts](#) that read, “Pinochet Did Nothing Wrong!”

When a [journalist asked Toese](#) about this, mentioning that the Chilean dictator had killed tens of thousands of people, the Proud Boy responded, “Aren’t they all communists?” The Proud Boys have increasingly embraced Pinochet as a sort of mascot. “Helicopter ride” memes and the phrase “Make Rotary Aircraft Great Again” – references to the dictator’s practice of dropping political enemies from helicopters – are common on Proud Boys’ social media posts. At one point, the group also sold merchandise and gear featuring a crest associated with Pinochet.

The group’s momentum began to slow after the August rally – the police successfully kept both sides apart – leaving the Proud Boys without any violence to avenge and thus no reason to schedule another rally.

But that didn’t mean the violence stopped. In May, Flippo and Toese reportedly [grabbed a Black teenager](#) in a mall parking lot in Vancouver, Washington, after he yelled an obscenity about Trump. The next month, the same two Proud Boys drove through northeast Portland shouting, “Build the Wall!” When a pedestrian began to argue with them, Flippo and Toese got out of the truck and allegedly [punched the man](#), splitting his lip open. In Kentucky, Proud Boys reportedly [pepper-sprayed](#) members of a leftist organization who were sitting on a bar patio.

Proud Boys have a history of menacing and threatening their political foes. Proud Boy Kenneth Lizardo reportedly [showed up at the home](#) of comedian Vic Berger in May 2018 in response to videos he had made mocking McInnes, including one that shows the Proud Boys founder repeatedly using a racial slur.

Members of the group have shown up to left-leaning political gatherings to harass attendees. A group of Proud Boys came to the 2019 Women’s March in Orlando, Florida, to taunt people protesting against the policies of the Trump administration, carrying a sign that read, “Feminism is cancer,” and yelling over demonstrators before [police ticketed them](#) for trespassing. Only days later in Portland, where Proud Boys announced they would be roving the streets to “demask” antifascists, a member [threatened Ted Wheeler](#), the Portland mayor whom right-wing activists regularly accuse of collaborating with leftist organizers. “Your days are fucking numbered,” Proud Boy and Patriot Prayer collaborator Reggie Axtell said in a comment directed at the mayor. “I’m coming for you, you little punk. And all your little antifa bastards. I’m coming for you fuckers, too.”

### **ASSAULT IN NEW YORK CITY**

Though McInnes constantly insists that references to violence are part of a comedic act, the joke is lost on rank-and-file Proud Boys who have wholeheartedly [embraced violence](#) as a legitimate way to silence their political enemies.



That was made clear the night of Oct. 12, 2018, when a large group of Proud Boys attacked leftist protesters after McInnes gave a speech at New York City’s Metropolitan Republican Club. The Proud Boys founder was there to commemorate the 1960 televised assassination of the leader of the Japanese Socialist Party at the hands of a young ultranationalist, Otoya Yamaguchin, whom McInnes later called a “fucking badass.” After reenacting the socialist leader’s murder, McInnes warned the audience not to let his ideology take root in America. Instead, they should embrace his own backward-looking philosophy: “We need to get back to the era where you could insult someone’s religion, you could insult their ethnicity, you could insult everything about them.” McInnes instructed those who failed to accept his bigotry to “get the fuck off the road.”

After the event ended, the Proud Boys went to the streets riled up. “I’m ready to swing right,” [a journalist at the Metropolitan Club](#) heard a Proud Boy say as people began to stream from the venue. “No one better fuck with us tonight.” Only blocks away, they spotted a group of black-clad protesters. “You ready? Go boys!” one of the Proud Boys yelled before they charged at the protesters, pummeling them to the ground. One of the attackers [yelled the homophobic slur “f-----”](#) as he kicked a person laying on the sidewalk.

Afterward, another bragged that he had kicked his victim “right in the fucking head.” “He was a fucking foreigner,” he [added](#). Included in the group who committed the assault were [several far-right skinheads](#).

Police eventually [charged 10 Proud Boys](#) with riot and attempted assault in relation to the attack. Two members of the group, Maxwell Hare and John Kinsman, were found guilty on charges of attempted gang assault, attempted assault and riot in August 2019. Another seven individuals who faced charges related to the incident pleaded guilty. Hare and Kinsman [were sentenced](#) to four years in prison on Oct. 22, 2019.

Instagram and Facebook [banned both the Proud Boys and Gavin McInnes](#) in response to the violence in New York City. Twitter removed the group and its founder from their site two months prior. Without access to social media – and especially Facebook, which was the Proud Boys’ primary platform for organizing rallies and recruiting new members – the group fell into disorganization. Blaze Media, which had merged with CRTV and was hosting “Get Off My Lawn,” announced it was [severing ties](#) with McInnes shortly after.

Out of fear of mounting legal threats, which increased after it became public that the Proud Boys had [gained the attention of the FBI](#), McInnes announced on Nov. 21, 2018, that he was officially dissociating himself from the group. In reference to the charges pending against the group of New York City Proud Boys, McInnes said that this action – which he said was “100% a legal gesture” – would “show jurors they are not dealing with a gang and

there is no head of operations.” (He had [called the Proud Boys a gang](#) on a podcast with Joe Rogan in early 2017.) McInnes repeatedly attempted to distance himself and the Proud Boys from white nationalism, calling the ideology “remarkably esoteric” and insisting that “it’s unlikely any of us will ever meet a white supremacist.”

Despite McInnes’ insistence that the Proud Boys forswear any racist beliefs, the group chose known neo-Confederate Jason Van Dyke as their new chairman just days after their founder announced his exit. Van Dyke was a member of the Dallas-Fort Worth chapter who had previously served as the group’s attorney. After releasing a document with the [Proud Boys’ new bylaws](#), in which he accidentally revealed the names of the group’s new “Elders,” the new chairman suffered a very public meltdown. With his personal cell phone number posted on Twitter, a number of anonymous users sent Van Dyke a series of mocking text messages. [Van Dyke responded](#) to many of the messages with photos of guns. He texted, “fuck off f-----” to one person and “fuck off dumb n-----s” to another. Two days after appointing him as their leader, the Proud Boys [announced](#) that Van Dyke was chairman no more.

Enrique Tarrío, an Afro-Cuban man who once led the Miami Proud Boys chapter, took over as chairman after Van Dyke’s removal in 2018. Though McInnes had banned Proud Boys from going to the Unite the Right rally in Charlottesville, [Tarrío was there](#) sporting a patch from the Proud Boys’ associated Fraternal Order of Alt-Knights.

### **LEAKED CHATS SHOW A PROPENSITY FOR VIOLENCE**

Despite the numerous legal hurdles facing the group after their October 2018 brawl in New York City, members did little to rein in their violent rhetoric. In May 2019, HuffPost [reported](#) on a trove of leaked chatlogs including members of the group, which covered a time period from February through March of that year. The chats, which were later [published in full by Unicorn Riot](#) on Sept. 25, 2020, included a coalition of members from the Proud Boys, American Guard, Resist Marxism, Patriot Prayer and several militia groups. In them, members discussed the need for a “win” against antifascist activists in the runup to a series of rallies in the northeast. Others offered instructions on how and when to use violence.

“If any contact is made with you, that’s assault. If they take your hat, spray you with sill string, spit, push... Its [sic] assault. We need to have all our guys there before we retaliate though if we can. The cops aren’t going to let us fight long. We need to inflict as much damage as possible in the time we have,” far-right organizer Alan Swinney, who used the username “Alan Groot” on Telegram, told members of one of the leaked chats.

The group distanced themselves from Swinney after HuffPost's story ran, saying that they did "not agree with the aggressive statements made by him, or his tactics."

But Swinney was far from alone in his statements encouraging violence. Some brandished weapons and sent selfies with them to the group; others discussed what kind of weapons they'd bring to rallies. In the same chatroom, Proud Boys member Anthony Mastrostefano announced that "all I want to do is smash commies." He continued: "When the time comes I will stop at nothing to fully eradicate them all!"

### **THE PROUD BOYS' ROLE IN ONGOING UNREST IN THE PACIFIC NORTHWEST**

In 2019 and 2020, the Proud Boys and other far-right groups were behind a number of demonstrations in Portland. The group's leadership has frequently portrayed these rallies as a means of forcing Portland to waste resources connected to crowd management.

Tarrio, who lives in Florida, has recently told journalists that his group intends to continue holding disruptive rallies until "[Portland Mayor] Ted Wheeler does something," presumably referring to antifa.

Though Portland had served as a magnet for street fighters since 2017, an attack on activists at a local cidery contributed to growing political unrest in the city. On May 1, 2019, Joey Gibson and other members of Patriot Prayer allegedly coordinated an attack on Cider Riot, known to be popular with left-wing activists. The brawl resulted in a civil lawsuit, filed on behalf of Cider Riot's owner on May 3. The complaint alleged that Gibson and his fellow "defendants were spoiling for a fight." A wave of felony riot charges against several Patriot Prayer affiliates, including Gibson and at least one former member of the Proud Boys, followed.

As a result of the felony riot charges, Gibson turned [himself in on Aug. 16, 2019](#), at Portland's Multnomah County jail.

But Gibson was taken into custody just as the city was bracing for yet another onslaught of far-right activity. On Aug. 17, 2019, some 500-plus extremists gathered in the city for a rally to "End Domestic Terrorism." Material promoting the event explicitly targeted leftist and antifascist activists. Among the organizers were Proud Boys chair Tarrio, Proud Boys organizer and former Infowars employee Joe Biggs, and Ethan "Rufio Panman" Nordean, whose 2018 attack on an antifascist demonstrator had driven recruitment for the group after a video of it went viral on social media. At the time, *The Guardian* [reported](#), the event proved to be the "largest far-right demonstration of the Trump era" in Portland.

"Hey Mayor Ted Wheeler, thanks for footing the bill on our \$2 million weekend in Portland. Maybe you wouldn't have to spend that kind of money if you did your job. ... And if you

don't do your job, we're going to continue to come back," said Biggs in a video posted to the Proud Boys' Telegram and YouTube accounts on Aug. 18, 2019. His comment echoed an earlier statement from Tarrío published in the far-right website Gateway Pundit immediately after the event, where he threatened to "come back month-after-month" if the mayor of Portland didn't "free [his] city from the grip of Antifa."

As *The Guardian* [noted](#), Tarrío "appeared to be promising to hold the city to ransom."

Legal consequences for members of the Proud Boys and Patriot Prayer continued to mount. Tusitala "Tiny" Toese was arrested on Oct. 5, 2019. Toese's initial arrest at the Portland International Airport was tied to warrants issued for his arrest after he was indicted on felony assault charges for allegedly attacking a man during a June 2018 rally. He was subsequently sentenced to 10 days in prison for violating the terms of his probation. A few months later, in January 2020, he was banned from participating at protests in Portland for two years.

But a wave of political and civil unrest in 2020 provided new opportunities for the Proud Boys to make their mark in Portland and elsewhere, particularly in the Pacific Northwest.

In June 2020, leftist activists staged a weeks-long occupation protest in Seattle in a region that came to be known as the Capitol Hill Autonomous Zone, or "CHAZ" for short. The zone became a target for far-right and right-wing activists. Footage captured on June 15 near the zone depicted several men wearing Proud Boys gear attacking a man. In another video, the victim told artist and documentarian Rod Webber that the group's "MO" seemed to be "to knock me around a bit, get my phone, steal the phone." He told Webber that a few of the men appeared to be armed.

As the Daily Beast reported on June 16, 2020, at least one of the men captured on film was Toese, who had also recorded a video threatening leftist activists less than ten days earlier. Later that month, authorities in Portland issued a warrant for Toese's arrest, citing a parole violation after [Willamette Week reported](#) he had allegedly threatened a Black Lives Matter protester in Portland.

On Aug. 15, 2020, a Portland rally organized by Haley Adams, a far-right provocateur and a close associate of Patriot Prayer and the Proud Boys, brought together roughly 25 people outside of the Multnomah County Justice Center. As *Willamette Week* reported, far-right extremists stood briefly outside of the Justice Center exchanging barbs with left-wing counterprotesters before setting out on a march through downtown Portland. Some of the far-right protesters with Adams could be seen spraying the counterprotesters with Mace and/or shooting them with pellet or paintball guns. Not long thereafter, a man later

identified as Skylor Jernigan drove through the crowd of anti-racist counterprotesters and fired two gunshots into the crowd.

Jernigan, a frequent presence at far-right events in Portland, was charged with two felony counts of unlawful use of a weapon and three misdemeanors. He has previously leveraged threats against activists and lawmakers. As [Hatewatch reported](#) in January 2019, Jernigan threatened antifascists in a Facebook video, saying: “You’re gonna be getting knives put into your throat. You’re going to be getting bullets put into your head if you don’t stop this shit with us.”

Then, on Aug. 22, 2020, Alan Swinney, who previously instructed Proud Boys and other far-right extremists in private chats on the use of violence against their adversaries, reportedly fired a paint gun repeatedly and dispensed Mace into a crowd of antiracist protesters. He also allegedly pointed a gun at leftist activists but he did not fire. “Leftists are losing their minds that I’m not in jail right now for this. I wont [sic] be going to jail either,” Swinney wrote on the social media site Parler.

“If my lifes [sic] in danger or the lives of innocent people around me, I’ll pull a gun. EVERY time. Without question,” he said in the same post.

He was arrested on Sept. 30, 2020, on 12 charges, including attempted assault, unlawful use of tear gas, unlawful use of a weapon and of Mace, menacing and pointing a firearm at another person. Swinney also faces a civil lawsuit connected to his alleged actions in August 2020.

The next week, right-wing and far-right demonstrators fired paintball guns from the bed of a pickup truck into a crowd of counterprotesters. The attack was part of a large, pro-Trump demonstration, which consisted of a caravan of hundreds of trucks. Hours after the caravan ended its journey through the city, far-right and left-wing activists continued to clash in the streets. At around 9 p.m., police reported finding a man with a gunshot wound to the chest. He was identified as Aaron “Jay” Danielson and said to be a supporter of Patriot Prayer. His alleged shooter, Michael Reinoehl, was later identified as a self-described “security” person who claimed he shot Danielson in self-defense. Reinoehl was shot to death by officers on Sept. 3, 2020.

The Proud Boys soon announced a rally in response to Danielson’s death to be held on Sept. 26, 2020, in Portland. The event drew around 1,000 attendees, many of whom were open carrying guns, [according to \*The Guardian\*](#). On social media, activists and reporters cited several instances of far-right extremists at the event either threatening or appearing to assault journalists.

Activity on social media accounts associated with the Proud Boys indicate the group appears to have taken their mention at the presidential debate as indicative of a positive shift in mainstream political rhetoric regarding the group. In the days following the debate, the group enshrined their mention in memes and merchandise sold through their official website.

Proud Boys participated in “Stop the Steal” events throughout the country following Biden’s win in the November 2020 election. After a Dec. 12, 2020, incident in Washington, D.C., where [Proud Boys were filmed tearing](#) down and burning Black Lives Matter banners at a number of historical Black churches in the city, police announced they were investigating the events as possible hate crimes. On Jan. 4, 2021, Tarrio was arrested on charges of destruction of property stemming from this episode. During the arrest, police said they found two high-capacity magazines in his possession.

A number of Proud Boys were arrested in the aftermath of the Jan. 6, 2021, insurrection at the U.S. Capitol. Among them were [Ethan “Rufio Panman” Nordean](#) and Joe Biggs, who were charged for their role in breaching the Capitol. Nordean was arrested on federal charges of obstructing or impeding an official proceeding, aiding and abetting, and knowingly entering or remaining in a restricted building. Biggs faces similar charges.

The Canadian government [announced](#) it had designated the Proud Boys a terrorist entity on Feb. 3, 2021, noting the role played by the group in the Jan. 6 insurrection.

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EXHIBIT Q

Wyrick	Kristopher				Alpine	CA	91901	Alpine Motorsports	Mechanic			5/30/2018	100
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## Berkeley police arrests 13 in confrontation between 'alt-right' ralliers, counterprotesters



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AUGUST 28, 2017

Berkeley Police Department arrested 13 people in a confrontation between "alt-right" ralliers and counterprotesters Sunday for various charges, including assault with a deadly weapon, felony assault and violations of the Berkeley Municipal Code.

About 7,000 people gathered in Martin Luther King Jr. Civic Center Park on Sunday — some for the planned "alt-right" rally, although it was canceled Friday, while many others attended in protest. The confrontation between the "alt-right" ralliers and counterprotesters soon became aggressive — according to a BPD Nixle alert issued Sunday night, six people were injured and treated by paramedics, and two of those injured individuals were later transported to local hospitals for further treatment.

The alert added that one officer was injured during an arrest and several officers were at the rally.

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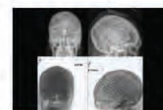
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VOLLEYBALL AUGUST 25, 2023

Berkeley City Council issued administrative rules for Civic Center Park and the surrounding area in light of the scheduled rally Sunday. One such rule was that access to the park will be restricted via controlled access points Sunday, and to enter or exit the park anywhere other than these access points will be a violation of this rule. Several individuals were arrested Sunday on suspicion of violating this municipal code.

**Campus researchers use brain recordings to reconstruct Pink Floyd song**



According to the alert, the 13 people arrested were:

- Seth Vasquez, 25, of Berkeley, on suspicion of violating the Berkeley Municipal Code by entering or exiting Civic Center Park other than at a controlled access point
- Mark Misohink, 23, of Berkeley, on suspicion of violating the Berkeley Municipal Code by entering or exiting Civic Center Park other than at a controlled access point
- James Dominic, 23, of Oakland, on suspicion of conspiracy
- Kristopher Wyrick, 39, of Alpine, on suspicion of disturbing the peace by unlawfully fighting, or challenging another person to fight in a public place
- Harlan Pankau, 38, of Jamul, on suspicion of public intoxication
- Levi Smith, 32, of Sparks, Nevada, on suspicion of violating the Berkeley Municipal Code by entering or exiting Civic Center Park other than at a controlled access point
- Sean Hines, 20, of Santa Rosa, on suspicion of resisting arrest and violating the Berkeley Municipal Code by entering or exiting Civic Center Park other than at a controlled access point
- Brittany Moorman, 26, of Oakland, on suspicion of violating the Berkeley Municipal Code by entering or exiting Civic Center Park other than at a controlled access point
- Yesenia Mendez, 22, on suspicion of assault with a deadly weapon other than a firearm, resisting arrest and wearing a mask or disguise to evade police
- Emily Gillespie, 24, of Berkeley, on suspicion of battery
- Sean Dougan, 47, of Portland, Oregon, on suspicion of battery, vandalism and inciting a riot
- Rachel Moore, 40, of Oakland, on suspicion of battery causing serious bodily injury
- Joshua Phillips, 36, of Oakland, on suspicion of resisting arrest and participating in a riot

Chantelle Lee is the city news editor. Contact her at [chantellelee@dailycal.org](mailto:chantellelee@dailycal.org) and follow her on Twitter at [@ChantelleLee](https://twitter.com/ChantelleLee).

LAST UPDATED AUGUST 28, 2017

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**BPD releases names of 20 individuals arrested in connection with crimes at Free Speech Rally**

Berkeley Police Department issued a Nixle alert Monday with a list of 20 individuals who were arrested in connection with violence that erupted at the Free Speech Rally on Saturday at the Martin Luther King Jr. Civic Center Park.



**LAW & JUSTICE** MARCH 12, 2017  
**BPD arrests 10 individuals in connection with 'March 4 Trump' rally**

Berkeley Police Department arrested 10 individuals in connection with crimes committed during the "March 4 Trump" rally last weekend, including battery and assault with a deadly weapon, according to BPD spokesperson Lt. Andrew Rateaver.



**LAW & JUSTICE** FEBRUARY 13, 2017  
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UCPD arrested an assailant on suspicion of battery, resisting arrest and violation of parole Friday afternoon.

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# San Diego Free Press

Grassroots News & Progressive Views

## Interim District Attorney Summer Stephan Did Nothing When I Was Assaulted By White Supremacists

JUNE 2, 2018 BY AT LARGE

My name is William Johnson. I'm an activist here in San Diego and have been a regular at protests since 2011. I go out to march, rally, protest, and demonstrate, because I care deeply about fighting for the civil and human rights of all people, and against institutional poverty, environmental degradation, and militarism. Nowhere in our greater San Diego/Tijuana Metropolitan area are these issues more intersectional than at our border.

This has drawn me to protest there many times, most recently to [protest Attorney General Jeff Sessions](#) when he announced his policy to separate all migrant children from their parents, to which I called him "evil". (And he announced this policy at Friendship Park of all places... The nerve of that man! But I digress...) To many people's amazement, I walked away from this protest like I do 99% of the protests I attend; unscathed.

This was not the case on December 9th of last year, where I, and some of my friends and allies, were attacked by a group of well-known San Diego-based white supremacists.

### Assaulted at the Border Wall Prototypes

Search this website

**San Diego Free Press Has  
Suspended Publication as of  
Dec. 14, 2018**



*Let it be known that Frank Gormlie, Patty Jones, Doug Porter, Annie Lane, Brent Beltrán, Anna Daniels, and Rich Kacmar did something necessary and beautiful together for 6 1/2 years. Together, we advanced the cause of journalism by advancing the cause of justice. It has been a helluva ride. "Sometimes a great notion..." (Click here for more details)*

Jeff Schwilk, a famous San Diego Minuteman, was hosting a pro-wall rally with Congressman Duncan Hunter and Assemblyman Tim Donnelly at the designated “free speech” area near the Border Wall Prototypes on December 9th, 2017. Some people I knew were planning on counter-protesting, so I decided to join them.

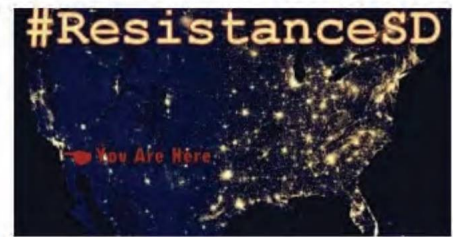


*Nathan, Kristopher, & Rebecca Wyrick at the second “Patriot Picnic” at Chicano Park via Screen hot from SoCal3 video “Chicano Park Protest Get Heated”*

Four East County men who I know to be associates of many local white nationalist groups confronted my group shortly after a few of us arrived. Ryan McAdams of Jamul, a member of both “[Bordertown Patriots Inc.](#)” and [American Guard](#) begins to yell at me and provoke me just inches away from my face. Some of my allies try to keep me separated from him, and the San Diego Police Department arrive and tell McAdams to stay about 4 ft away from me, which McAdams ignores. The officer didn’t make any attempt to enforce his order.

Once our larger group of allies arrive we try to walk over in front of a line of San Diego Sheriffs close to the right wing rally, which we recognized as our protest area. They continued to harass us the entire way, taunting us and blocking us from walking straight there. Another person who I recognized, Kristopher Wyrick of Alpine (who is a former member of the Proud Boys, a former member of the United Patriot National Front, and currently an organizer with the Bordertown Patriots), walked right through the Sheriff’s line, in order to help Ryan harass and intimidate me.

I kept trying to walk away from them but they kept coming after me; at one point pinning me against a parked RV, while they yelled inches away from my face and jammed their flag poles into my side. During this time I asked the Sheriff’s Deputies twice to



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separate them from us, but get no response. One of them also removed my hat from my head and dropped it on the ground, and these guys began to stomp on it violently. They were clearly trying to start a fight with us and were coming after me, and the Sheriffs were doing nothing.

After about ten minutes, they graduated from threats to actual violence. Kris and his son, Nathan, began to sucker punch and attack our protesters. Nathan began to attack any of us he saw. He punched one of our people in the head, leaving him on the ground with a black eye, and then he came after me.

He hit me once in the face, and then I instinctively put my hands up. I never lost eye contact with him while blocking the second blow.

He backed up after the 2nd blow didn't connect, and I dropped my hands to my side. I had come to participate in a non-violent protest, and I did not intend to respond to violence with violence, and I wanted him to recognize that.

Nathan turned away and ran to attack another person. I turned around to see McAdams on top of another person. McAdams had hit this person with a GoPro handle and was now punching him. I went face-to-face with him and loudly said: "Get off of him now!".

McAdams stopped punching, and looked at me with an intense hatred, and started to get to his feet. Then point McAdams' friend, Nicholas Sasse of Spring Valley (another former Proud Boy, and member of Bordertown Patriots), pulled McAdams back by his backpack. McAdams and Sasse turn around and continue to fight others in our group, while I assisted my ally who was just attacked by McAdams.



*Credit: Olga Espinoza*

This was all happening only about 15 0 feet away from a line of San Diego Sheriff's Deputies, wearing riot gear and holding wooden sticks. They could have



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**At the OB Rag: OB Rag**

**Kate Callen: 'The Destruction of the Little Red Bungalow in Mission Hills'**

**Statement by OB Elementary PTA President Stephanie Trimis on Relocation of Teacher**

**Dozens of Parents and Students Rally at OB Elementary to Re-Instate Teacher Bailey Ringer  
OB Elementary PTA to Rally Opposition to District Decision to Remove Beloved Teacher and Re-Assign Her Class – Tues., Oct.10**

**Where Did All That Passion for the Medical Garden Go?**

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intervened at any time but it took nearly 2 minutes from the start of the attack for a group of Sheriffs to do anything. They walked over to us, shoving all of us and pushing the attackers back to their side. They arrested none of them. This was a major failure of the Sheriff's department.

I was wearing a Guy Fawkes mask on the of the protest because I was concerned with alt-right media outlets filming me; I know from personal experience how deceptive and conspiracy minded they are. However, the mask somewhat backfired because when I was attacked, the mask broke and cut my face, resulting in a laceration and a scar. The fact we were attacked with American flags and flagpoles, has resulted in mental trauma that has not gone away.

The events of this day also created a chilling effect throughout the activist community. People have become concerned about any of their event or rally attendees falling victim to a white supremacist attack. This has affected turnout at marches and events, and some rallies never get past the planning stages because of safety concerns. Nothing good came out of the events of December 9th, 2017.

If you want to watch some videos of this incident, you can find those [here](#) and [here](#).

Others have written and spoken about their experiences on December 9 [here](#) and [here](#).

### **The DA's Office Fails**

Those of us on the receiving end of these attacks on December 9th decided to press charges against these guys. We went through the normal procedures by filing a police report and giving an interview with the investigating officer. The officer took a few weeks to go through all the video evidence and interview witnesses and in the end, the investigating officer recommended 11 felonies to the District Attorney's office.

Then we waited for the charges.

We called up the DA's office twice a week, but only heard they were still investigating.



A few weeks went by... and then the news. The DA was not pressing charges.

“None of them?” I asked

“No, we are not seeking any charges for this incident”

I was shocked. There was so much video evidence of the attack!  
And it was so clear who'd started it!

McAdams, Nathan, Kris, and Nicholas had attacked several people (and on top of that, the Sheriffs allowed it to continue, as evidenced by them standing around and watching as we were attacked.)!

How could the DA just let them get away with this? These guys are clearly dangerous!

Does justice not matter?

**Post Script:** A few weeks later I volunteered to help with sound at a forum between Summer Stephan and Geneviève Jones-Wright (which can be watched [here](#).)

At first, I was mildly impressed with what Summer Stephan was saying, and casually applauded at times, but then as the forum went



*Credit County New Center*

on I heard claims that didn't match her record. The comment standing out the most was a claim she “ended the school to prison pipeline”. My jaw dropped.

I had to get out of my seat and walk around to try to wrap my head around how she could even think something so ridiculous! I then heard her comments about getting rid of implicit racism in the DA's office, calling it “low-grade” racism, which was an extremely

weird comparison (I guess she calls explicit racism “91-octane racism”).

That was when I realized she was flying by the seat-of-her-pants; just making it up as she goes.

Stephan talked about needing cash-bail reform, yet hasn't implemented it. She talked about leading one of the country's top sex crimes units, but how could they be a top sex crimes unit when there are [thousands](#) of untested rape kits in storage?

She says she makes fair and just decisions on cases with officer-involved shootings, but when the evidence pointed to Sheriff's Deputy Christopher Villanueva shooting Jonathan Colonel [16 times in the back while face down on the ground](#), she let the officer off scott-free, so he could [kill Sergio Weick](#) less than a year later in a similar incident!

She says she drops cases when there is evidence exonerating someone, but she didn't in the [high-profile Stephanie Crowe case](#). Her rhetoric simply does not match her actions.

I then looked for anything Stephan might have said about hate crimes and found her [speaking out](#) against the kind of white supremacists and nationalists in Charlottesville. She claimed to be committed to stopping these kinds of people and stopping hate crimes, and events saying: “What we saw in Charlottesville is a bunch of thugs, bullies, and criminals masquerading behind the freedom of speech.”... but this pledge clearly holds no water, because she hasn't charged the people who attacked me and my allies.

With all of the lies and unfulfilled promises we've heard from Summer Stephan, and the fact there is overwhelming evidence we were physically harassed and attacked at a protest by white supremacists, I can only come to two possible conclusions about Summer Stephan's lack of action in this case: she either agrees with their politics, and hides it publicly, or she is completely incompetent at prosecuting open-and-shut assault cases.

I have absolutely no evidence to think the former, so I assume it's the latter. With all of the inconsistencies in what she says vs. what she does, incompetence is the only thing that makes sense. Summer Stephan needs to go.

Fortunately, we have a chance to really make a change in how our criminal justice system works. We can reform the DA's office from the inside out and make sure justice is being served.

I'm supporting Geneviève Jones Wright, because she has the platform, the experience, and the willingness to stand up for the human rights of everyone in San Diego, and make sure our criminal justice system is working for everybody.

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## Comments



Mark Bennett says  
June 2, 2018 at 12:40 pm

William Johnson – Thank you for sharing this. Like, you, I care deeply for our country and social justice. Unfortunately, I have a chronic disease that limits my ability to find out about all of these protests. Some few I did find out about were cancelled for the safety concerns you mentioned. If I can “get on your mailing list” to be informed, I would greatly appreciate it. I understand you may have some concerns about me a stranger. Feel free to contact me and take whatever precautions

you feel necessary. I have put to have email sent to me with any comments.



bob dorn says

June 3, 2018 at 9:38 am

Law enforcement requires that improvements in leadership require a their actions take very long, long time to take root, and repeated outrages by hooligans wrapped in flags or black shirts serve to illustrate the delay in justice. This ignorance and disregard are enough reason to to vote for an admittedly inexperienced Jones-Wright for DA and Dave Myers for Sheriff. She may not be a deputy DA but she's a start at reform. And Meyers has spent decades in the department, so he knows the brutes in the Sheriffs Office.

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Code is Poetry

EXHIBIT T

## Clocked by a GoPro stick at border protest

Blood proof belies sheriff's report of nonviolence

Author  
Mike Madriaga

Publish Date  
Dec. 15, 2017



The brawl began with a sucker-punch, says Bautista.

"My head was opened up with a hit from the GoPro holder," says **Rafael Bautista, one of the founders of Tenants United**, a group seeking to implement rent control in San Diego. But Bautista's activist effort that led to his injury on December 9th had nothing to do with the high cost of living in San Diego.

Bautista, a City Heights resident, says he was one of the 15 to 20 anti-wall protesters at the border-wall rally held at the east end of Enrico Fermi Place, near

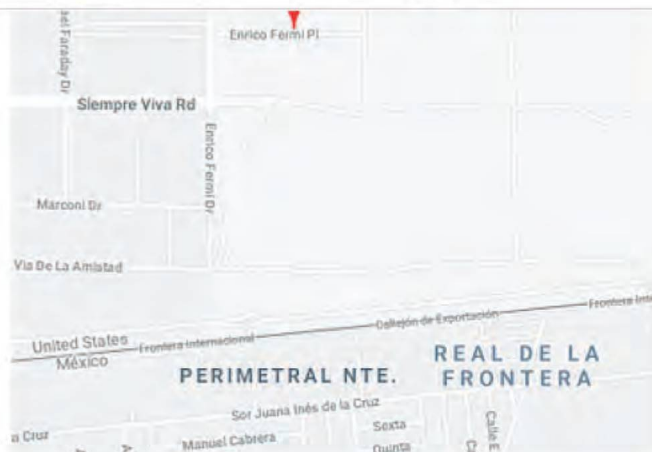
was expecting a peaceful protest, but the situation heated up really quick.

“After physically harassing one of our comrades for over 200 meters,” Bautista recalls, “the father and son [wall supporters] attacked a professor [in our group] by sucker-punching him more than once.” A brawl between some members of both groups ensued and then Bautista noticed one of his buddies getting choked with a flagpole.

\$1,950

\$2,050

\$5,660



The melée occurred close to the Otay border crossing, in the dirt off Enrico Fermi Place.



Bautista being attacked by a border-wall booster

“[Another man] then tried to kick the guy that was getting choked,” Bautista says, “[and] that is when I punched him in his face. Then someone hit me and I stumbled. [The man] tried to kick me but

Bautista then pointed out on a **CBS 8 video clip** in which "You can see [the GoPro holder] fly up in the air after he hit me."

After the scuffle, one of Bautista's friends took a photo of him with a bloody white shirt wrapped around his neck and posted it on Facebook. Bautista also posted photos of the bloodied GoPro holder and the wound on his head.

"We are pressing charges," Bautista says.



Bautista's head wound





were no arrests made. The event was a generally peaceful assembly with minor disturbances between the two groups."

The event lasted from noon to about 1:30 p.m. with approximately 60 "wall supporters."

The following Tuesday (December 12th) Bautista went to the hospital to get his head wound examined. He says he plans on filing a complaint against the sheriff's department for "their inaction and their reluctance to uphold our right to protest."

**UPDATE** 12/12, 2:10 p.m.

San Diego County Sheriff's Department spokesman Sammy Castañon sent the following statement:

"On December 9th, there was a rally at the United States/Mexico border. Some of the people attending the rally were there to support increased border security and others were there to express their opposing viewpoints. Each group was afforded an area to assemble and to express their opinions. At some point, several members from each group circumvented security measures and there was a physical confrontation. Deputies take action when a crime is observed or reported. In this case, Deputies responded when they observed the altercation and intervened. Maintaining a safe place for people to express their opinions is our highest priority. At the time of the incident, no arrests were made and none of the involved parties desired criminal prosecution. However, the incident is still being investigated and we have identified a victim who is working with us to file a report. We are currently reviewing available video and conducting an internal debrief to ensure safe and efficient responses for future events."

Comments

EXHIBIT U



PUBLIC SAFETY

# Protests in El Cajon mark the death of Alfred Olango, killed by a police officer in 2016



Protesters get ready to march for the fourth anniversary of Alfred Olango's death in El Cajon on September 27, 2020. (Ariana Drehsler/For The San Diego Union-Tribune)

'It's been a whirlwind since then. We've dealt with so many trials and tribulations,' Tony Abuka said of his brother's death in El

## Cajon four years ago, which sparked protests against police-involved shootings

BY DAVID HERNANDEZ, DAVID GARRICK

SEPT. 27, 2020 9:30 PM PT

More than 100 people marched for about three hours Sunday night in El Cajon to remember Alfred Olango, who was fatally shot by police four years ago to the day in the East County city.

Many in the group wore black clothes, held candles and chanted Olango's name as they walked down main city streets in what they called a "victory lap."

They made a stop at the El Cajon police station, which was cornered off with yellow police tape, and at least twice stood in the middle of the intersection of Main Street and Magnolia Avenue.



Alfred Olango, 38, was shot and killed in September 2016 during a confrontation with El Cajon police. (Associated

Press)

More than once during the march, they encountered a group of demonstrators who showed support for law enforcement. That smaller group sounded air horns and flew U.S. and “Trump 2020” flags. They cheered on officers in patrol vehicles as they trailed protesters.

Tony Abuka, Olango’s brother, said the “victory lap” was meant to symbolize overcoming hardships. He wore a black T shirt with his brother’s smiling face emblazoned on it.

“I remember being here on this exact same day (four years ago). It’s extremely painful,” said Abuka, who remembered his brother — a 38-year-old refugee from Uganda — as a man who “had a solid list of characteristics” and stuck to his core values.

“It’s been a whirlwind since then. We’ve dealt with so many trials and tribulations,” Abuka said of his family’s loss. He added that police shootings “destroy” the lives of victims’ families.



Protesters get ready to march for the fourth anniversary of Alfred Olango's death in El Cajon on September 27, 2020. (Ariana Drehsler/For The San Diego Union-Tribune)

“Every time I’m seeing (shootings by police) happen over and over is like reliving what happened with my brother,” he said.

He and supporters started and ended the night behind the taco shop on Broadway where Olango was shot — police said at the time that they mistakenly thought Olango was armed with a weapon — and where, in the days after the shooting, protesters met before spilling into the streets to demand justice.

Olango’s death came in the wake of a series of shootings of Black men by police around the country — including the 2014 shooting of Michael Brown in Ferguson, Mo., which sparked protests nationwide.



Protesters marching “a victory lap” for Alfred Olango near the El Cajon police station on September 27, 2020 encountered a group of men and women with American flags where the two groups exchanged heated words. (Ariana Drehsler/For The San Diego Union-Tribune)

The day he was shot, Olango’s sister called police to ask for help, saying he wasn’t acting “like himself.” Other 911 callers reported a man acting erratically and walking in traffic.

Family members later said Olango, who had lived in the U.S. since 1991, had a mental breakdown over the suicide of a best friend.

Officers found Olango in the parking lot of Los Panchos taco shop. As the officers approached, Olango raised his hands together, shoulder high, clutching an object in his hands and standing in what authorities called a “shooting stance.” The object in his hands turned out to be a vaping device.

Police Officer Richard Gonsalves fired his gun at Olango. Another officer, Stephen Josh McDaniel, fired a Taser. Four rounds from Gonsalves' gun hit Olango in the chest, upper back, neck and arm. He died at a hospital.



Protesters march for the fourth anniversary of Alfred Olango's death in El Cajon on September 27, 2020. (Ariana Drehsler/For The San Diego Union-Tribune)

In January 2017, then District Attorney Bonnie Dumanis ruled that the shooting was legally justified.

Standing at the shooting site Sunday, Abuka said he feels justice was not served in his brother's death. He said his family plans to "follow up and do whatever it takes to seek justice."

He called the recent wave of police reforms — such as bans across the county on a neck hold known as the carotid restraint— small steps in the right direction but he



said he believes that other areas, such police-community relations, particularly in El Cajon, need to improve.

Sunday's walk also honored Nipsey Hussle, a rapper, activist and entrepreneur who was fatally shot in South Los Angeles on March 29, 2019. An acquaintance of Hussle's, rapper Eric Holder, is charged in the killing.

The march in El Cajon was named after Hussle's 2018 debut studio album, titled "Victory Lap."

Earlier in the day Sunday, a few dozen protesters came together in El Cajon to demand racial justice. They, too, invoked Olango's name, but it did not appear that the two events were connected.



Black Lives Matter demonstrators and Pro Trump supporters clash during a Justice for Breonna demonstration in El Cajon on Sunday, September 27, 2020. (Sandy Huffaker/For The San Diego Union-Tribune)

The afternoon demonstration on downtown El Cajon's Prescott Promenade also attracted a small crowd of people carrying Trump 2020 banners and American flags. A few tense standoffs between the two groups were resolved peacefully.

The protest, which was organized by the Party for Socialism and Liberation, started around 2 p.m. and focused on how socialism can boost racial justice by changing the economic structure of society.

Speakers at the protests referred to each other as "comrades" and said it was crucial for the country to adopt more socialist policies because of the unjust effects of unfettered capitalism.

Members of the crowd carried signs that read, "Justice for all victims of police terror," "We need a new definition of justice because what we've been getting is trash," and "Racism is the disease, revolution is the cure."



Black Lives Matter demonstrators chant during a Justice for Breonna demonstration in El Cajon on Sunday, September 27, 2020. (Sandy Huffaker/For The San Diego Union-Tribune)

The protest also focused on the decision last week by a grand jury in Louisville, Kentucky to charge only one of three officers in the death of Breonna Taylor, a 26-year-old Black woman who was fatally shot when police raided her home in Kentucky on March 13, and to only charge that officer with a low level felony.

Protest organizer Jose Cortes said the Olango and Taylor cases have similarities.

“Four years have passed and we are still fighting the same struggle nonstop in our communities, whether that is here or in Kentucky or wherever,” he said. “We are fighting the same exact struggle against racist police, against the lack of accountability of what I’ll call the ‘injustice system’ in this country.”

During subsequent speeches, the protest became more intense with shouts of “Arrest the police” and “Fist out, fight back.”

A small group of people on the edge of the promenade along Main Street tried to shout over the protest on a few occasions, and they tried multiple times to bust into the middle of it.

But the two groups backed away peacefully each time they came to face-to-face.

There were other demonstrations in the county focused on policing, as well as racial and social justice on Sunday, including a morning gathering in Poway that began at the corner of Pomerado Road and Twin Peaks Road. A social media post shared in advance of the event had “Black Lives Matter” written on it and invited participants to “stand against injustice.”



Around 40-50 Black Lives Matter protesters staged on one of the corners of Twin Peaks Road and Pomerado Road in Poway while over 100 Trump supporters rallied across the street. (Kristian Carreon/For the San Diego Union-Tribune)

At times, confrontations erupted between the demonstrators and others who showed up at the intersection, some of whom were wearing Trump shirts and holding Trump flags.

In downtown San Diego, a small group of protesters marched alongside a procession of motorcycles. They started at San Diego police headquarters and walked to the Hall of Justice and San Diego Central Jail, chanting “No justice, no peace,” “This is what democracy looks like” and other slogans.

The event was billed as a “unity demonstration” in support of criminal justice accountability.

*Freelancer Kristian Carreon contributed to this report.*

EXHIBIT V

POLITICS

## Pompeo Praises Israel at El Cajon Rally, Oblivious to Street March, Mace Fights



by Ken Stone  
July 25, 2021



El Cajon police Capt. Rob Ransweiler was a solitary figure in front of the Civic Center police station Sunday, hours after pro-Palestinian protesters and right-wing “patriots” clashed with Mace on Main Street a quarter-mile away.

“No victims have come forward,” he said in response to questions about violence outside a festive “We are Israel” rally at the grassy Prescott Promenade.

Perhaps 1,000 people heard former Secretary of State Mike Pompeo and radio host Larry Elder, a candidate for governor, hail Judeo-Christian values.

But few at the rally were aware of the fumes that led about 100 chanting, sign-carrying protesters to abandon their march — making a U-turn on Main Street at Claydelle Avenue.

El Cajon Mayor Bill Wells didn’t know about the use of throat-burning spray until informed by a reporter 20 minutes after the fact.

**The Activated Podcast**

@TheActivatedPod · [Follow](#)



Someone pepper sprayed Mike "both sides" Forzano, leader of "Exiled Patriots". Exiled Patriots branched off from Defend East County after lots of in-fighting. Mike and the leader of Defend East county publicly beef with each other but always join together to fight leftists.

Watch an X

**Michael McConnell** @HomelessnessSD

Replying to @HomelessnessSD

A couple of the people who got maced. I think they had been trying to agitate the counter-protesters.

6:46 PM · Jul 25, 2021



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**The Activated Podcast** · Jul 25, 2021



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Replying to @TheActivatedPod

Known white supremacist Kyris Wyrick. The "We Are Israel" rally is another street up blocked with a line of police.

Watch on X

**The Activated Podcast**

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Kris Wyrick throwing a punch and starting a brawl earlier today in El Cajon.

Watch on X

5:37 PM · Jul 25, 2021



15 [Reply](#) [Share](#)

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Not found

Mike Forzano claiming he's on both sides in El Cajon. You can tell what side he's really on though right? [pic.twitter.com/U1pmmqnWUy](https://pic.twitter.com/U1pmmqnWUy)

— The Activated Podcast (@TheActivatedPod) [July 26, 2021](#)



**Michael McConnell**  
@HomelessnessSD · Follow



A couple of the people who got maced. I think they had been trying to agitate the counter-protesters.



4:16 PM · Jul 25, 2021



74 Reply Share

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Not found

One of the far right extremists deploys bear mace at point-blank range, he tries to chase me after: [pic.twitter.com/QBBZLkfzlh](https://pic.twitter.com/QBBZLkfzlh)


— Vishal P. Singh (They/He) (@VPS\_Reports) July 25, 2021

Another video showed a so-called “Patriot” spraying the vanguard of the pro-Palestinian marchers, who some observers labeled antifa for their style of masks and black garb.

A couple dozen police in riot gear stood in a line near the entrance to the rally, which had private security inspecting bags and wandng the mostly older and white crowd — many wearing Trump paraphernalia.


But officers didn’t intervene against attacks from either side.

In [response to questions](#) from Andrew Dyer of The San Diego Union-Tribune, the El Cajon Police Department said via email late Sunday night that officers became aware of a fight involving several people within a large crowd at Main and Claydelle.

**@AndrewDyer.bsky.social** · Jul 25, 2021 


@andrewpdyer · [Follow](#)  
Replying to @andrewpdyer




El Cajon is known for its refuge community, evidenced by the number of businesses with signs in Arabic blocks from where the Shield of David rally is being held



**@AndrewDyer.bsky.social**  
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**Violent confrontation on Main. Fights, pepper spray**

3:40 PM · Jul 25, 2021 from El Cajon, CA 

 8  Reply  Share

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“While we were coordinating a response,” the statement said, “the crowd dispersed and the fighting stopped. All involved parties left the area.”

The department added: “None of the involved parties have contacted ECPD to report being a victim of a crime. To assist us in an investigation, if you have any information to help us identify and reach out to victims, or video evidence that would help us identify suspects, we would be happy to accept.”

Hours earlier, Ransweiler said of the police presence: “We were just here in case anything went silly.”

An organizer of the pro-Palestinian march wasn’t amused.

Mike Shede of El Cajon, among several people displaying Palestinian flags along Main Street next to the rally site, wasn’t immediately aware of the eye-stinging attacks.





Informed of the use of Mace or similar spray, he criticized El Cajon police for not watching out for his group as much as the rally-goers who received free Shield of David items — fans, T-shirts, buttons and Israeli flags. (Branded water bottles also were offered.)

Marchers carried signs proclaiming “Zionism is Racism,” “Pompeo Go Home” and “End the Occupation.”

One leader instructed the marchers: “Do not engage with other protesters. Please remember that we are here peacefully.” But after the clashes, the marchers made a U-turn at Claydelle and went back east on Main Street.

Appearing via Zoom earlier Sunday on KUSI-TV, Shield of David President Eli Ben-Moshe, an Ocean Beach optometrist, described the rally as a “historic event.”

He accused Congress of encouraging antisemitism, which he said has “become normalized” — equating criticism of Israel’s policies in the occupied West Bank with hatred of Jews.

Inside the rally venue, Susanna Summers of El Cajon quietly held a sign saying: “Yes! Bless Israel! (But) Liberate Palestine. SECURITY = A JUST PEACE.”

She called for an end of the Israeli occupation of the Palestinian territories.

“When you steal people’s livelihood and dehumanize them, it’s going to lead to a cycle of violence,” she said.

Across the street, near Main Street Donuts & Deli flying a “Trump 2024” flag, one of three men who declined to give their names said “any American patriot” was the target of protesters’ Mace-brand bear spray.

“We have a few videos of them going after females,” said another.



Right-wing counter-protesters trying to start fights at the protest against Mike Pompeo and Zionism in El Cajon going on now.

2 7 2

After his remarks on stage, conservative radio host Elder told Times of San Diego that he had been invited by organizers and wanted to express his love of Israel and the Jewish people — “and because so many Jews have been influential in my life.”

He also wasn’t aware of the clashes more than an hour earlier.



He recalled what former Israeli Prime Minister Golda Meir once said: "We're going to keep having these problems as long as Palestinian mothers hate Jews more than they love their own children."



Elder said that if the Jews lay down their weapons, "there will be wholesale slaughter. If the Palestinians lay down their weapons, there will be peace. And that's the problem. You don't have two partners who are truly willing to negotiate the peace."

Pompeo, arriving a little after 5 p.m. from Orange County, greeted the crowd with "Shalom" and "Thanks for letting an Army guy (first in his class at West Point) come to a Navy town."

He recalled President Trump citing a Washington Post headline in early January labeling Pompeo his most loyal Cabinet secretary.

"Trump called me, and he said: My Mike!"

Pompeo told POTUS: "That's great, Mr. President. They did not intend that as a compliment."

Sunday, he defended Trump's America First foreign policy.

"I was determined to demonstrate how my faith, and America's Judeo-Christian founding, mattered to improve our world. .... Shining a light, and evangelizing, are biblical requirements — not challenges to the so-called separation of church and state," Pompeo said.

As a few raindrops fell, the former Kansas congressman and CIA director wrapped up before exiting and not meeting the media: "It is because I am a Christian and an American that I was proud to lead the fight in the defense of Israel, the Jewish people and the perennial cause of religious liberty around the world."

As he left, a man on stage delighted the crowd: "Whaddya say? The next president of the United States?"

EXHIBIT W



## AT LEAST 5 CAPITOL RALLY PARTICIPANTS WERE IN A VIOLENT 'PATRIOT MARCH' IN SAN DIEGO

Right-wingers and ultranationalists convened in the city days after the Washington insurrection, but the police crackdown that day fell on counterprotesters.



Counter protesters stand beneath palm trees on the beach awaiting to confront a pro-Trump rally participant for a "Patriot March" demonstration on Jan. 9 in San Diego, California (Photo by Patrick T. FALLON / AFP) (Photo by PATRICK T. FALLON/AFP via Getty Images)

### James Stout

Feb 03, 2021

At least five people involved in the Capitol rally on Jan. 6 attended a violent pro-Trump "Patriot March" in San Diego just three days after the democracy-shaking event. But police declared an unlawful assembly that only applied to anti-fascist counterprotesters.

Among the right-wing crowd was Alberto Nunez, a member of the Proud Boys who posted on his Instagram account on Jan. 8 that he filmed during the Capitol insurrection and would soon upload footage to Parler (Nunez never posted the footage because Amazon Web Services suspended hosting the social network soon after the insurrection.) And before that he posted photos of himself at Proud Boys events in Washington, D.C., including one with the group's leader, Enrique Tarrío, who was recently exposed as an informant for federal and local law enforcement. In December, the Proud Boys burned a Black Lives Matter banner in D.C. Tarrío was later arrested and charged with one misdemeanor count of destruction of property related to the incident.

David Ramses, Kick Cunningham, Tony Be, and a far-right influencer known as MagaPit also attended the Patriot March after participating in the Capitol rally. And they're visible in an Instagram video of Proud Boys burning the Black Lives Matter banner. The men are part of the ultra-nationalist group New Patriot Wave the group rebranded from its previous iteration the American Coalition Party because of social media bans. Ramses, Be, Cunningham and MagaPit posted a selfie at the Capitol during the rally. To date, none of the people identified by The Appeal who were at the Capitol on Jan. 6 and then attended the San Diego march have been charged by the U.S. Department of Justice in its scores of insurrection-related prosecutions.



The Jan. 9 march was organized by the New Patriot Wave group, which posted a video of one of their members defacing a George Floyd memorial last summer on Instagram. San Diego has an active anti-fascist community and a similar march scheduled for September was canceled because

organizers feared they would be outnumbered by counterprotesters. But emboldened by the Capitol insurrection a sizable crowd turned out for the Patriot March and some brought weapons including knives, smoke grenades, and replica handguns.

Last summer, San Diego police sent a bike squad to follow Black Lives Matter protests. But on Jan. 9, only four officers looked on as a large anti-fascist group dressed all in black confronted small groups of right-wing protesters. An anti-fascist protester who goes by the alias Coyote told The Appeal that right-wing protesters verbally abused the crowd. "It was just motherfucker this and that." Then, at around 1 p.m. scuffles broke out between the opposing groups and anti-fascists used bear spray on right-wing protesters, causing several bystanders to call 911. Coyote said that participants in the Patriot March "were really shocked that the police didn't do anything [to defend them]. I thought they were sick of protecting them, especially after what happened at the Capitol."

The San Diego police dispatched a bicycle team. Then, from behind a line of officers, Patriot March participants shouted "fuck Antifa" and gave stiff-armed Nazi salutes. One officer put his arm on the shoulder of marcher Francesco DeMeo, who openly bragged online about his participation in the Capitol rally after his presence there was revealed by his mother. DeMeo has also posted threats to antifascists online. DeMeo did not respond to multiple requests for comment from The Appeal.

When asked why the San Diego police were unaware of DeMeo's participation in the Capitol rally, spokesperson Shawn Takeuchi told The Appeal that the department "would not know this information." Another person in the Patriot March was wanted by the Los Angeles Police Department for allegedly committing a hate crime in front of City Hall on Jan. 6 the same day as the insurrection. Takeuchi told The Appeal that "we would not necessarily be told by LAPD they were seeking this individual



But the presence of several people involved in the Capitol rally and a man who allegedly committed a hate crime—as well as the fact that three of the four arrests made on Jan. 9 were of counterprotesters—has led activists to ask if they were the subject of disparate treatment by the San Diego police during the Patriot March.

Indeed, police attempted to disperse counterprotesters by firing impact munitions at them as well as at members of the press. Protesters were shot in the face, and this reporter was hit with four pepper balls. The officer who shot the pepper balls was not wearing a name tape or badge, and his colleagues refused to identify him.



Participants in the Patriot March, conversely, engaged in violent acts, seemingly without consequence. One marcher who identified himself as Chad Alvarez walked past officers and threw a smoke grenade which burned this reporter's skin. The San Diego Police Department's event log from that day, obtained via a public records request, does not include a mention of the grenade being thrown.

One Patriot March participant produced a long knife, but was disarmed by counterprotesters with skateboards. The police department's event log includes multiple mentions of a man in possession of a knife fitting the man's description. The log notes "male w/knife. WML [white male] Black hoodie, brown pants" and "poss male w/large knife in sheath." The timing of the note about the knife in the event log (2:27 p.m.) and description of the man both fit with what The Appeal saw and photographed of him. California law allows for the open carry of fixed-blade knives. However, it defines "open carry" as a "knife carried in a sheath that is worn openly suspended from the waist of the wearer." Takeuchi said the department has not taken any action against the man because "I do not believe any victims of this threat have contacted us."

Another person in the Patriot March wielded a BB gun. The police event log shows that the department received reports of a young man stating that he had a gun in his waistband that afternoon. He was later detained but his name was not included in police reports because he is under 18.

San Diego mayor Todd Gloria refused multiple requests for comment from The Appeal about the Patriot March.

When the police department declared an unlawful assembly that afternoon, it did so for only the anti-fascists assembled at Hornblend and Mission streets, not the march participants gathered about one block south, near Grand and Mission.

After counter-protesters dispersed, the police department noted in its event log that the protest had been "hijacked by Proud Boys. Very anti police and refusing to comply." Later that evening, participants in the Patriot March attacked young people, San Diegans walking in the street, and at least two counterprotesters who live in the area.

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**EXHIBIT X**

U.S. NEWS

## Black woman says group of Trump supporters attacked her following L.A. rally

The Los Angeles Police Department said it is investigating Wednesday's attack as a hate crime.



— Berlinda is surrounded by Trump supporters in downtown Los Angeles on Jan. 6, 2021. Berlinda initially credited the man grabbing her from behind as helping her but later told NBC News that the man's "actions didn't actually help." Raquel Natalicchio

Jan. 8, 2021, 3:23 PM PST

By Minyvonne Burke and Rima Abdelkader

A Black woman in California said a group of nearly 40 pro-Trump demonstrators attacked her and called her the n-word following a rally in downtown Los Angeles.

Police said they are investigating the incident as a hate crime after speaking with the woman.

"The woman has been identified & interviewed by the LAPD. Based on her statements & other evidence, a hate crime/battery report was taken," the Los Angeles Police Department said in a [statement](#) on Twitter.

The woman, Berlinda, 25, said she was walking when she saw the large group on Wednesday, according to [NBC Los Angeles](#), which noted that she asked that her last name not be used. Earlier in the day, a protest was held, with many demonstrators carrying "Stop the Steal" signs.



— Berlinda is surrounded by a hostile crowd of Trump supporters on Jan. 6, 2021, in Los Angeles.

Raquel Natalicchio

Berlinda said that several people in the group told her to take her face mask off. She told NBC Los Angeles that the crowd started following her after she flipped them off.

"A bunch of women and men started yelling, 'take off your mask, don't wear a mask,'" she said, telling the outlet that she asked one man in the group to leave her alone. "And that's when the guy went and took his hand, clawed me in the face. And then just smacked my phone in my face."

Berlinda said others shoved her and she was called a racial slur. She declined to be interviewed when contacted by NBC News on Friday, citing safety concerns.

The assault was captured by photographer Raquel Natalicchio, 29. She told NBC News in an interview Thursday that she saw Berlinda walking by herself and heard the protesters heckling her and asking if she voted for President Donald Trump. It is unclear whether all those shown in Natalicchio's photos were involved in the alleged assault.

Berlinda told them no and flipped them off and kept walking, Natalicchio said.

## Recommended

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U.S. NEWS

**Suzanne Somers, star of 'Three's Company,' dies at 76**



ISRAEL - HAMAS WAR

**Chuck Schumer says the delegation he's leading was rushed to a shelter amid rocket fire in Israel**

"They kept kind of heckling her for that, and then she told them to put on a mask," Natalicchio said, noting that many people who attended the rally did not have a face mask on. "As soon as she told them to put a mask on, they swarmed her and circled her and started pushing her around amongst them, and trying to intimidate her."

Natalicchio said one woman snatched Berlinda's hair extensions out "and began assaulting her." Berlinda tried to defend herself and several men started hitting her with metal flag poles, according to Natalicchio. The woman was also believed to be pepper-sprayed in the eyes.

Berlinda initially credited a man, captured in a photo grabbing her from behind, as helping her. In an interview with NBC Los Angeles, she said that the man told her he was trying to get her to safety.

"That guy picked me up, was whispering in my ear, telling me, 'Keep going. You're OK. I got you, I have your phone. You're OK, I'm going to get you out of here. These people are trying to kill you,'" she told the outlet.

But on Saturday, Berlinda told NBC News that the man's "actions didn't actually help."

"In the moment it sounded like he was," she said in a text message. "I was disoriented, I was blind. I couldn't see. Even though he was saying those things, his action didn't help. I was still being attacked while defenseless."

The man did not return phone calls to numbers listed for him.

The LAPD said it is conducting an investigation into the incident and asked that anyone who witnessed what happened or may have information to come forward.

The rally in Los Angeles was held the same day a pro-Trump mob [stormed the U.S. Capitol building](#), temporarily halting lawmakers' official count of the Electoral College votes to affirm President-elect Joe Biden's win.

Five people died during the chaos, including a woman fatally shot by police and a [Capitol police officer who died from injuries he sustained](#).

---

Minyvonne Burke

Minyvonne Burke is a senior breaking news reporter for NBC News.



Rima Abdelkader

Rima Abdelkader is a senior reporter for Social Newsgathering at NBC News in New York.

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EXHIBIT Y



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America First usususususus Blue Collar Patriot WWGIWGA FUCK ANTIFA!!!! FUCK BLM!!!! FUCK COMMIES!!! DEATH TO ALL PEDOPHILES!!!



Echoed By RustyRodsSoCal · 1 month ago



San Diego County Gun Owners · @sdcgo

4 months ago · © 564

Fighting for your 2nd Amendment rights!

#gunowners #guns #2ndamendment



**Firearm Proponents Sue California AG Over Firearm Transfer Delays**

The lawsuit alleges that California Attorney General Xavier Becerra's Bureau of Firearms began delaying waiting periods on background checks for prospective firearm purchasers in





1 month ago · 18

Here's his conversation with the enemy Tasha Williamson!

Image

0 4 4



Echoed By RustyRodsSoCal · 1 month ago



San Diego County Gun Owners @sdcgo

4 months ago · 82

Fighting for your 2nd Amendment rights!

#gunowners #guns #2ndamendment



### Firearm Proponents Sue California AG Over Firearm Transfer Delays

The lawsuit alleges that California Attorney General Xavier Becerra's Bureau of Firearms began delaying waiting periods on background checks for prospective firearm purchasers in April, due to...

<https://www.kpbs.org/news/2020/aug/27/firearm-proponents-sue-california-ag-over-firearm-transfer-delays>



RustyRodsSoCal · @RustyRodsSoCal

1 month ago · 18

These guys are training the enemy!! In close contact with a prominent Black Lives Matters leader in San Diego named Tasha Williamson. She has been trained by them and does a weekly zoom meeting with them. What a disgrace!!! Tasha Williamson burnt down La Mesa. You should be proud traitor.

0 4 4

in full swing maybe in the early 1950. My father told me that if the gays ever won the gays rights issue it would not end there. He was adamant that if this issue was lost that the normalization of other sexual perversions would soon follow, as a guy in my young 20's at the time I scoffed at the idea but soon after we started hearing words creep in like transgender and we see that battle has now been lost all o

Now comes the normalization of PEDOPHELIA. They are trying to legitimize it by saying it's a sexual orientation and your born like like that and it needs to be respected

F THAT

These sympathizers are out of there F ing minds

NO ITS NOT NORMAL

And no 6 year old can consent

ITS RAPE!

The rape of children is not a sexual orientation. Ne t will be the animal lovers

I have to admit my father was right

Trying to legitimize pedophilia is sick & disgusting and death is the only cure for this di ea e

0:00 / 1:59

<https://video.parler.com/jh/uU/jhuUzrEyFltf.mp4>



tracyNOTpoliticallycorrect · @Tracyogles

1 month ago · 48

Don't even bother rounding them up, shoot on site!!!!!!



76



161



128



Echoed By RustyRodsSoCal · 1 month ago



I am USA · @Lineman1

1 year ago · 183215



RustyRodsSoCal @RustyRodsSoCal

1 month ago · 24

So sad! Fuck these democratic pieces of shit

246 2860 3084



Echoed By RustyRodsSoCal · 1 month ago



tracyNOTpoliticallycorrect @Tracyogles

4 months ago · 645

Be very very quiet, I'm hunting Pedos!!!!



0 2 4



Echoed By RustyRodsSoCal · 1 month ago

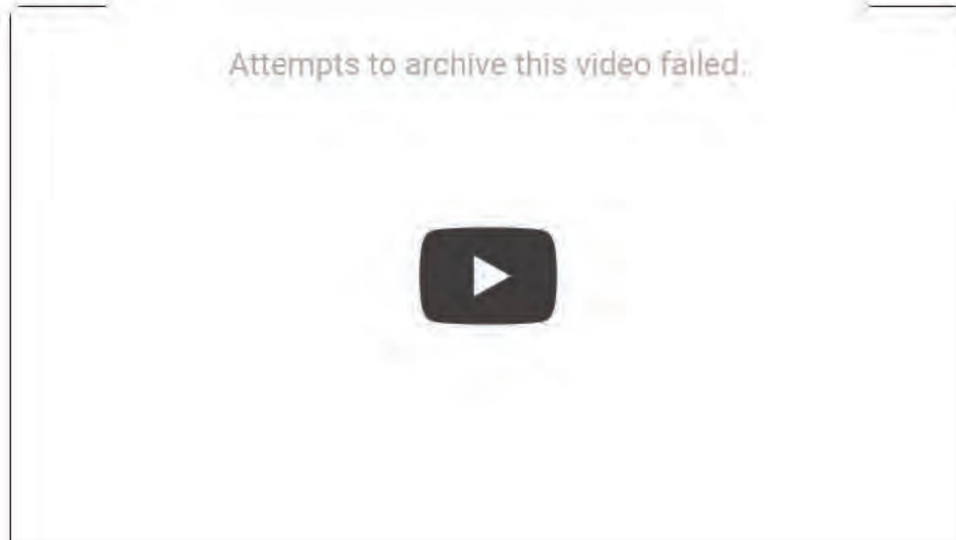
1 6 8



RustyRodsSoCal · @RustyRodsSoCal

1 month ago · 1

Fuck Antifa!



Antifa shows up at maga march in DC

<https://youtu.be/gELQIULUHtY>

0 0 0



Echoed By RustyRodsSoCal · 1 month ago

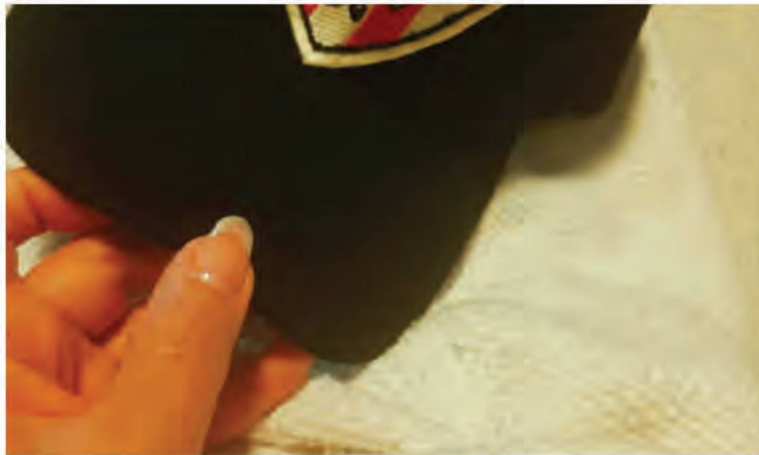


Name Hidden · @Private User

1 month ago · 1414

I run the Louisiana chapter & always recruiting. #FollowMe @Aglouisiana20 We are National and have several guys also in #Proudboys We are Everywhere!us Visit our website & read about us & who we are. Please follow some of our members here on Parler.

- @Brienjames
- @Name Hidden
- @Theamyststrong
- @Name Hidden
- @Mickeythompson1776
- @Name Hidden
- @bergeronrussell
- @Baldr1776
- @RustyRodsSoCal
- @17Dennis76
- @Mickeythompson1776



2 6 8

Echoed By RustyRodsSoCal · 1 month ago

Tamilf84 us · @tamilf84  
1 month ago · 1178

Image

RustyRodsSoCal @RustyRodsSoCal  
1 month ago · 52  
Amen sister!

2 1 1

Echoed By RustyRodsSoCal · 1 month ago

Name Hidden @Private User  
1 month ago · 222592  
#trump2020  
New please Click on follow @Name Hidden



67 930 1899

Echoed By RustyRodsSoCal · 1 month ago



Name Hidden · @Private User

1 month ago · 346052

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Image

150 5388 4196

Echoed By RustyRodsSoCal · 1 month ago



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New please Click on follow @Name Hidden

Image



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1 month ago · 38

4 MORE OR WAR YOU DECIDE!

400 15755 12127



RustyRodsSoCal · @RustyRodsSoCal

1 month ago · 65

Come and take them!

# The 2nd Amendment is my



Issue Date 12/15/1791      Expiration Date NONE

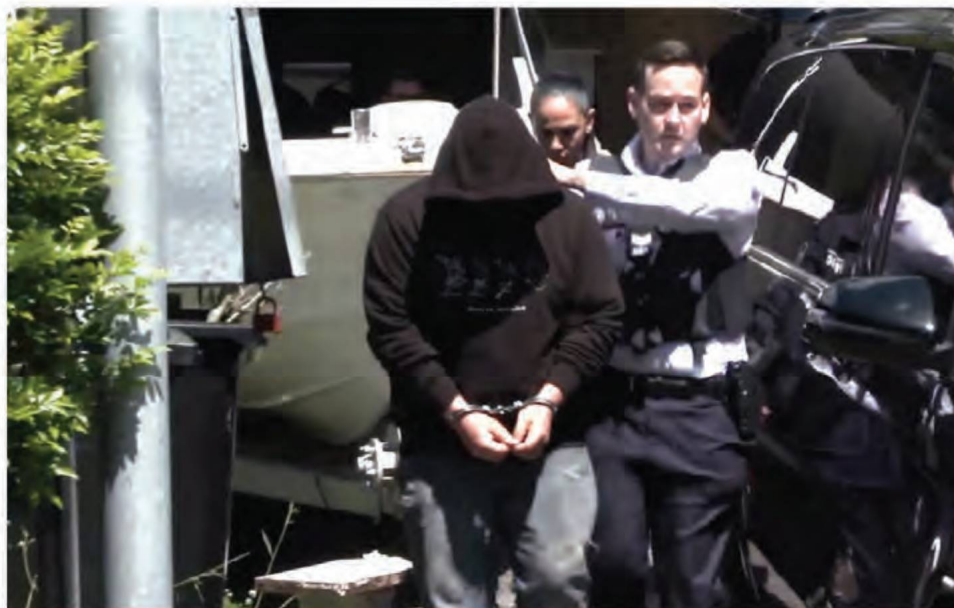
0      0      2

Echoed By RustyRodsSoCal · 1 month ago



The Epoch Times @epochtimes

1 month ago · 342588



### Federal Police Operation: 14 Men Arrested on 828 Charges of Child Exploitation

An extensive operation led by the Australian Federal Police (AFP) has identified 46 victims of child exploitation leading ...

<https://www.theepochtimes.com/federal-police-operation-14-men-arrested-on-828-charges-of-child-exploitation-3574276.html>

220      1646      5140



212 988 3125

Echoed By RustyRodsSoCal · 1 month ago



Kaitlin Bennett · @KaitMarieox

1 month ago 189232

If CNN said drinking your own piss would help keep your neighbor safe from COVID, the Democrats would do it.

542 957 3971

Echoed By RustyRodsSoCal · 1 month ago

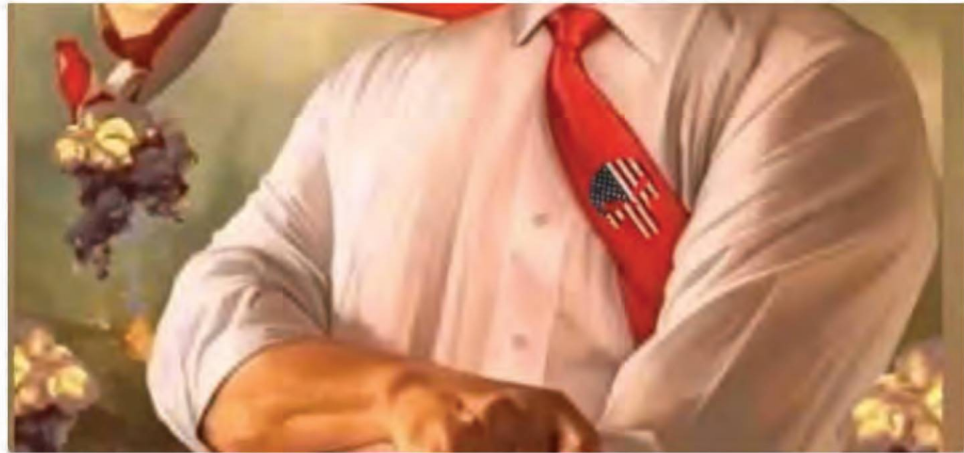


TankGossageOKCPB · @TankGossageOK

1 month ago 588

#presidenttrump is not fucking letting this blatant fraud fly. Stand with our president, as he stands for us! #stopthesteal #deadvotersforbiden #ballotdump #algorithmvoting





0 1 4



RustyRodsSoCal @RustyRodsSoCal  
1 month ago · 76



0 0 0



RustyRodsSoCal · @RustyRodsSoCal  
1 month ago · 73



0 0 0

Echoed By RustyRodsSoCal · 1 month ago



Rogan O'Handley @Dcdraino

1 month ago · 320622

Pro Tip - If you run for President and don't leave your basement, but somehow get the most votes in American history

You cheated

409 2771 7865

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January 9, 2021 · 🌐

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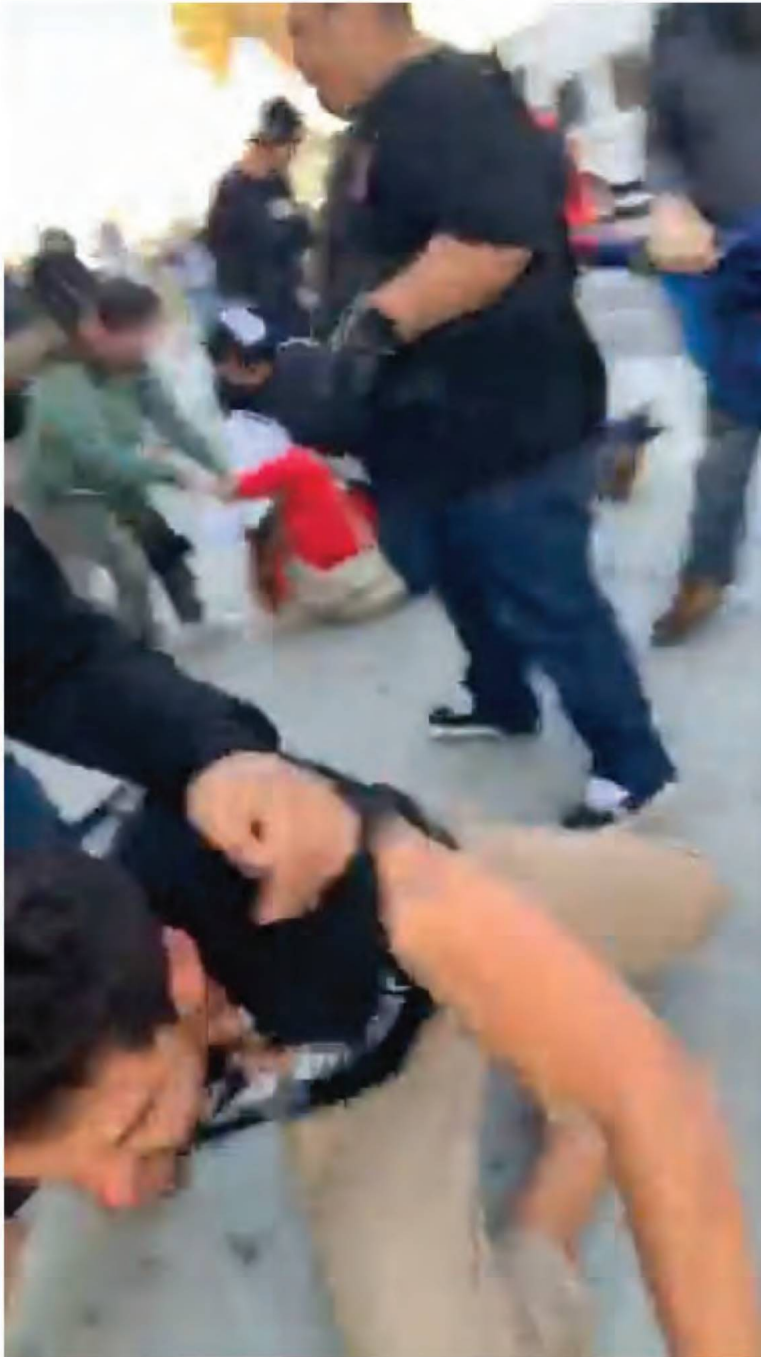
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EXHIBIT AA



## NEWS

## County removes photo of man in White supremacist biker gang T shirt from its website



This photo with Chad Alvarez, a Lakeside man wearing a "Support Peckerwoods" T-shirt, was published on San Diego County's website promoting a 2019 fishing class. The Peckerwoods are an outlaw White supremacist biker gang. (Courtesy of San Diego County)

## The 2016 photo was featured on a page promoting an August 2019 fishing class

BY ANDREW DYER

OCT. 1, 2021 9:40 AM PT

**SAN DIEGO** — San Diego County featured a photo of a man wearing a T shirt referencing a notorious White supremacist motorcycle gang on its news website for two years before deleting it Wednesday after a Union-Tribune inquiry, a county spokesperson said.

The photo, which showed the man, two women and six children holding a string of fish, was featured on an event page advertising a 2019 fishing class.

A county spokesperson said the photo was from a 2016 fishing event in which the man participated.



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“The image shows participant in a 2016 event, not county staff,” said Michael Workman, a county spokesperson, in an email. “We have removed the event listing and deleted the

image file.”

The man in the image was identified by journalist and researcher Chad Loder on Twitter as Chad Alvarez, 46, of Lakeside. In the photo, Alvarez is wearing a T-shirt that says “Support Peckerwoods.” The Peckerwoods were founded in 2005 in East County, according to the U.S. Justice Department. Its members wear regalia affiliated with the neo-Nazi movement, such as iron crosses and SS bolts — the emblem of the SS in Nazi Germany.

Alvarez did not respond to messages left by the U-T at a phone number and email addresses associated with him.

Loder is part of a network of researchers on social media who use open-source research to identify members of hate groups and other people who engage in street violence — including those who stormed the U.S. Capitol on Jan. 6.

In a 2011 report called “Bigots on Bikes,” the Anti-Defamation League described the Peckerwoods as a “White supremacist outlaw motorcycle club.” Its leaders were the subject of a federal drug operation in 2007 that saw several members of its leadership charged with drug and assault offenses.

This year, the Temecula based president of the Riverside County chapter of the Peckerwoods was sentenced to 15 years in prison for conspiracy to distribute methamphetamine.

Alvarez has become a fixture among the East County-based extremists who organized last year in opposition to the national protest movement launched in reaction to the killing of George Floyd by a Minneapolis police officer. In July, Alvarez was among the group of extremists who fought with black clad anti fascist protesters in El Cajon in a short, violent confrontation on the city’s Main Street during the “We Are Israel” rally.

Workman said the photo was likely uploaded to the county's website by a volunteer unfamiliar with the Peckerwoods or its affiliations.



Andrew Dyer



EXHIBIT BB

**June 7, 2022**  
**For Immediate Release**

Contact: [Steve Walker \(619\) 843-7977](tel:6198437977)  
[Tanya Sierra \(619\) 531-3315](tel:6195313315)  
*En Español* [Barbara Medina \(619\) 531-3305](tel:6195313305)

## **Grand Jury Indicts 11 Defendants in Connection with Violent Pacific Beach Antifa Incident**

San Diego County District Attorney Summer Stephan announced today that a criminal grand jury has returned indictments against 11 individuals in connection with violent criminal acts committed during a demonstration in Pacific Beach on January 9, 2021. Charges handed down by the grand jury against the defendants include conspiracy to commit a riot, use of tear gas, assault with a deadly weapon, and assault by means likely to produce great bodily injury. In lieu of a preliminary hearing, the grand jury heard testimony over 13 days and delivered the unsealed indictment on May 23, 2022. The defendants have been indicted on 29 felony counts.

The defendants arraigned in court today include Alexander Akridgejacobs, 31; Jesse Merel Cannon, 31; Brian Cortez Lightfoot Jr., 25; Christian Martinez, 23; Luis Francisco Mora, 30; Samuel Howard Ogden, 24; Bryan Rivera, 20; Faraz Martin Talab, 27; Jeremy White, 39 and Erich Louis Yach, 38. If convicted, the defendants face a wide sentencing range from probation to prison. Defendant Joseph Austin Gaskins, 21 will be arraigned on June 20.

According to the grand jury indictment, “the defendants are all affiliated with Antifa. A group of the defendants originated from the Los Angeles area and the remaining defendants are from San Diego County. Antifa uses force, fear, and violence to further their interests and suppress the interests of others. The objective of this conspiracy was to incite and participate in a riot.”

The indictment goes on to say that “on or about January 2, 2021, Antifa supporters posted on social media calling for “counterprotesting” and direct action in response to a scheduled political demonstration in Pacific Beach on January 9, 2021. The defendants and other uncharged coconspirators confirmed their support and participation by showing up in Pacific Beach on January 9, 2021, dressed in black clothing, and armed with weapons and protective gear.”

The overt acts listed in the indictment detail the level of violence and planning committed by the defendants, including:

- Throwing a wooden lawn chair at a victim and striking her
- Striking a victim with a baseball bat
- Striking a victim with a flagpole
- Attacking victims with tear gas
- Assaulting a victim with a stun gun

The 10 defendants who were arraigned today pleaded not guilty and a status hearing was set for August 8 at 2 p.m. in Department 102.

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**About the San Diego County District Attorney's Office**

*The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.*