

Tuesday, April 04, 2023

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Jan. 6 Defendants Seeing 'Softening of Sentiments'



By Marisa Herman | Monday, 03 April 2023 07:08 AM EDT

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The early release of Jacob Chansley — the so-called "QAnon Shaman" — from federal prison into a halfway house signals a "softening" of public and judicial sentiment regarding those facing charges in connection with the U.S. Capitol breach, legal experts say.

Federal prison records show Chansley, one of the most identifiable Jan. 6 defendants due to his unmistakable face paint and elaborate fur and horned costume, is currently living at a "residential reentry management" facility in Phoenix, Arizona, with his release now scheduled for May 25.

After pleading guilty to a federal charge of obstruction of a federal proceeding, Chansley in November, 2021, was sentenced to 41 months in prison.

His former attorney, Albert Watkins, said Chansley's early release makes it "clear there has been a softening of sentiments as it relates to many who were charged for events occurring on J6 [Jan. 6]."

Watkins told Newsmax that Chansley spent 11 months in solitary confinement before his sentencing.

He called Chansley's early release "appropriate" so that this "gentle and intelligent young man be permitted to move forward with the next stage of what undoubtedly will be a law-abiding and enriching life.

"I applaud the decision of the U.S. Bureau of Prison in this regard," Watkins said.

Chansley was originally set for release in July, 2023. Federal prisoners can earn a reduction in their sentences for good conduct during their time behind bars.

Watkins cautioned, however, that not all cases are similar.

"Every J6 has to make their own decision from a position of knowledge about all of the evidence and their own particular criminal history and other characteristics, all of which play a role in BOP decisions," he said.

Some are crediting Chansley's reduced sentence to the recently released Capitol security footage from the day of the breach.

Fox News host Tucker Carlson shared previously unseen video that was edited from over 40,000 hours of footage taken on Jan. 6, 2021. The television show received the tapes exclusively from GOP House Speaker Kevin McCarthy, R-Calif.

In one video that Carlson aired, Chansley can be seen seemingly freely walking around the Capitol while a group of officers follows him. As Chansley roams throughout the building, officers are shown standing by and even opening doors for him.

Rep. Andy Biggs, R-Ariz., credited the release of the footage with helping to correct the narrative surrounding that day.

"This is a step in the right direction, but more has to be done for the others remaining in the DC Gulag," he tweeted after the news broke of Chansley's change in prison status.

Attorney and Newsmax insider Michael Abramson said it is "unclear if the video had any effect" on Chansley's move from behind bars to a halfway house.

He points out that Chansley is still under a "form of detainment" and his conviction has not been vacated and notes that the early release could have more to do with the Bureau of Prisons following customary procedures.

Under the First Step Act, which was updated in 2018, inmates can earn "up to 54 days of good conduct time for each year of the sentence imposed by the court," according to the Bureau of Prisons. The law also allows for inmates to be released into a halfway house to complete their sentence.

Abramson said he believes the bigger issue at hand is whether the government provided the video to Chansley and his legal team before his trial — something which is in dispute.

He notes that under the Brady rule, the government has a "duty to provide exculpatory evidence to the defendant."

Abramson said the video would fall under that category and should have been provided.

"An investigation needs to be conducted to determine if the video was provided to Chansley and his defense," Abramson said. "If not, appropriate action should be taken which could include vacating Chansley's sentence, awarding damages to Chansley, and sanctioning or disbaring the prosecuting attorneys who violated the Brady rule."

More than 1,000 people have been charged by the Justice Department for their role in events that took place on Jan. 6. Charges range from obstruction of an official proceeding all the way up to assault.

Time magazine reported that 420 defendants — about 42% of all those arrested — have been sentenced.

More than half of those given prison terms of at least two years were convicted of assault or injuring others.

NPR reported that in two-thirds of the cases, judges have ordered less prison time than what prosecutors have asked for. When looking at sentences issued through February 2023, the outlet found that there have only been six cases in which judges sentenced defendants to time behind bars when prosecutors weren't seeking jail time.

In four of those six cases, Judge Tanya Chutkan, who was appointed by President Barack Obama, imposed jail time. Chutkan has given every Jan. 6 defendant time behind bars.

While those currently serving time may view Chansley's early release as a beacon of hope, it is the treatment of those still awaiting trial that has some lawmakers concerned.

More than two years after the so-called "insurrection," more than half of those arrested are still waiting for their day in court.

Rep. Marjorie Taylor Greene, R-Ga., recently led a congressional delegation of GOP House Oversight committee members and two Democrats to a Washington, D.C., jail holding several Jan. 6 defendants.

Greene has been a vocal critic of the way the Jan. 6 defendants have been treated.

She's claimed that some of those awaiting trial are "not allowed to see their families, many times are not allowed to see their attorneys" and that "the food has been a major complaint. There's been complaints of it tasting like cleaner."

After visiting the facility, she said that the conditions appeared to be harsher for Jan. 6 defendants as opposed to others.

"What we saw today is exactly what we've known all along: It's a two-tiered justice system, and there's a very different treatment for pretrial Jan. 6 defendants and the inmates or, you know, other charged defendants and inmates," Greene said.

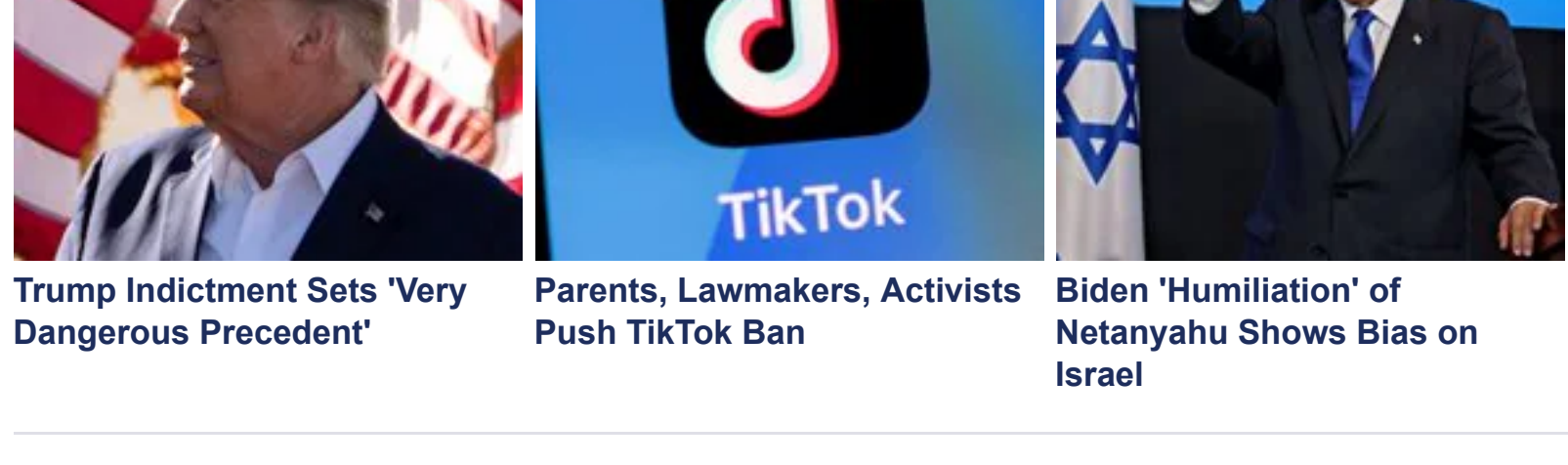
She recounted detainee stories about being denied medical treatment, experiencing assaults, and being threatened with rape — only to have guards laugh about it.

The trip took place after reports became public in November, 2021, about deficiencies inside the jail. The U.S. Marshals Service sent a letter to the city's corrections department detailing the mistreatment of detainees.

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