

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3066

September Term, 2022

1:21-cr-00035-EGS-7

Filed On: November 22, 2022

United States of America,

Appellee

v.

Ronald Colton McAbee,

Appellant

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Katsas, Walker, and Childs, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and fact filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. It is

ORDERED AND ADJUDGED that the district court's September 3, 2022 order denying appellant's motion for reconsideration of the pretrial detention order be affirmed. Appellant has not demonstrated that the district court clearly erred in finding that no condition or combination of conditions of release would reasonably assure the safety of any other person and the community. See *United States v. Hale-Cusanelli*, 3 F.4th 449, 454–55 (D.C. Cir. 2021); *United States v. Munchel*, 991 F.3d 1273, 1282 (D.C. Cir. 2021).

The government proffered evidence demonstrating that appellant planned for potential violence at the Capitol on January 6, 2021, by discussing with an associate the acquisition of various items that were or could be used as weapons, and that he took at least one of these items—a pair of metal-knuckled gloves—with him to the Capitol. The government also proffered video evidence demonstrating that, while outside the Capitol, appellant attempted to drag one police officer who was lying on the ground into a crowd of protesters and physically assaulted a second officer who attempted to intervene. Appellant then returned his attention to the first officer who was still lying on the ground, grabbed that officer by the torso, and the two then slid down

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the stairs toward the crowd of protesters. Although appellant subsequently provided additional video evidence that appears to show that other protesters played a larger role in ultimately dragging the first officer into the crowd, the new video evidence does not establish that appellant played no role in that result. Given this evidence, we discern no clear error in the district court's conclusion that no condition or combination of conditions of release would reasonably assure the safety of any other person and the community.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after the resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk