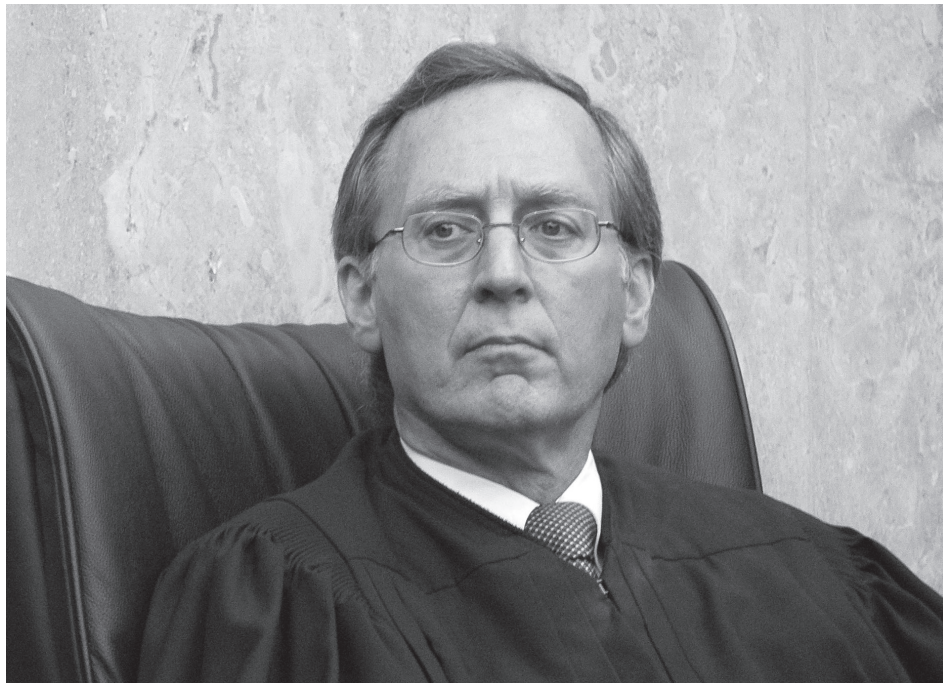


## FROM THE COURTS

# 'Highly Culpable' Trump Appointee Involved in Riot Released



DIEGO M. RADZINSCHI

Senior U.S. District Judge John Bates said Department of Justice lawyers did not reach the burden needed to show that Federico Klein, who served as a Freedom of Information Act officer in the State Department during the Trump administration, would be a future threat to others.

by Jacqueline Thomsen

A federal judge ruled that a Trump appointee charged in the Jan. 6 riot at the U.S. Capitol can be released pending trial, finding the Justice Department could not concretely prove he would be a future danger to the community.

Federico Klein, who served as a Freedom of Information Act officer in the State Department during the Trump administration, was indicted last month on several charges stemming from his involvement in the Capitol riot, including assaulting an officer. Magistrate Judge Zia Faruqui of the District of Columbia last month ordered that Klein be detained pending trial, finding the former federal employee had "switched sides" when it came to defending the U.S. Constitution.

In Monday's ruling, Senior U.S. District Judge John Bates of the District of Columbia wrote that whether Klein should be detained is a close call, but he said a recent opinion from the U.S. Court of Appeals for the D.C. Circuit "impacts the analysis." He said DOJ lawyers did not reach the burden needed to show that Klein would be a future threat to others.

"This decision is not an easy one, but, in the absence of a concrete, prospective threat to public safety that cannot be mitigated by strict conditions, this court must apply 'the default rule favoring liberty,'" Bates wrote.

The D.C. Circuit opinion referenced in the ruling was the first time the appeals court had weighed in on the Capitol riots cases. In the majority opinion authored by Judge Robert Wilkins, a three-judge panel found that a trial judge should revisit his detention ruling for two of the charged rioters, Eric Munchel and his mother Lisa Eisenhart. The Justice Department dropped its bid for pre-trial detention for those defendants in the wake of the ruling.

The appellate opinion stated that defendants who assaulted officers, led the breach of the Capitol building or were involved in any pre-planning or coordination during the Jan. 6 riots may be

treated differently than individuals "who cheered on the violence or entered the Capitol after others cleared the way" when it comes to considering whether they'll pose a future danger if released ahead of trial.

Bates had signaled during a hearing Friday that the circuit opinion would shape his ruling. He said at the time that he believed Klein, who is alleged to have used a riot shield against law enforcement at the Capitol, fell between the violent and nonviolent categories.

Bates said in his ruling Monday that, based on the evidence, Klein did not engage in any significant planning, coordination or had a leadership role before or during the Capitol riots. And while he raised concerns about a former federal employee seeking to block the certification of the election results, the judge found there was not enough evidence linking his past job to future actions.

"The fact that, as a federal employee, Klein actively participated in an assault on our democracy to thwart the peaceful transfer of power constitutes a substantial and deeply concerning breach of trust. More so, too, because he had been entrusted by this country to handle 'top secret' classified information to protect the United States' most sensitive interests," Bates wrote.

"Klein's position as a federal employee thus may render him highly culpable for his conduct on January 6. But it is less clear that his now-former employment at the State Department heightens his 'prospective' threat to the community," the judge added.

Klein will face several conditions during his release, including home confinement with certain exceptions like work and religious services. He will also be under GPS monitoring and is banned from the Capitol grounds, attending political protests, contacting others involved in the Jan. 6 riots and possessing guns or other weapons.

**Jacqueline Thomsen covers Washington, D.C., federal courts and the legal side of politics. Contact her at [jathomsen@alm.com](mailto:jathomsen@alm.com). On Twitter: @jacq\_thomsen.**



## CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **LOCAL PLANNING AGENCY MEETING** on **April 28, 2021 beginning at 10:00 AM.**

**General Public Comments:** members of the public that wish to provide comments in writing may do so by emailing the City Clerk at [cityclerk@cityofdoral.com](mailto:cityclerk@cityofdoral.com). Comments must be submitted with your name and full address by **Tuesday, April 27, 2021 at 5:00 pm**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

**Public Hearing Comments (Pre-Registration):** interested parties that wish to speak on the Public Hearing item(s) **ONLY**, must register by **Tuesday, April 27, 2021 at 5:00 pm** via this link: <https://attendee.gotowebinar.com/register/7708570881810105869>

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Resolution:

### RESOLUTION No. 21-

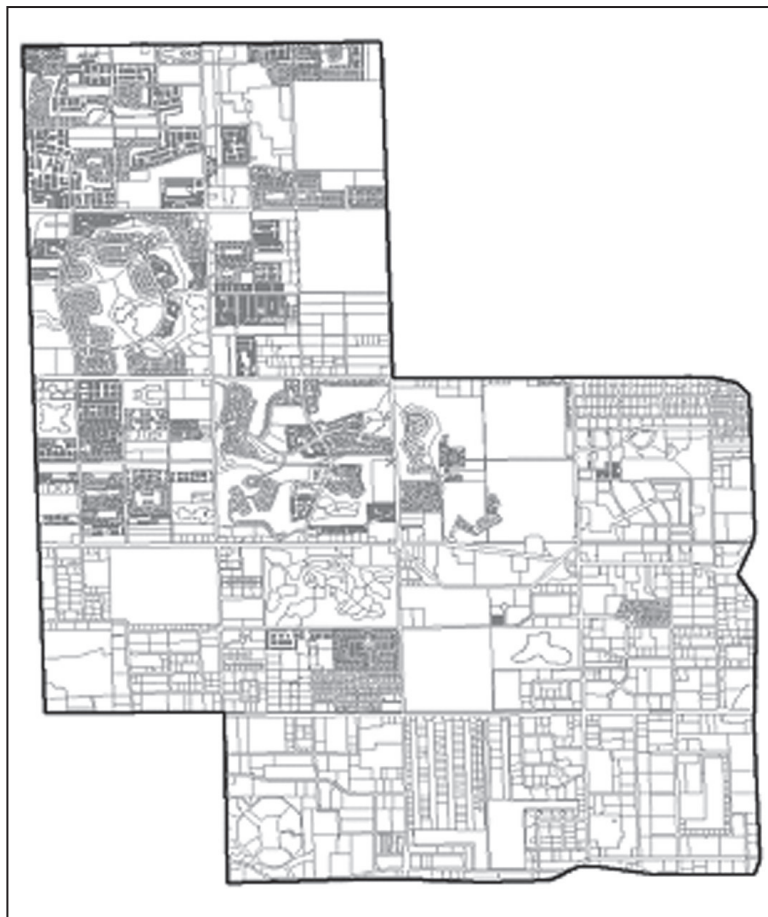
**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY AN AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN TO REFLECT THE CITY'S UPDATED 20-YEAR WATER SUPPLY FACILITIES WORK PLAN; APPROVING THE WATER SUPPLY AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN, AND INCORPORATING BY REFERENCE THE MIAMI-DADE COUNTY WATER SUPPLY FACILITIES WORK PLAN; AUTHORIZING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**HEARING NO.:** 21-04-DOR-03

**APPLICANT:** City of Doral

**REQUEST:** The City of Doral Staff is requesting Mayor and City Council approval of an amendment to the City's Comprehensive Plan in order to adopt the Updated 20-Year Water Supply Facilities Work Plan and incorporate by reference Miami-Dade County 20-Year Water Supply Facilities Work Plan into its Comprehensive Plan as supporting data and analysis.

### Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC  
City Clerk  
City of Doral City of Doral