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• **Leader & Times**

One of the men accused of being part of a plot to bomb a housing complex/mosque home to more than 100 Somali Muslims will remain in custody as the result of an order from a federal judge released Friday.

Gavin Wright, one of the alleged members of the plot, had filed a motion Sept. 13 requesting the court order him released on bond pending trial. That motion contained not only history of the case but also some reasons advocating the granting of the motion.

“The circumstances of the offense demonstrate that Mr. Wright is a good, law-abiding man, who may be a not-so-good judge of character,” defense counsel Kari Schmidt’s September motion noted. “The circumstances of the offense demonstrate that Mr. Wright has no propensity toward violence or crime of any kind, or that he even had a serious motive to allegedly encourage [Curtis] Allen and [Patrick] Stein to take action beyond mere talk. The circumstances of the offense demonstrate that Mr. Wright exercised his first amendment rights, at times in distasteful but understandable ways given his loneliness. The circumstances of the offense demonstrate that Mr. Wright exercised his second amendment rights. But the circumstances do not demonstrate he presents a danger of crime or violence to any community. The circumstances

demonstrate the few discrete actions that are arguably attributable to him were of such little magnitude that they fail to demonstrate clearly and convincingly that there is a 'strong possibility' that Mr. Wright – a man with no criminal history, violent or otherwise, and no violent history at all – would commit other crimes while on pre-trial release.”

Judge Eric Melgren's order from Friday details some of the factors that went into the discussion and ultimate decision to deny the motion.

“The first factor for the court to consider is the nature and circumstances of the offense charged. Wright has been charged with conspiring to use a weapon of mass destruction against people and property within the United States. Specifically, the Government alleges Wright and his co-defendants planned to use an improvised explosive device to destroy an apartment complex and mosque in Garden City,” Melgren's order noted. “The complex contains more than 100 units and is home to many Muslims of the Somali refugee community. The group, known as 'The Crusaders' intended to accomplish this goal by obtaining four vehicles, filling them with explosives (made from aluminum powder and ammonium nitrate, amongst other components) and parking them at the four corners of the apartment complex to create a large explosion. Simply put, these allegations against Wright indicate a strong threat to society. Additionally, this factor specifically directs the court to consider whether the charges include a crime of violence, a federal crime of terrorism, or involve a firearm, explosive, or destructive device. The charges against Wright possess all but one of those elements (the charges do not involve a firearm). Accordingly, this factor overwhelmingly weighs in favor of detention. The second factor for the court to consider is the weight of the evidence against Wright. This factor also weighs in favor of detention, as the evidence overwhelmingly suggests Wright is a danger to the community. At the hearing, the Government introduced evidence in the form of recorded conversations, text messages, and proffer of what the undercover FBI employee (UCE) and confidential human source (CHS) would testify to. In these conversations, Wright expressed extreme hatred and threatened violence against Muslims. Without going into unnecessary detail, Wright expressed his desire to kill Muslims via a variety of different methods. For example, in one meeting, a member of the Crusaders suggested that they should burn down mosques. Wright responded: 'Yeah, during prayer time.' In another conversation, Wright suggested that the group go to 'downtown San Antonio and just start (expletive)ing shooting people.' 'Middle Eastern people,' he specified, 'because they're all over, over there, Muslim people, just start (expletive)ing weeding 'em out!' Additionally, Wright advocated for killing a landlord in Garden City because the landlord rented to Muslims. Not only did Wright make threats, but he sought to build and purchase weapons and explosives, including grenades, dynamite, blasting caps, and electronic detonation devices. During regular meetings conducted at Wright's business, G&G Mobile Home Center, the Crusaders purchased equipment and gathered chemicals and other materials to start making homemade explosives.

The motion details some other conversations recorded through the aforementioned UCE and CHS regarding the matter as well as other factors that went into the discussion and decision including whether or not Wright would be a flight risk and whether his release plan (detailed in Schmidt's September motion) would ensure the safety of community.

“Wright’s argument requires the Court to make broad assumptions about his subjective intent. The same evidence could reasonably be interpreted to conclude that Wright was simply ‘covering his tracks’ after law enforcement became privy to the Crusaders’ plans. The Government advocates for the latter interpretation, based on Wright’s post-arrest conduct,” Melgren’s order noted. “The morning after his arrest, Wright was interviewed by the FBI and KBI. Despite being warned about perjury, Wright repeatedly denied any knowledge about KSF, Allen, or manufacturing explosives at G&G. Yet the Government has produced evidence that (1) Wright was a member of the KSF; (2) Wright was a close associate of Allen; and (3) substances used in the production of improvised explosive devices were found at G&G that same day, including a possible detonator believed to contain HMTD (an explosive organic compound), a black thermometer, bamboo chopsticks with a white substance, possible urea, and possible urea fertilizer. Accordingly, Wright has been charged with knowingly and willfully making materially false, fictitious, and fraudulent statements and representations in a matter within the jurisdiction of the FBI, in violation of 18 U.S.C. § 1001. The Court is inclined to agree with the Government. As the Supreme Court said in *Noto v. United States*, ‘the mere abstract teaching . . . of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action.’ Here, the evidence shows that Wright did more than simply vocalize his desire to murder Muslims. He took an active role in planning an actual attack on actual people. He offered his business as a meeting place, he used his computer to find potential targets using Google Earth, he offered to buy dynamite for use in the attack, he downloaded bombmaking manuals, and he tested components for an explosive device. By taking action, as opposed to merely expressing his reprehensible beliefs, Wright crossed the line from ‘abstract teaching’ to ‘preparing a group for violent action and steeling it to such action.’ At this stage of the criminal proceedings, of course, the government need not offer all of its evidence.’ The evidence in the record, however, is sufficient to persuade the court that it is strong as to the charges against Wright. Accordingly, the weight of the evidence clearly indicates that Wright is a danger to the community.”

Melgren’s motion went into further detail regarding other factors both the defense and prosecution put forward before concluding with his ultimate decision to deny the motion.

“Upon de novo review of the parties’ arguments, the factors, and the record in this case, the Court concludes that pretrial detention is warranted. In reaching this determination, the Court has considered Wright’s proposed release plan. However, the Court is not persuaded that the proposed conditions will reasonably assure Wright’s appearance as required and the safety of

the community.”

Wright and co-defendants Stein and Allen are charged with conspiring to detonate truck bombs at the aforementioned complex, and Wright also faces a separate count for allegedly lying to investigators. The trial for the case is scheduled to begin Feb. 20, 2018.