

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division**

UNITED STATES OF AMERICA	:	Case No. 2026 CF2 010237
	:	
v.	:	Hon. Todd Edelman
	:	
DAVID CARTER HEARN,	:	
	:	
Defendant.	:	

**MOTION FOR RETURN OF PROPERTY PURSUANT TO
D.C. SUPERIOR COURT RULE 41(g) AND MOTION TO COMPEL**

The government's prosecution of defendant David Carter Hearn has followed an unsettling path. Most recently, after Mr. Hearn's arraignment before the Court on July 9, 2026, within the vestibule just inside the courtroom, an investigator for the United States Attorney's Office seized Mr. Hearn's cell phone pursuant to a seizure warrant based on the premise that the phone contains evidence of Destruction of Property in violation of D.C. Code § 22-303.

But review of the affidavit in support of the government's seizure warrant reveals a startling fact: The affidavit omits material and exculpatory information, available to the government before indictment, showing that Mr. Hearn caused no damage to the Reflecting Pool. Specifically, the affidavit never mentions a widely published photograph taken by Mr. Hearn before he touched the Reflecting Pool showing that the damage the government has falsely attributed to Mr. Hearn had already taken place. Exhibit A at 3; Exhibit B at 8. The photograph, publicly available since June 20, 2026, eviscerates any probable cause established by the affidavit—and presumably the evidence presented to the Superior Court grand jury that returned the indictment of Mr. Hearn.

The seizure is even more unreasonable because nearly three weeks have elapsed since the arrest underlying the charge, during which time Mr. Hearn has retained counsel and engaged in attorney-client privileged communications. Accordingly, the seizure of his phone interferes with Mr. Hearn's constitutional rights under the Sixth Amendment.

To protect Mr. Hearn's Fourth, Fifth, and Sixth Amendment rights, the Court should immediately order the return of Mr. Hearn's cell phone pursuant to D.C. Superior Court Rule 41(g). It should also order the government to produce to the defense metadata for two photos from its affidavit in support of the seizure warrant that will prove Mr. Hearn's innocence.¹

FACTUAL BACKGROUND

On June 19, 2026, Mr. Hearn was arrested by United States Park Police at the Reflecting Pool for purported misdemeanor regulatory violations. Mr. Hearn's arrest followed the well-publicized failures of the Trump Administration's Reflecting Pool renovation project, resulting in significant peeling and the proliferation of unsightly algae at the Reflecting Pool.

A sixty-seven-year-old, three-time Olympian, Mr. Hearn was held at the Hains Point police station for over four hours, during which time law enforcement took possession of his cell phone and other personal effects, including his bicycle and cycling gloves. These items were returned to him upon his release from police custody, and he signed notice for a citation release date in D.C. Superior Court on July 9, 2026. Mr. Hearn subsequently retained counsel and engaged in privileged communications with his attorneys and others using the cell phone.

¹ Based on a discovery letter received from government counsel today, the defense understands that the government may have provided the two images in initial discovery via its "disclosure portal." However, the defense is unable to access the discovery with the currently available links to the portal. The defense will apprise the court if its motion to compel becomes moot.

Following his arrest, Mr. Hearn also exercised his First Amendment rights to speak about the arrest, explaining that his conduct was that of a curious citizen, not that of a vandal with malicious intent. The next day, the Washington Post published an article online documenting Mr. Hearn's assertion that he "was able to grab the end of that flapping piece, the already peeling piece" which was "still attached to the bottom" as he "didn't remove anything." Washington Post, David Lynch and Aaron Schaffer, *Cyclist arrested at Reflecting Pool is former Olympian who denies vandalism claims* (June 20, 2026) (attached as Exhibit A, at 4). The Washington Post article included a photograph showing the peeling paint in the Reflecting Pool with the caption, "In a photo taken by David Hearn minutes before his arrest, a partially detached piece of the Reflecting Pool liner is visible." Exhibit A at 3. And two days after the arrest, on June 21, 2026, the international media outlet BBC News published an online news article documenting Mr. Hearn's assertion that he "didn't destroy, rip, tear, peel, or remove any part" of the paint and that the "condition of any part of the Reflecting Pool didn't change." BBC News, Max Matza, *Former Olympian Denies Vandalising Washington Reflecting Pool After Arrest*, BBC News (June 21, 2026) (attached as Exhibit B, at 6). The June 21, 2026, story also featured the photograph showing peeling in the Reflecting Pool and noted that it was taken by Mr. Hearn. Exhibit B at 8. The article reproduces the image over the credit line "Davey Hearn" and states beneath the caption, "Hearn took this picture of the peeling paint minutes before he was arrested." *Id.*

Nevertheless, on July 2, 2026, a Superior Court grand jury sitting in the District of Columbia, returned an indictment charging Mr. Hearn with a single count of felony Destruction of Property allegedly occurring on June 19, 2026. Neither at the time of his arrest nor at the time of his indictment did the government attempt to seize Mr. Hearn's phone or ask for any information, including photographs, from Mr. Hearn's phone.

On July 9, 2026, Mr. Hearn appeared for an arraignment on the felony charge before the court, at which time he pleaded not guilty and a status hearing was set for August 5, 2026. Between indictment and arraignment, government counsel and defense counsel engaged in frequent communication regarding the case. Yet government counsel never stated that it would be seeking to seize or otherwise obtain information from Mr. Hearn's cell phone.

Instead, without prior consultation with defense counsel or any attempt to obtain information from the defense voluntarily, the government took defense counsel aside as the parties were leaving Court and through counsel executed a warrant authorizing the seizure of Mr. Hearn's phone. The seizure warrant document states the ground for the seizure as "Evidence of the violation of D.C. Code § 22-303, Destroying Property." The document also specifically states that the warrant does not authorize a search of the phone. At the time of the warrant's execution, the government advised that it either had obtained or intended to obtain a separate search warrant for the phone. Upon defense counsel's inquiry, the government acknowledged its awareness of the existence of privileged information on Mr. Hearn's phone and the need for a so-called "taint team" to review materials obtained pursuant to any search warrant—a time-consuming and resource-intensive process.

Following the seizure, the government provided the defense with a copy of the affidavit purporting to establish probable cause for the seizure. Exhibit C.² Paragraphs 12-13 of the affidavit contain two photographs allegedly capturing the same area within the Reflecting Pool before (Paragraph 12) and after (Paragraph 13) Mr. Hearn touched the Reflecting Pool. Paragraph 7 of

² Government counsel stated that they were producing the affidavit pursuant to the consent protective order governing "sensitive materials." Accordingly, the affidavit is being filed as a sealed exhibit to this Motion.

the affidavit provides that a witness “observed HEARN using his cellular telephone to take what the NPS employee believed to be video or photograph(s) of the damage to the reflecting pool” before he then “knelt” and “placed his hands in the Reflecting Pool”—describing no other occasion on which Mr. Hearn was seen using his cell phone.

But the government’s seizure affidavit nowhere mentions the widely published photograph taken—by the affidavit’s own account—by Mr. Hearn *before* he placed his hands in the Reflecting Pool. Exhibit A at 3; Exhibit B at 8. That photograph shows the same patch of damaged blue pool coating in the same condition as the “after” photograph in the government’s affidavit.³ In other

³ The relevant photographs are before the Court in Exhibits A, B, and C, and speak for themselves. For the Court’s benefit, the defense here summarizes the visual evidence supporting the conclusion that the condition of the Reflecting Pool shown in the government’s “after” photograph is the same as the condition of the Reflecting Pool shown in Mr. Hearn’s photograph that was taken before he touched the pool.

First, and most important, the two images share a distinctive outline. In each photograph, a dark, irregular patch cuts diagonally across the frame from lower left to upper right. The edge of that patch is not a smooth line. It is jagged and uneven, with a specific sequence of bumps and notches, something like the profile of a torn piece of paper. The jagged edge matches, point for point, once the slightly different camera angle and framing are taken into account.

Second, the same three zones appear in the same arrangement in both pictures: the piece of blue coating that has peeled away, a pale, speckled band to the lower left of where the blue coating has peeled away, and above the pale, speckled a bluish-tinted area. In both photographs the pale band sits directly below the dark area, and the blue coating is to the right of them both in the photo.

Third, the surface textures match. The grainy, speckled look of the pale band and the mottled look of the dark area appear in both photographs in the same relationship.

In short, the matching jagged edge, the identical arrangement of the three discrete features of the photos, and the consistent texture together establish that these are two views of the same damaged material—one taken by Mr. Hearn before he placed his hand in the water and one taken by a park employee after Mr. Hearn placed his hand in the water.

words, Mr. Hearn's widely published photograph proves that he caused no damage to the Reflecting Pool.

Moving on from that astounding omission, the affidavit offers only conclusory assertions for why the phone contains evidence of a crime: "[B]ased on the above facts and circumstances there is probable cause to believe that images or videos stored on the phone will contain evidence of the TARGET OFFENSES" and

"individuals who attempt to engage in destruction of public property will often conduct research regarding the public property they wish to target. The chipping of the reflecting pool coating has received a large amount of media coverage and sparked public debate. It is reasonable to believe that an individual who intended cause further damage to the reflecting pool would have been engaged in research regarding the topic before and after committing the act." Exhibit C, Paragraphs 21, 23.

Yesterday, before filing the instant Motion, the defense advised the government via e-mail that it was contemplating return of the cell phone and further requested that the government (1) take no further action with respect to the phone and (2) provide the defense a copy of any search warrant for the phone. Government counsel responded that evening by representing that the government had not yet obtained a search warrant for the phone.

ARGUMENT

A. Legal Standard

The D.C. Court of Appeals and the United States Supreme Court have recognized the acute privacy interests at stake with respect to an individual's cell phone. Indeed, "[t]he privacy interests underlying . . . fundamental Fourth Amendment principles may be at their most compelling when police wish to search the contents of a modern smart phone." *Burns v. United States*, 235 A.3d 758, 772-73 (D.C. 2020) (citing *Riley v. California*, 573 U.S. 373, 401 (2014)). Thus, "[c]ourts have come to understand the necessity of search warrants for cell phones due to their unique ability

to open a particularly ‘intimate window into a person’s [private] life.’” *Gibbs v. United States*, 355 A.3d 206, 214 (D.C. 2026) (quoting *Carpenter v. United States*, 585 U.S. 296, 311 (2018)).

For this reason,

“[i]t is not enough for police to show there is probable cause to arrest the owner or user of the cell phone, or even to establish probable cause to believe the phone contains some evidence of a crime. To be compliant with the Fourth Amendment, the warrant must specify the particular items of evidence to be searched for and seized from the phone and be strictly limited to the time period and information or other data for which probable cause has been properly established through the facts and circumstances set forth under oath in the warrant’s supporting affidavit.” *Burns*, 235 A.3d at 773.

District of Columbia Superior Court Rule 41(g) permits a “person aggrieved by an unlawful search and seizure of property or by the deprivation of property” to “move for the property’s return.” D.C. Super. Ct. R. Crim. P. 41(g). It is settled that this Court has jurisdiction to enter a motion for return of property. *See, e.g., Alleyne v. United States*, 455 A.2d 887, 888-89 (1983). “[T]o prevail on a Rule 41(g) motion, the moving party must demonstrate that (1) he is entitled to lawful possession of the seized property; (2) the property is not contraband; and (3) either the seizure was illegal or the government’s need for the property as evidence has ended.” *United States v. Harris*, --- F. Supp. 3d ---, 2026 WL 1945175, at *3 (D.D.C. July 6, 2026) (citation modified). Per the guidance under Rule 41(g)’s nearly identical federal analogue, “the determination of whether property should be returned” is one of “reasonableness under all of the circumstances.” Fed. R. Crim. P. 41 advisory committee’s note to 1989 amendment. “[I]f the United States’ *legitimate interests* can be satisfied even if the property is returned, continued retention of the property would become unreasonable.” *United States v. Rayburn House Office Bldg.*, 497 F.3d 654, 663 (D.C. Cir. 2007) (quoting Fed. R. Crim. P. 41 advisory committee’s note to 1989 amendment) (emphasis in *Rayburn*).

B. Analysis

In this case, the “only dispute is whether the government’s retention of Defendant’s phone is permissible.” *Harris*, 2026 WL 1945175, at *3. In light of all the circumstances—most glaring, the affidavit’s omission of exculpatory information that extinguishes probable cause—it is not.

1. The Warrant Affidavit Fails to Establish the Required Nexus

The government’s continued retention of Mr. Hearn’s phone can be justified only by a legitimate evidentiary need for the device. Putting aside for the moment the affidavit’s fatal factual defect, the affidavit still fails under the principles set forth in *Gibbs* and *Harris*. Where, as here, the asserted evidentiary value rests entirely on a speculative future search, the Government must establish a sufficient factual basis to believe the phone contains evidence of the charged offense. Ownership of a phone is not a nexus, nor is an investigator’s belief that a phone might provide useful evidence. The law requires a concrete, case-specific connection between the device and the alleged crime, which simply does not exist here.

In *Gibbs*, the D.C. Court of Appeals held that police may not search a cell phone merely because its owner is suspected of a crime. *Gibbs* instructs that probable cause demands a factual showing that connects the particular device to the particular offense under investigation. 355 A.3d at 216-18. That the defendant is a suspect is not enough. That the affiant believes the phone may contain evidence is not enough. That cell phones often contain useful information is not enough. Rather, the affidavit must set forth facts supporting a fair probability that evidence of the charged offense will be found on the phone itself, and conclusory assertions, speculation, and unsupported inferences will not do.

Harris applies the same principle to the same effect. There, U.S. Magistrate Judge Harvey rejected a cell phone warrant application that relied upon the generalized premise that people who

commit crimes tend to store evidence of those crimes on their phones. The court held that the government must offer a case-specific factual basis demonstrating that evidence is likely to be found on the particular device it seeks to search. Boilerplate observations about how phones are commonly used, or how evidence has been found on phones in other cases, cannot substitute for individualized probable cause. And where the government lacks probable cause to search a phone's contents, the phone itself has no evidentiary value and must be returned under Rule 41(g). The affidavit here exhibits precisely the defects that *Gibbs* and *Harris* condemn.

2. The Warrant Affidavit Omits Publicly Available Exculpatory Information

But the affidavit is even more problematic than the circumstances *Gibbs* or *Harris* address—grossly so. The government's theory is that photographs or videos on Mr. Hearn's phone may show that he damaged the Reflecting Pool's coating. That theory rests entirely on a single assumption: that the damage visible in the government's purported "after" photograph was newly created by Mr. Hearn. The Government cannot establish that premise, and in fact, its own evidence refutes it.

The Government acknowledges that Mr. Hearn photographed the Reflecting Pool before touching it, while never alleging that he took photographs during or after touching the pool. Exhibit C, Paragraph 7. And as discussed above, Mr. Hearn's pre-touching photograph depicts the same section of detached coating shown in the affidavit's "after" photograph—in the same condition. Accordingly, the photographic evidence shows that the damage the government attributes to Mr. Hearn existed before he ever touched the Reflecting Pool. This photographic evidence was widely published and available to the government beginning on June 20, 2026, and yet it is not mentioned

in its affidavit, dated July 8, 2026. The most reasonable assumption is that the grand jury indictment obtained on July 2, 2026, was premised on the same fatal factual omission.⁴

The factual premise that the affidavit's "after" photograph depicts damage Mr. Hearn caused is central to the affidavit's purported probable cause. Indeed, Paragraph 14 of the affidavit explicitly states that "[t]he second photograph shows a large torn portion that was not present in the first photograph." Exhibit C, Paragraph 14. And the affidavit requests seizure of the cellphone precisely because Mr. Hearn was seen documenting the pool's condition *before* he allegedly had any interaction with the coating.

As noted above, the Court need not take the defense's word for the photograph's existence, authorship, or content, because it is already in the public record, and has been for weeks, including more than ten days before the government obtained an indictment in this case. The public record leaves no doubt that the photograph was taken by Mr. Hearn: The credit line attributes the image to Mr. Hearn himself, which is consistent with the affidavit's own account that he was observed photographing the pool *before* touching it. And the photograph was made widely available through the internet within approximately twenty-four hours of the incident, and well before the government obtained its seizure warrant, through contemporaneous news reporting by the Washington Post and the BBC.

A tear in the Reflecting Pool cannot simultaneously predate Mr. Hearn's touching of the pool and be the product of it. Because the torn section appears in a photograph that both parties agree was taken before Mr. Hearn touched it, the feature the government calls new damage

⁴ The affidavit states that the indictment against Mr. Hearn was issued on July 5, 2025, but the documentary record reveals that date to be inaccurate and that the indictment was returned on July 2, 2026. Exhibit C, Paragraph 16. So does common sense; July 5, 2025, was nearly a year before the arrest in this matter.

necessarily existed before any conduct attributed to him. The public record independently corroborates that conclusion. The same BBC article reports that, in the days before Mr. Hearn's arrest, "media and park visitors" had already documented pieces of the pool's new blue paint peeling off from the bottom of the pool, and the article reproduces a separate wire-service photograph, captioned as showing paint peeling from the pool bottom on the *Thursday before the arrest*. In other words, the damage the affidavit attributes to Mr. Hearn's conduct was, according to widely distributed contemporaneous press accounts, a pre-existing condition.

For all of these reasons, the government's "before" and "after" presentation of the evidence is misleading. Rather than showing new damage attributable to Mr. Hearn, it documents damage already present when Mr. Hearn arrived. The affidavit's assertion that a "large torn portion" appeared only after the incident is not only wrong, it is contradicted by a photograph the government apparently seeks a warrant to obtain—which was already available to the government, and any interested person with internet access, through international reporting online.

The affidavit's other omissions also speak volumes. The affidavit does not say when Paragraph 12's "before" photograph was actually taken. Was it minutes, hours, days, weeks before Mr. Hearn's presence at the Reflecting Pool on June 19, 2026? Metadata reflecting when the photographs were taken would resolve these questions. The affidavit does not establish that the "before" photograph was taken from the same vantage point such that it would necessarily capture the condition of the damaged patch in the "after" photograph, nor does it even rule out the possibility that they show entirely different areas of damaged coating. And the affidavit says nothing about intervening events that could have altered conditions between the employee's first photograph and Mr. Hearn's arrival, even though the same public reporting shows the pool was an active work site at the time: crews vacuuming algae from the pool bottom, hoses running across

footpaths, and water being pumped from the pool. Any one of these omissions would weaken the comparison, but together they completely upend the affidavit's before-and-after narrative.

In sum, the government has seized (and presumably it will seek to search) Mr. Hearn's phone for evidence that he destroyed property, based on a photographic comparison refuted by public reporting available to the government, and that the government's own theory cannot sustain. Once Mr. Hearn's pre-entry photograph, published to the world within two days of the incident, is set beside the supposedly incriminating "after" image, the affidavit supports only one inference: that the damage existed before he arrived. Because probable cause to search the phone depends on the conclusion that the before-and-after photographs depict damage Mr. Hearn caused, the seizure warrant was improperly obtained.

3. The Government's Belated Warrant Is Unreasonable

The government had access to Mr. Hearn's cell phone on June 19, 2026, and failed to obtain a seizure warrant at that time. The government then apparently opened a grand jury investigation into Mr. Hearn and yet never attempted to obtain any information from him or his counsel—through a warrant, subpoena, or any other means—before his indictment on July 2, 2026. And at no time between July 2 and July 9 did the government attempt to obtain any information from Mr. Hearn's counsel or otherwise coordinate with them on the matter of a seizure warrant, despite frequent and ongoing communication—including defense counsel's consenting to three protective orders to facilitate discovery between the parties. Coupled with the existence of a publicly available photograph from Mr. Hearn's phone, the government's failure to investigate makes it patently clear that "there is no reasonable argument that the phone presents any evidentiary value." *United States v. Cooper*, 789 F. Supp. 3d 1, 3 (D.D.C. 2025).

In addition to the “strong possessory interest” in his cell phone that Mr. Hearn holds, “not having his phone” risks “interfering with his ability to communicate with his counsel.” *Id.* The government is well aware that Mr. Hearn is represented by counsel, having repeatedly communicated with counsel. “This burden on attorney-client communications potentially raises Sixth Amendment concerns.” *Id.* at 4.

CONCLUSION

The government’s seizure of Mr. Hearn’s cell phone was unreasonable in the circumstances, lacked probable cause, and reflects a flagrant disregard for Mr. Hearn’s constitutional rights, warranting the Court’s urgent intervention. For the foregoing reasons, Mr. Hearn requests an order for the immediate return of his cell phone and any information obtained therefrom and to compel production of metadata for the photographs in Paragraphs 12 and 13 of the government’s search warrant affidavit.

Respectfully submitted,

/s/ Mary L. Dohrmann

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EXHIBIT A

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Counsel for Defendant David C. Hearn

Dated: July 10, 2026

Cyclist arrested at Reflecting Pool is former Olympian who denies vandalism claims

David Hearn said he touched the pool's detached liner but "didn't destroy or break or peel anything." Trump has accused vandals of sabotaging the refurbishment as paint was seen peeling and floating in the water.

June 20, 2025

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📄 Summary



3,960

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A National Park Service employee works to remove algae from the Lincoln Memorial Reflecting Pool on Saturday. (Daniel Heiser/Reuters)

By David J. Lynch and Aaron Schaffer

David Hearn had just finished a loop around Hains Point on Friday as part of a 52-mile bike ride when he swung by the Lincoln Memorial to see the refurbished Reflecting Pool for himself.

Noticing a piece of the new "American flag blue" liner that was partially detached from the pool bottom, Hearn said he reached into the water to see what it felt like. Moments later, as the Bethesda man prepared to leave, U.S. Park Police officers arrested him on a misdemeanor charge of destruction of government property. He is scheduled to appear in D.C. Superior Court on July 9.

Hearn's arrest ignited a social media flurry as President Donald Trump and his allies blamed the pool overhaul's problems on administration opponents. Emily Miller, a conservative journalist, posted a 2 minute and 8 second video on X, which showed Hearn detained by two members of the National Guard and subsequently surrounded by Park Police officers.

"Man arrested for vandalizing Lincoln Reflecting Pool. He grabbed the hose that female National Park Service workers were using to clear the algae," wrote Miller, who confirmed via text that she had filmed the encounter but declined to speak on the record.

In an interview Saturday, Hearn, 67, denied damaging government property and said he had never touched the hose, though he acknowledged that his bike tire may have.

"I didn't vandalize anything," Hearn said. "I didn't destroy or break or peel anything. By the time I realized what was going on, I was being put in handcuffs."



In a photo taken by David Hearn minutes before his arrest, a partially detached piece of the Reflecting Pool liner is visible. The top of Hearn's shoe can be seen at the bottom of the photo.
(David Hearn)

Hearn, wearing biking gear and a helmet, can be seen in the video with his hands cuffed behind his back. Fragments of conversation are audible. But a pump operating in the background drowns out much of the exchange.

Asked to describe his actions, Hearn said: "I reached in there, and I was able to grab the end of that flapping piece, the already peeling piece. It was still attached to the bottom. I didn't remove anything."

Hearn is a three-time Olympian who competed in the canoe slalom. He won two world championships in whitewater racing before retiring from active competition in 2002.

Trump posted Saturday night that Park Police have arrested "multiple individuals for vandalizing our Nations magnificent Reflecting Pool." Park Police did not immediately respond to a request for comment about additional arrests.

The century-old Reflecting Pool has become controversial following the president's decision to refurbish the concrete basin with a new liner. As government workers in recent days tried to combat an algae bloom in the reopened attraction, a new problem surfaced: chunks of the pool liner broke free. The Washington Post observed a sheet of the pool's surface — painted in "American flag blue," a color selected by the president — floating in the water Thursday.

A few hours after Miller's video went public, the president in a late-night Truth Social post blamed "Radical Left Lunatics" for "Vandalism at the beautiful Reflecting Pool." Trump promised the algae problem would be quickly resolved and other repairs made early next week.

The president also accused Jonathan Karl of ABC News, who has reported on the pool's mounting problems, of "trying to rip the rubber off of the surface" of the pool.

Karl declined to comment.

In 1996, Park Police arrested Hearn for canoeing on the Potomac River after heavy rains left it near a record high. A federal judge dismissed charges of failing to obey a lawful order because the river where Hearn was canoeing is governed by Maryland not the federal government.

On Friday, Hearn said he was detained for almost five hours at a Park Police facility on Hains Point before being released shortly after 9 p.m. He was reunited with his bike and rode home.

What readers are saying

The comments express strong criticism of President Trump, accusing him of deflecting blame for the poor refurbishment of the Lincoln Memorial Reflecting Pool. Many commenters suggest that the arrest of Olympian Davey Hearn for allegedly vandalizing the pool is a scapegoat tactic... [Show more](#)

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Comments 3,960

EXHIBIT B

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Former Olympian denies vandalising Washington Reflecting Pool after arrest

21 June 2026

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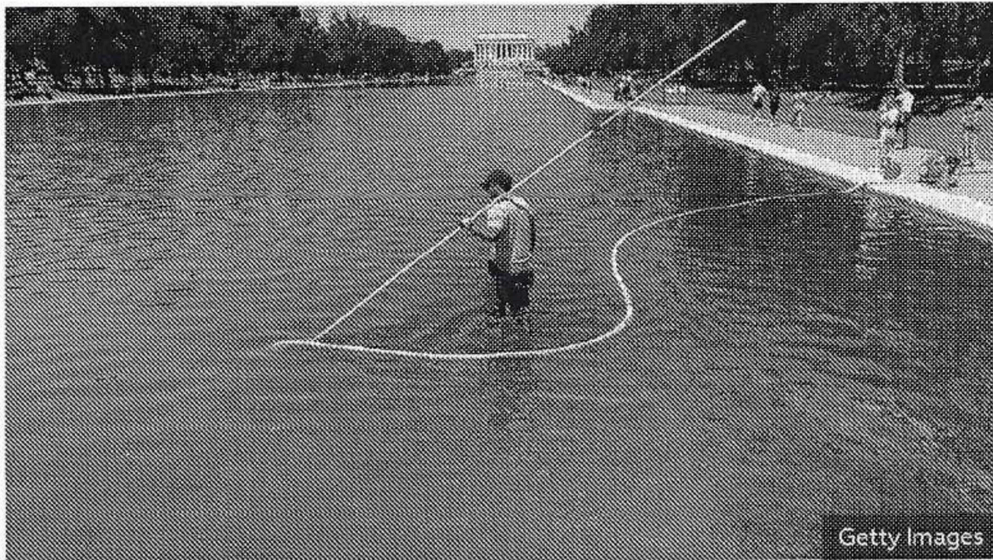


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Max Matza



A former US Olympian arrested for allegedly vandalising the Reflecting Pool in Washington DC is denying he did anything wrong.

David "Davey" Hearn, 67, was detained by the pool's edge on Friday as he was finishing a long bike ride.

Hearn told BBC News that he had removed his cycling glove to simply touch a long strip of rubbery material which appeared to have "delaminated" from the bottom of the pool, when he was stopped by US Park Police and National Guard troops.

President Donald Trump has claimed that the pool has been defaced by vandals and will probably need to be drained and refilled again despite the recent refurbishment.

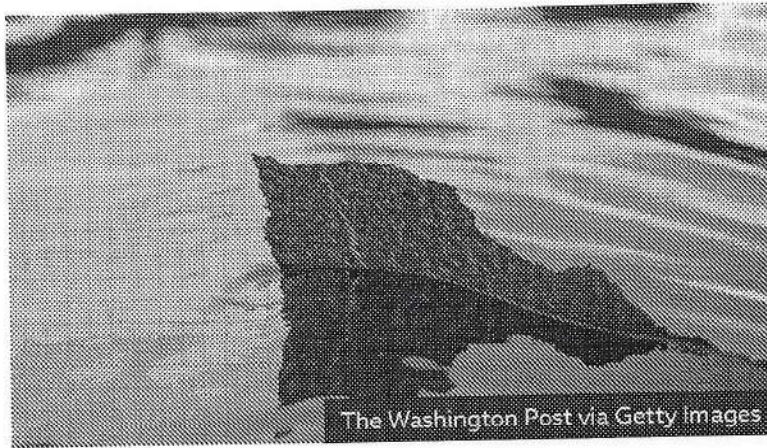
The Reflecting Pool has just undergone a multi-million dollar resealing and painting project.

Trump has championed the pool's makeover as part of his bid to beautify the US capital ahead of America's 250th birthday celebrations.

The historic Reflecting Pool, stretching 2,030ft (619m) between the Lincoln Memorial and the Washington Monument, has long been beset by leaks, structural deterioration, faulty pipes, algae growth and bird droppings.

But despite the makeover, which cost an

estimated \$13m (£9.8m), the pool has continued to be plagued by algae and more recently paint problems, which have seen media and park visitors document pieces of the new blue paint peeling off from the bottom of the pool.



A piece of the new blue paint could be seen peeling off the bottom of the pool on Thursday



Workers have been using vacuums to remove green algae from the bottom of the pool

Trump said in a post on Truth Social on Saturday that US Park Police had "arrested multiple individuals for vandalizing our Nations magnificent Reflecting Pool".

"Who would do such a thing? These are very serious crimes having to do with the destruction of National Monuments," he continued, adding that "work will begin immediately on its repair".

He also shared an article about Hearn's arrest.

US Park Police did not reply to request for comment.

Hearn told BBC News on Saturday that he "didn't destroy, rip, tear, peel, or remove any part" of the paint.

"The condition of any part of the reflecting pool didn't change," he insisted.



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He called his arrest an "arbitrary, capricious prosecution".

The champion canoeist is now facing a misdemeanour charge of destruction of government property.

A video posted to social media of Hearn's

arrest shows him standing near a water-pumping hose that is lying across a footpath and speaking to a woman, before walking away and picking up his bike.

He is then approached by two National Guard troops, and the video shows that he was later placed in handcuffs, with US Park Police also standing around.

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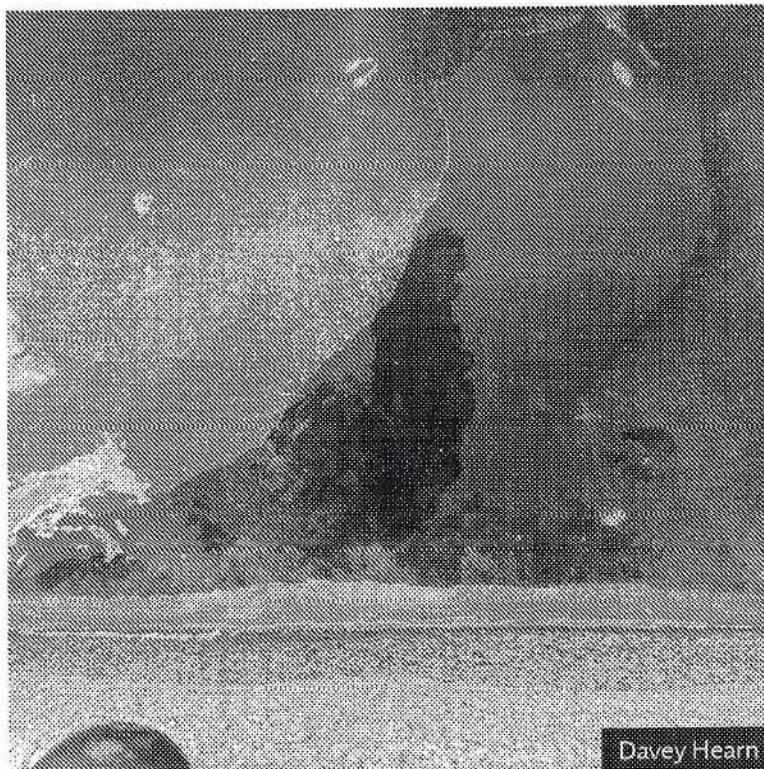
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The post includes a suggestion that he had grabbed the hose from one of the park workers, though Hearn denied this when speaking with the Washington Post and said it was possible that his bike tyre had moved it.



Davey Hearn

Hearn took this picture of the peeling paint minutes before he was arrested

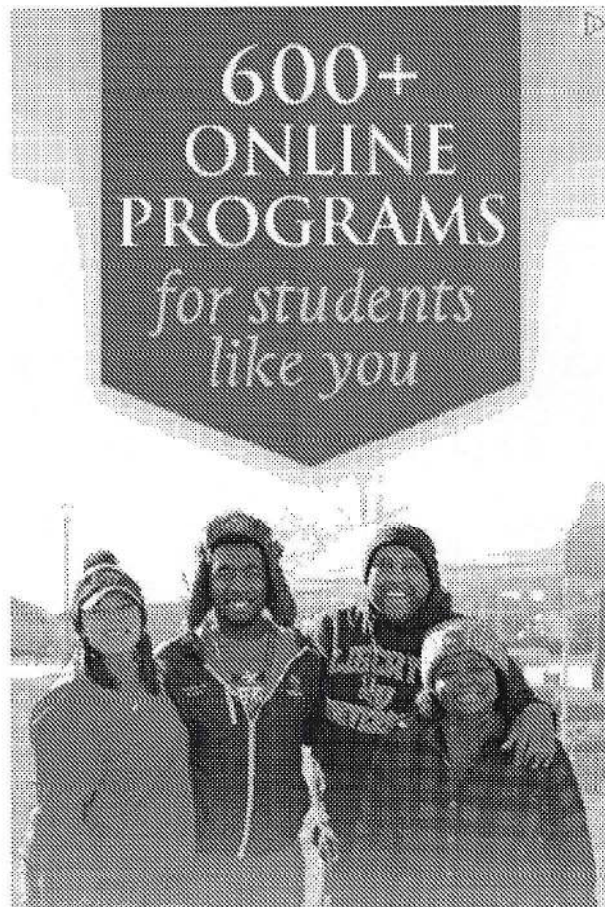
Hearn competed three times in the Olympics

in the slalom canoe category, and won two world championships for the sport.

He has also designed boats, paddles and other waterproof products, and said he was curious about what materials had been used to paint the pool.

The 67-year-old said he only touched the material briefly before he was told by one of the park service workers helping to clean the algae from the pool to stop.

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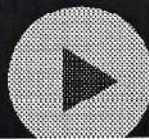


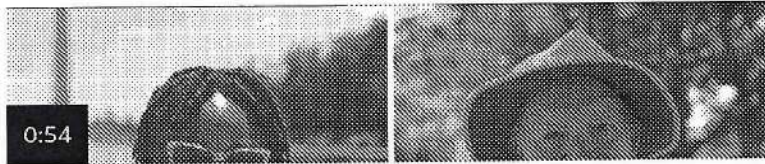
He said he had seen a national news presenter also touch the material in a report on the pool problems, adding: "I don't really feel like I did anything wrong."

Hearn said he was placed in handcuffs and detained for about five hours in jail, and was not allowed to make a phone call.

"It's pretty clear that somebody high up decided to make an example of me," Hearn continued.

He said that even with the problems, the Reflecting Pool was "really pretty" regardless of the colour of the water. "It's the reflective surface that gives it its most important quality, especially when it's not windy."





Watch: "It's dirty" - Americans react to algae in newly renovated Reflecting Pool

The state of the Reflecting Pool has made headlines repeatedly in recent weeks, as the Trump administration awarded no-bid contracts to vendors for the project.

The president promised a "beautiful, beautiful reflecting pool" that would "stay clean", and he selected the "American Flag" paint colour himself.

said on Friday that the "algae is 75% gone, the condition will soon be completely

remedied".

In later posts on Saturday night, Trump claimed, without evidence, that vandals had "poured corrosive and destructive chemicals into the Pool" and that damage to the lawn was done with "some form of knife or blade".

He also said that contractors had inspected the pool on Saturday, and that they "will probably be forced to release and drain much of the water in order to do the necessary repairs, but will have them done as quickly as possible".

Getty Images

Why has the renovated Reflecting Pool turned green? Trump touts 'American Flag Blue' paint job on Lincoln Memorial Reflecting Pool

Washington DC United States

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