

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 21-cr-377 - BAH
	:	
ANTHONY ROBERT WILLIAMS,	:	
	:	
Defendant.	:	

JOINT PRETRIAL STATEMENT

Pursuant to the Court’s May 27, 2021, order (ECF 15), the parties hereby jointly submit this pretrial statement. As directed, the parties will deliver a Microsoft Word version of this document and attachments to the Court by email to Howell_Chambers@dcd.uscourts.gov.

A. Status of Plea Offers

(i) The government extended a formal plea offer to resolve this case on November 17, 2021, in a written proposed plea agreement and an accompanying statement of offense. The plea offer lapsed on December 1, 2021. The defense formally notified the Government on January 6, 2022 that Mr. Williams rejected the plea offer. The terms of the offer were as follows: Mr. Williams would plead guilty Count One of the Indictment, charging him with Obstruction of an Official Proceeding in violation of 18 U.S.C. § 1512(c)(2); the Government would move to dismiss all remaining counts of the Indictment at sentencing.

(ii) Counsel for Mr. Williams communicated the terms of the plea offer, and a copy of the written plea agreement, to Mr. Williams on November 19, 2021, as well as multiple dates before and after that time. As part of this communication, counsel explained that the potential sentencing exposure in the event Mr. Williams accepted the plea offer was a maximum of 20 years imprisonment; a term of supervised release of not more than 3 years, pursuant to 18 U.S.C.

§ 3583(b)(2); and a fine of not more than \$250,000, or twice the pecuniary gain or loss of the offense, pursuant to 18 U.S.C. § 3571(b)(3) and (d). Counsel also explained that the estimated offense level under the United States Sentencing Guidelines was as follows:

U.S.S.G. § 2J1.2	Base Offense Level	+14
U.S.S.G. § 2J1.2(b)(2)	Substantial Interference with the Administration of Justice	+3
U.S.S.G. § 3E1.1	Acceptance of Responsibility	-3
	Total	14

Counsel explained that a level 14 carries a guidelines term of imprisonment of 15 to 21 months.

In the alternative, counsel explained that the potential sentencing exposure in the event Mr. Williams rejected the plea offer and proceeded to trial on all five counts was a maximum of twenty-three years in custody (20 years for 18 U.S.C. 1512(c)(2), a Class C felony; one year for each of two Class A misdemeanors charged and six months for each of two Class B misdemeanors charged); a term of probation of not more than five years for each of two Class B misdemeanors pursuant to 18 U.S.C. § 3561(c); a term of supervised release of not more than 5 years, pursuant to 18 U.S.C. § 3583(b)(2) and (3) (3 years for the Class C felony and one year for each of two Class A misdemeanors); a fine of not more than a total of \$460,00 (\$250,000 for the Class C felony pursuant to 18 U.S.C. § 3571(b)(3) and (d), \$100,000 for each Class A misdemeanor pursuant to 18 U.S.C. § 3571(b)(5) and \$5,000 for each Class B misdemeanor pursuant to 18 U.S.C. § 3571(b)(6)); and a special assessment of \$170 (\$100 per the Class C felony, \$25 per each of the two class A misdemeanors pursuant to 18 U.S.C. § 3013(a)(1)(A)(iii), and \$10 per each of the class B misdemeanor pursuant to 18 U.S.C. § 3013(a)(1)(A)(ii)).

B. Joint Statement of the Case

This is a criminal case. The United States has charged defendant Anthony Robert Williams with violating five separate federal criminal laws based on him going to the United

States Capitol on January 6, 2021 to allegedly obstruct Congress's Joint Session to certify the Electoral College votes and for his presence inside the U.S. Capitol on January 6, 2021.

Specifically, the United States alleges that Anthony Robert Williams unlawfully obstructed Congress's Joint Session to certify the Electoral College votes and that he unlawfully entered and remained; unlawfully engaged in disorderly and disruptive conduct; and unlawfully paraded, demonstrated, and picketed; all while inside the United States Capitol Building on January 6.

Mr. Williams denies each charge.

C. Proposed Voir Dire Questions

The parties' jointly-proposed voir dire questions are set forth in Exhibit 1.

D. Proposed Jury Instructions

The parties' proposed jury instructions are set forth in Exhibit 2. To the extent the parties object to any proposed instructions, those objections are noted.

E. List of Expert Witnesses

The parties do not anticipate sponsoring the testimony of expert witnesses at trial.

F. List of Motions in Limine

The United States previously submitted the following motions in limine:

- 1) Motion re: USCP Camera Map and Positions (ECF No. 35) (Response – ECF No. 48)
(Reply – ECF No. 62)
- 2) Unopposed Motion to Limit Cross-Examination of U.S. Secret Service Witnesses
(ECF No. 36)
- 3) Motion to Preclude Improper Defense Arguments and Evidence (ECF No. 37)
(Response – ECF No. 49) (Reply – ECF No. 61)

- 4) Motion filed under seal re: Assembly or Demonstration Reportable Force Report (ECF No. 45) (Response -ECF No. 55) (Reply – ECF No. 69)
- 5) Motion filed under seal re: OPR and Use of Force Investigations (ECF No. 46) (Response -ECF No. 56) (Reply – ECF No. 68)

The defense previously submitted the following motions in limine:

- 1) Motion Opposing Admission of Other-Crimes Evidence (ECF No. 38) (Memorandum in Opposition – ECF No. 52) (Reply – ECF No. 58)
- 2) Motion to Dismiss Counts One through Three¹ (ECF No. 39) (Response – ECF No. 51) (Reply – ECF No. 59)
- 3) Motion to Change Venue (ECF No. 40) (Memorandum in Opposition – ECF No. 54) (Reply – ECF No. 60) (Sur-Reply – ECF No. 70)
- 4) Motion Opposing Admission of YouTube Video (ECF No. 66) (Response – ECF No. 71)

G. List of Prior Convictions

The government does not intend to use the defendant’s prior conviction for impeachment.

H. List of Government Exhibits

The list of government exhibits is attached as Exhibit 3.

At this time, the United States has identified the exhibits it intends to use at trial. The exhibit list was compiled in a good-faith effort to identify all trial evidence that is known or identified at this time. The government reserves the right to supplement this list or to remove items from the list, as it develops additional evidence throughout trial

¹ This is not a motion *in limine* but is included here for the Court’s convenience.

preparations and to streamline the presentation of its case. The government also reserves the right to introduce any evidence produced to the defense in discovery.

I. Stipulations

The parties have reached stipulations which are attached as Exhibit 4. The stipulations are as follows:

- 1) Facebook
- 2) Patriots.Win
- 3) Identity
- 4) House and Senate Compilation Video
- 5) Williams's Cell Phone Number and Email Addresses
- 6) Closed-Circuit Video Montage
- 7) Audio and Video Footage
- 8) Closed-Circuit Video Monitoring
- 9) Computer Files and Forensic Examination Report
- 10) Physical Items and Search Warrant Photographs

The parties will continue discussing possible additional stipulations relating to the trial and will continue working toward agreement where possible.

J. Proposed Verdict Form

A proposed verdict form is attached as Exhibit 5.

