

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 1:21-cr-730-CKK
 :
 :
 DANEAN MACANDREW, :
 :
 :
 Defendant :

**GOVERNMENT’S NOTICE OF FILING OF EXHIBITS PURSUANT
TO LOCAL CRIMINAL RULE 49**

The United States hereby gives notice, pursuant to Local Criminal Rule 49, of the following exhibits provided to the Court and defense counsel via USAfx to be used by the government in the sentencing in this matter. These exhibits will be offered into evidence during the sentencing hearing on August 8, 2023. The United States does not object to releasing these exhibits to the public. The proposed exhibits are:

Exhibits 10, 11, 12

Government Exhibits 10, 11, and 12 are photographs MacAndrew took on her cell phone on January 6, 2021. They depict a rioter suffering from the effects of pepper spray on U.S. Capitol grounds, near the Senate Wing Door.

Exhibit 102

Government Exhibit 102 is a screenshot of a social media post from MacAndrew’s Gab account. MacAndrew authored this post on January 17, 2021.

Exhibit 114

Government Exhibit 114 is a screenshot of a tweet from MacAndrew’s Twitter account. MacAndrew authored this tweet on January 5, 2021.

Exhibit 124

Government Exhibit 124 is a screenshot of a “Wayback Machine” archive capturing a tweet from MacAndrew’s Twitter account. MacAndrew authored this tweet on January 6, 2021.

Exhibit 136

Government Exhibit 126 is a screenshot of a social media post from MacAndrew’s Telegram account. MacAndrew authored this post on July 12, 2021.

Exhibit 414

Government Exhibit 414 is a clip from the body-worn camera (“BWC”) of an officer with the Metropolitan Police Department (“MPD”). The clip is 2 hours and 59 minutes long. The relevant portion is between 13:32 and 14:12, roughly 2:34 p.m. on January 6, 2021. MacAndrew first appears in the clip at 14:02 on the left-side of the screen, wearing a red “Make America Great Again” ball cap, red scarf, black jacket, and blue jeans and holding a blue flag.

Exhibit 424

Government Exhibit 424 is side-by-side footage of United States Capitol Police Closed-Circuit Television (“CCTV”) and MacAndrew’s cell phone video from January 6, 2021. The clip is 11 minutes long. The events depicted in this exhibit occurred between 3:07 p.m. to 3:17 p.m. on January 6, 2021. The whole clip is relevant, including, but not limited to:

- MacAndrew filming alarms blaring inside the Capitol and the damaged doorframe of the Senate Wing Door (2:07-2:17),
- MacAndrew walking by damaged furniture (4:21-4:28),
- A rioter exclaiming that a “SWAT team is on the way” (5:24-5:27),
- MacAndrew stating, “They’re gassing us. They’re gassing us” (6:00-6:13),
- MacAndrew filming rioters jump out of shattered windows (7:07-7:15), and

- An officer motioning toward the exit and MacAndrew remaining to film the officers and mob (9:15-10:13).

Exhibit 425

Government Exhibit 425 is side-by-side footage of CCTV and BWC from two officers with MPD. The clip is 3 minutes and 58 seconds long. The events depicted in this exhibit occurred between 2:38 p.m. and 2:42 p.m. on January 6, 2021. The whole clip is relevant.

Exhibit 426

Government Exhibit 426 is side-by-side footage of CCTV and BWC from an officer with MPD. The clip is 2 minutes and 15 seconds long. The events depicted in this exhibit occurred between 2:42 p.m. and 2:44 p.m. on January 6, 2021. The whole clip is relevant.

Exhibit 428

Government Exhibit 428 is side-by-side footage of BWC from an officer with MPD and MacAndrew's cell phone video from January 6, 2021. The clip is 4 minutes and 1 second long. The events depicted in this exhibit occurred between 3:45 p.m. and 3:49 p.m. on January 6, 2021. The relevant portion is between 00:54 to the end. MacAndrew first appears in the clip at 00:54, highlighted by a red circle.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 14 day of July, 2023 a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

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