

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

Case No.: 21-CR-312 (JEB)

v.

BRADLEY STUART BENNETT

Defendant.

**Defendant's Notice of Intent to Present Hearsay Statement Evidence Pursuant to
Federal Rules of Evidence 804 and 807**

Defendant Bradley Stuart Bennett, through counsel, provides Notice of Intent to present hearsay statement evidence of declarant Elizabeth Rose Williams should Ms. Williams assert her Fifth Amendment Privilege against self-incrimination. The grounds for this Notice are as follows:

1. On April 21, 2021, an Indictment was filed in this Court charging defendant Bradley Stuart Bennett with Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. § 1512(c)(2) and 2; and Entering and Remaining in the Gallery of Congress, in violation of 40 U.S.C. § 5104(e)(2)(B). The Indictment further charged Mr. Bennett and Elizabeth Rose Williams as codefendants in four additional misdemeanor counts: Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Disorderly Conduct in a Capitol Building, in violation of 40 U.S.C. 5104(e)(2)(D); and Parading, Demonstrating or Picketing in a Capitol Building, in violation of 40 U.S.C. §

5104(e)(2)(G). [DE 15]

2. On February 3, 2022, codefendant Elizabeth Rose Williams entered a plea of guilty to Count Six of the Indictment, Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G). The remaining three counts against Ms. Williams remain pending.
3. On May 17, 2023, this Court granted the government's and Ms. Williams' joint motion to continue her sentencing to a date on or after October 23, 2023. Mr. Bennett's trial is scheduled to begin on October 16, 2023.
4. Ms. Williams has been interviewed by the FBI and the United States Attorney's Office on at least three occasions regarding Mr. Bennett's participation in the events before, during and after January 6, 2021. The government has provided FBI 302 Reports documenting interviews on May 11, 2021, August 31, 2021, and January 12, 2022.
5. Mr. Bennett, by and through counsel, intends to subpoena Ms. Williams as a defense witness at his trial. Should Ms. Williams assert her Fifth Amendment Right against self-incrimination and refuse to testify, Mr. Bennett intends to introduce Ms. Williams' prior statements as evidence at the trial.
6. Mr. Bennett asserts these statements would be admissible pursuant to Federal Rule of Evidence 804 and 807. *U.S. v. Salerno*, 505 U.S. 317,321 (1992) (witness was unavailable after asserting privilege). Ms. Williams' hearsay statements included statements against her own interests. Her statements concerning Mr. Bennett's activities before and during their entry of the Capitol bear the sufficient guarantees of trustworthiness based on the totality of circumstances under which they were made and there is evidence corroborating Ms. Williams' statements. Ms. Williams'

- and Mr. Bennett are captured on surveillance and open source video walking hand in hand through the Capitol on January 6, 2021 and praying while inside the Capitol. Ms. Williams traveled to and from Washington, DC with Mr. Bennett on January 6, 2021.
7. It appears from the record that Ms. Williams was interviewed by the FBI and USAO at least three times prior to the government extending Ms. Williams a plea to Count Six of the indictment, a misdemeanor count with a six month statutory maximum. The terms of the plea agreement indicate the government will move to dismiss the remaining three counts against Ms. Williams at her sentencing hearing. [DE 61] The totality of the circumstances surrounding Ms. Williams' statements and the favorable plea resolution of her case are significant indicia that the government finds her statements both reliable and credible.
8. As Ms. Williams was Mr. Bennett's traveling companion on January 6, 2021, and accompanied him, hand in hand, through the Capitol on January 6, 2021, Ms. Bennett's testimony and/or her statements would be more probative on issues relevant to the elements of the charges against Mr. Bennett than can be obtained through any other reasonable efforts.

Respectfully submitted, this the 13th day of August, 2023.

G. ALAN DUBOIS
Federal Public Defender

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

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by electronically filing the foregoing with the Clerk of Court on August 13, 2023, using the CM/ECF system which will send notification of such filing to the above.

This the 13th day of August, 2023.

/s/ Leza Lee Driscoll

LEZA LEE DRISCOLL
Assistant Federal Public Defender