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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

BRIAN CHRISTOPHER MOCK,

Defendant(s).

Criminal Case
No. 21-00444 (JEB)

Washington, D.C.

June 20, 2023

BENCH TRIAL - DAY 1
BEFORE THE HONORABLE JAMES E. BOASBERG
UNITED STATES DISTRICT CHIEF JUDGE

APPEARANCES:

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	I-N-D-E-X				
	WITNESS	DIRECT	CROSS	REDIRECT	RE-CROSS
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2					
3	THOMAS LOYD				
4	BY MR. JONES	17		64	
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1 The following proceedings began at 9:32 a.m.:

2 THE COURTROOM DEPUTY: Good morning, everyone. We are
3 here today for a bench trial in Criminal Case 21-444, the
4 United States of America versus Brian Christopher Mock.

5 Beginning with counsel for the government, please
6 approach the lectern and identify yourself for the record.

7 MR. GORDON: Good morning, Your Honor. Michael Gordon
8 for the United States. And Mr. Jones can introduce himself.
9 But also with us at counsel table is our case agent FBI Special
10 Agent Beth Alvarez as well as our paralegal Elizabeth Rives.

11 THE COURT: Okay. Good morning to all of you.

12 MR. MOYERS: Good morning, Your Honor. Peter Moyers
13 appearing on behalf of the defendant, Mr. Mock. And then our
14 paralegal Emily Lambert is seated at the end of the bench
15 there.

16 THE COURT: Okay. Good morning, Mr. Mock.

17 THE DEFENDANT: Good morning.

18 THE COURT: Let's talk scheduling here for a minute.
19 I am free basically all day today and tomorrow and essentially
20 Thursday. I don't know if we are getting into Thursday. We
21 will sit from 9:30 to 5:00, take a break every hour and 15
22 minutes or so, and we will take an hour, hour and 15 minutes
23 for lunch around 12:30 probably.

24 Any other logistical issues or scheduling issues that
25 either side has, Mr. Gordon?

1 MR. GORDON: Not for the government, Your Honor.

2 THE COURT: Mr. Moyers?

3 MR. MOYERS: None, Your Honor.

4 THE COURT: All right. Any preliminary issues that
5 either side has today before we begin, Mr. Gordon?

6 MR. GORDON: Your Honor, it's not an evidentiary one
7 or anything you really need to rule on. It's more just a
8 housekeeping matter.

9 The government is well aware that this is not Your
10 Honor's first January 6 case or even your first January 6
11 trial. We have offered the defense -- or asked for many
12 stipulations, all of which the defense has declined to agree
13 to, so we have to prove our case from scratch. We are
14 cognizant of the Court's time, and we don't want to test your
15 patience with establishing facts that we are sure you know, and
16 yet the record is blank and we have to create an appellate
17 record.

18 So I guess we would just sort of invite the Court to,
19 if there is something you think you could take judicial notice
20 of, you see us going down a road and you want to stop us and
21 say, counsel, I have enough for that and let us know, we'll do
22 that. Otherwise, we are going to sort of prove our case with
23 belts and suspenders and make sure we are as covered as we can
24 be.

25 THE COURT: Okay. Understood.

1 Mr. Moyers, anything?

2 MR. MOYERS: No, Your Honor.

3 THE COURT: All right. The government may open.

4 MR. GORDON: Thank you, Your Honor.

5 I just need one second to get the technology set up.

6 THE COURT: Take your time.

7 MR. GORDON: Your Honor, do you have the government's
8 PowerPoint visible?

9 THE COURT: Now I do, yes.

10 MR. GORDON: The defendant, Brian Mock, was prepared
11 to die on January 6, 2021. He said so himself repeatedly in
12 the days leading up to it. He said good-bye to his four
13 children thinking he might never see them again. He asked his
14 best friend to take care of his stuff in case he never came
15 back.

16 But the defendant wasn't preparing to do something
17 dangerous but noble like treat Ebola patients or volunteer to
18 fight in the Ukraine. No, the defendant was preparing to fight
19 the government and his fellow citizens. The evidence will show
20 that he had decided to travel to Washington, D.C. to be here on
21 January 6, a date he had been focused on for weeks, the date
22 that he knew Congress was meeting to certify the results of the
23 2020 presidential election.

24 The defendant's own words will show that he wanted to
25 stop it. He wanted there to be a violent mass uprising against

1 the government. He believed that it was justified, that it was
2 needed, that it was the only way forward, and he wanted to join
3 it. He viewed himself as a revolutionary hero, one of the few
4 brave men willing to do what was necessary.

5 Your Honor, we're not mind readers. The defendant's
6 beliefs and intent are revealed by his own words, the things he
7 posted on Facebook and wrote in text messages before, during,
8 and after January 6.

9 The evidence will show the defendant was upset by the
10 results of the 2020 presidential election. His preferred
11 candidate had lost, but he didn't accept it.

12 He was convinced that Joe Biden, Nancy Pelosi, and the
13 democrats had stolen it, that they were tyrants acting
14 illegally, tyrants who had to be overthrown by a violent mass
15 uprising.

16 For example, he wrote on Facebook, The solution is
17 also glaringly obvious for those who have the courage to act,
18 3 percent, referencing the myth that only 3 percent of
19 Americans were brave enough to fight for freedom from a
20 tyrannical king in the Revolutionary War. The defendant
21 believed that he was among that 3 percent today. He wanted a
22 second American revolution.

23 Trump should be leading this charge backed by millions
24 of armed citizens demanding the removal of every socialist
25 politician. He posted that as well. But he worried, There

1 aren't enough men who will stand up and do what needs to be
2 done, not enough men like him.

3 Which is why the defendant decided that he needed to
4 go to D.C. on January 6 to join the fight. Sic semper
5 tyrannis, he posted on Facebook over and over and over again
6 Thus always to tyrants, the same words John Wilkes Booth
7 shouted when he assassinated Abraham Lincoln.

8 The defendant's own words will reveal that he became
9 focused on one date, January 6, 2021, the date when sic semper
10 tyrannis would be put into action, as you can see in the third
11 comment in front of you, the date that he knew Congress planned
12 to certify the results of the election. That date was the last
13 chance to stop the steal.

14 He knew that some members of Congress intended to
15 object to the certification, but talking wasn't going to be
16 enough.

17 As he commented on a Facebook post talking about
18 Senator Hawley's pledge to object to the objection, I have a
19 premonition. Before January 6, he will die of a Covid-related,
20 self-inflicted gunshot wound to the back of the head. Tell me
21 I'm wrong. He knew what was happening.

22 When talking failed, people like him needed to be
23 ready to take rebellious action, and democratic leaders like
24 Nancy Pelosi were his targets. As he wrote on Facebook in the
25 days leading up to January 6, Well, Nancy, that ain't the worst

1 thing that's going to happen to you this week. And in another
2 comment, She should be afraid of us.

3 Your Honor, the foundation of our democracy is the
4 idea that we hold elections, and we live with the results
5 whether we like them or not, that we always engage in the
6 peaceful transfer of power. But the defendant's own words will
7 show that he had given up on democracy. He believed the
8 election had been stolen, so its results were illegitimate and
9 unworthy of being respected, that it was cowardly to do so, and
10 that it would destroy the country. He had other plans.

11 As he wrote, Once you understand, fixing the situation
12 involves nothing short of total rebellion, a redeclaration of
13 independence, a thoroughly cleansing of our political judicial
14 system, complete upheaval of the monetary system economy, a
15 complete destruction of the federal government, and a new set
16 of laws, rules, and way of life put into place for this
17 country. Prepare for what is coming and being willing to act
18 or get out of the way. Sic semper tyrannis. This is our
19 rallying cry and the measure of our resolve. No more talk.
20 D.C. 1/6/21.

21 Perversely, the defendant believed that he had to
22 overthrow the government in order to save America, so he
23 recruited his best friend and his girlfriend to join him. On
24 January 5, the three of them drove from Minneapolis to
25 Washington.

1 The next day, they began the day by visiting the World
2 War II Memorial. That's the defendant and his girlfriend on
3 the left and the defendant and his best friend on the right.
4 Then they went to the Stop the Steal Rally on the Ellipse.
5 Then they marched with thousands of other rioters to the west
6 front of the Capitol, a restricted area, somewhere the Secret
7 Service and the Capitol Police had put restrictions in place
8 because of the certification and because Vice President Pence
9 would be presiding.

10 By the time the defendant made it to the west plaza,
11 the air was filled with tear gas, but that didn't deter him.
12 Capitol Police and Metropolitan Police officers formed a line
13 blocking the mob from advancing further, but that didn't deter
14 the defendant either, nor did the Capitol Police or
15 Metropolitan Police officers firing less than lethal dispersal
16 munitions into the crowd. That didn't deter the defendant
17 either. Instead, he twisted their defensive measures into an
18 excuse for violence.

19 Your Honor, from that point forward, the defendant's
20 actions at the U.S. Capitol in January 6 are indisputable
21 because they were captured from multiple angles by a
22 combination of Capitol surveillance cameras, body-worn cameras,
23 and video recorded by other rioters, all of which we will show
24 to you.

25 The defendant wasn't content with being at the back of

1 the crowd or even in the middle. He maneuvered his way to the
2 front line near the north end. There he was confronted with
3 two barriers. First, a row of connected metal bike racks, as
4 you can see in the picture in front of you. And just behind
5 that, a line of police officers wearing head-to-toe rioter gear
6 standing shoulder to shoulder. The message was clear. You are
7 not allowed to be here. You will go no further.

8 Your Honor, you will hear from Capitol Police Officer
9 Jonathan Collins, who was one of those officers in this line.
10 He will tell you about how wild the mob in front of him was at
11 that moment, how rioters berated them and kept attempting to
12 break away the barricades and break through, how he and his
13 colleagues kept pushing them off, fighting to hold the line,
14 knowing they were massively outnumbered but not knowing whether
15 the crowd as armed.

16 The situation was terrifying, but the officers knew
17 that they had to hold the Capitol to keep the mob from storming
18 it. But the officers didn't succeed.

19 The defendant was one of the rioters battling Officer
20 Collins, calling for the mob to come closer. And he was one of
21 the ones who ripped away the bicycle rack barricades and passed
22 them back to other rioters. He and other rioters then fought
23 the officers after the barricades had been removed, which
24 brings us to the first of his assaults, the one charged in
25 Count 3.

1 Officer Collins -- another rioter shoved Officer
2 Collins. He slipped and fell to the ground. As he tried to
3 get up, the defendant shoved him down again. And then taking
4 advantage of Officer Collins' vulnerability, the defendant
5 raised his right foot and stomped on Officer Collins.

6 After Officer Collins was able to scramble to his feet
7 and the officers in his line regained control of that area
8 briefly, the defendant moved south along the police line, which
9 brings us to assault No. 2, the one charged in Counts 5, 8, 9
10 and 10.

11 There, facing a police line guarding the southern end
12 of the west plaza, another rioter passed a flagpole near the
13 defendant. He grabbed it, broke off the bottom, and turned it
14 into a spear which he then hurled at the group of officers who
15 luckily were wearing face shields. Otherwise, easily that
16 spear could have done serious damage such as poking someone's
17 eye out or perhaps worse.

18 But he wasn't satisfied with that alone. The
19 defendant then turned and committed assault No. 3 30 seconds
20 later, the one charged in Count No. 6. As an officer was
21 walking through the crowd trying to control it, the defendant
22 shoved the officer in the back causing him to stumble forward
23 and disrupting his ability to control the crowd. But even that
24 wasn't enough, which brings us to Count 4, the fourth assault.

25 At that point, the officers on the southern end of the

1 west plaza had lost control of the crowd. They decided to
2 retreat. One of those officers was Capitol Police Officer
3 Stevin Karlsen, who you will hear testimony from as well.
4 Officer Karlsen will tell you that as the mob became more and
5 more out of control, that the police officers there were
6 heavily outnumbered and realized they couldn't hold back any
7 more. So they elected to retreat further.

8 Officer Karlsen is one of the few officers holding a
9 riot shield, a 4-foot-tall 1-and-a-half-foot wide thick plastic
10 shield because the rioters were throwing things at the
11 officers. Officer Karlsen made himself one of the last
12 officers in the line to retreat so he could try to use his
13 shield to provide cover for his fellow officers as they
14 retreated behind him.

15 Officer Karlsen was trying to steadily back up to
16 retreat himself, but the area he was standing has a short set
17 of two stairs behind him, which he knew. So as he was backing
18 up, he had to make sure not to stumble over those stairs. And
19 at the very moment when Officer Karlsen briefly peeked over his
20 shoulder to take a look to see where those stairs were, the
21 defendant took advantage of that momentary distraction and took
22 two hands and shoved Officer Karlsen in the chest and the
23 shield knocking him to the ground.

24 In that moment, Officer Karlsen will tell you how
25 vulnerable he was, how it went against everything he had been

1 trained on, how he knew that being on his back before a mob was
2 perhaps the most dangerous situation he had ever found himself
3 in his career.

4 Luckily his fellow officers were able to bring him
5 back to his feet and they were able to retreat.

6 From there the defendant stayed on the Capitol grounds
7 for at least three more hours before finally retreating and
8 leaving just in time to beat the curfew.

9 I'm sorry, I left one thing out, Your Honor. After
10 shoving Officer Karlsen, he committed one more crime, which is
11 that now that the officers had retreated, they had left several
12 shields on the ground, shields the defendant then stole.
13 That's Count 7.

14 You will see he picked up two riot shields and passed
15 them back to the other rioters turning things that the officers
16 had brought to defend themselves into things the rioters were
17 either going to use to defend themselves or as weapons. Then
18 the defendant left.

19 But he celebrated with his best friend. He bragged
20 about what he had done. As you can see in this text message
21 with his friend, he wrote, AJ -- that's his son you will
22 learn -- AJ says I made the news. Yes. Got sprayed directly
23 three times. Took a flash-bang. Took down at least six cops.

24 The defendant's messages are in blue, Your Honor.

25 From his friend, I got clubbed and had to go over the

1 wall to regroup but made it up here.

2 Nice. I took three gates, two shields, and a bunch of
3 equipment. I shouldn't have thrown them.

4 Nice. Gotta get souvenirs. They are bashing windows
5 and stole mace canons and dragged a cop out to the point above
6 you.

7 Sweet.

8 Your Honor, the defendant further justified his
9 conduct on Facebook in the days afterwards, showed no remorse,
10 painted himself as if he was the hero and the crowd were the
11 victims. He was identified. His home was searched, his
12 clothing found, his phone seized and searched, all in the
13 course of his arrest. Those things produced additional
14 evidence against him, including the text messages that you see
15 here.

16 Your Honor, the videos, photographs, witnesses, and
17 text messages presented in this trial will show that the
18 defendant did everything I just described to you. He wanted a
19 violent uprising. He believed it was, in his words, the
20 solution. So he traveled to D.C. and he joined one. He broke
21 down barricades. He assaulted four different police officers.
22 He stole their riot shields. And afterwards, he bragged about
23 it, proud of his violence, proud of his theft.

24 But he got caught, which is why he sits here today
25 charged with 11 crimes for his actions on that dark day in

1 American history.

2 THE COURT: I just want to interrupt for one second.

3 So the dangerous weapon relates to the flagpole?

4 MR. GORDON: Correct, Your Honor.

5 THE COURT: Okay. Sorry. Go ahead.

6 MR. GORDON: The defendant's own words and videotaped
7 actions make him guilty of all 11 of these crimes. And at the
8 end of the trial, Your Honor will be left with only one
9 reasonable verdict, guilty on all charges. Thank you.

10 THE COURT: Thank you very much.

11 Mr. Moyers, do you wish to open?

12 MR. MOYERS: We will reserve.

13 THE COURT: Very well. The government may put on its
14 first witness.

15 MR. JONES: Your Honor, the government calls Inspector
16 Loyd. If I can have a moment just to set up my computer, Your
17 Honor.

18 THE COURT: Sure.

19 Good morning, sir. Step right up, and we will have
20 you sworn in.

21 THOMAS LOYD

22 Having been first duly sworn on oath, was examined and
23 testified as follows:

24 MR. GORDON: One other thing before Mr. Jones begins
25 his examination. The United States is now formally moving into

1 evidence all of our exhibits. The government has conferred
2 with the defense on this and understands the defense has no
3 objections other than reserving the ability to cross-examine
4 witnesses on authenticity.

5 So it's going to be a lengthy list, but just to go
6 through all the government's exhibits.

7 THE COURT: And they are the ones that are on the
8 26-page list that you have given me?

9 MR. GORDON: It is, Your Honor.

10 THE COURT: So I think that if you will admit that
11 list into -- we will docket that list, and I will find that
12 every exhibit on this list is admitted so you don't have to
13 state them.

14 MR. GORDON: Thank you, Your Honor.

15 MR. MOYERS: Your Honor, the only -- I guess the only
16 exception would be the interviews that were produced over the
17 weekend. I haven't had the same amount of time with those that
18 I had with the other exhibits.

19 THE COURT: Which exhibits are those, Mr. Gordon?

20 MR. GORDON: So they aren't on the government's
21 exhibit list, Your Honor.

22 THE COURT: They aren't on here, Mr. Moyers.

23 MR. MOYERS: Oh, they aren't? Terrific.

24 MR. GORDON: We may seek to use them at a later point
25 in the trial, but we are not seeking them now.

1 THE COURT: All right. So all the government exhibits
2 on the trial exhibit list are admitted, and that trial exhibit
3 list will be docketed to memorialize what those are.

4 DIRECT EXAMINATION

5 BY MR. JONES:

6 Q Good morning, Inspector Loyd.

7 A Good morning.

8 Q Can you state and spell your name for the record, please.

9 A Inspector Tom Loyd, L-O-Y-D.

10 Q And what do you do for a living?

11 A I work for the United States Capitol Police.

12 Q And how long have you worked for the U.S. Capitol Police?

13 A 33 years.

14 Q What is the mission of the Capitol Police?

15 A Protect the Congress.

16 Q And what is your specific position with Capitol Police?

17 A I am the division commander assigned to the U.S. Capitol
18 Police Visitor Center as well as the U.S. Capitol building
19 itself.

20 Q Do you have a specific title?

21 A Inspector.

22 Q As an inspector, are you one of the more senior officers
23 of the Capitol Police?

24 A Yes.

25 Q Approximately how many people are under your command?

1 A Approximately 400.

2 MR. MOYERS: I'm sorry, what was that? How many?

3 THE WITNESS: Approximately 400.

4 BY MR. JONES:

5 Q I would like to take you back to January 6, 2021. Okay?

6 A Yes.

7 Q Were you on duty that day?

8 A Yes.

9 Q Leading up to January 6, what were your expectations for
10 that day?

11 A I was in charge of routine operations inside the Capitol
12 building. We had advance knowledge that there was going to be
13 a large amount of people that day. Similar to the first two
14 MAGA rallies in late 2020, we were expecting tens of thousands
15 of people to come up to the building at some point.

16 Q You expected it to be similar to the previous two rallies?

17 A Yes.

18 Q What time did you arrive that morning?

19 A Approximately 7:30 in the morning.

20 Q And on January 6, was the Capitol building open to the
21 public?

22 A No.

23 Q Why?

24 A Due to the COVID restrictions.

25 Q What about the areas outside of the building, were they

1 also closed off to the public?

2 A Yes. There was a restricted area of the outer perimeter
3 within the Capitol square.

4 MR. JONES: Your Honor, I am going to go through these
5 exhibits quickly.

6 THE COURT: Sure.

7 MR. JONES: I'm showing the witness what has already
8 been admitted into evidence as Government's Exhibit 201.

9 BY MR. JONES:

10 Q What are we looking at?

11 A That's an aerial view of the Capitol building to include
12 the east plaza on the right and the west front on the left, and
13 the inauguration stage is also there.

14 MR. JONES: Your Honor, I am showing the witness what
15 has already been admitted into evidence as Government's
16 Exhibit 208.

17 BY MR. JONES:

18 Q What are we looking at?

19 A That's a diagram of the U.S. Capitol building. At the top
20 is the east plaza, the building itself designating the Senate
21 chamber, the rotunda, and the House chamber of the main
22 building; and towards the bottom, the west side of the building
23 with the inauguration stage.

24 Q And for the court's benefit, can you identify on here
25 using the touch screen in front of you where the west plaza is?

1 A The west plaza, there you go (indicating).

2 Q Great. And can you identify where the area known as the
3 tunnel is?

4 A Right there (indicating).

5 Q Thank you.

6 MR. JONES: Let the record reflect that the witness
7 has identified the areas marked upper west plaza and lower west
8 terrace on Exhibit 208.

9 MR. MOYERS: No objection.

10 MR. JONES: Great.

11 I am now showing the witness what has already been
12 admitted into evidence as Government's Exhibit 209.

13 BY MR. JONES:

14 Q What are we looking at?

15 A That's a 3D picture of the U.S. Capitol building to
16 include the inauguration stage.

17 Q And you just mentioned this, but does the west side of the
18 Capitol always look like this?

19 A No.

20 Q What is different?

21 A The inauguration stage is put up every four years.

22 Q Without the inauguration stage, what does it look like?

23 A Basically the same, just take away the stage. The stage
24 is actually built over a water fountain. So the center of the
25 stage, if the stage was gone, you would see a water fountain.

1 Q And the parts on the left and right, are those
2 scaffolding, or what is that made out of?

3 A Yes, scaffolding. The stage itself is a mini amphitheater
4 made out of wood.

5 MR. JONES: I am now showing the witness what has
6 already been admitted into evidence as Government's
7 Exhibit 202.

8 BY MR. JONES:

9 Q What are we looking at?

10 A The red outline you see on the diagram was our outer
11 perimeter made up of bike rack on January 6.

12 Q And what does the picture show other than the red line?

13 A You see the U.S. Capitol building in the middle. To the
14 right, you see the east plaza, which is the paved portion. You
15 see the inauguration stage to the left and the rest of the west
16 front.

17 Q You a second ago mentioned bike rack. Were there other
18 kinds of barriers erected on January 6?

19 A Yes. On the west side, every four years -- up until
20 January 6, every four years, the Architect of the Capitol would
21 install plastic netting. Snow fence is what it's called. It's
22 a green plastic fence that was used to designate the
23 construction area around the inauguration stage.

24 Q And I want to be very clear for the record. Were these
25 barriers there on January 6?

1 A Yes.

2 Q How do you personally know that?

3 A Because I was there.

4 Q When you arrived that morning, did you check them out?

5 A Yes. I drove by the west front. The east side of the
6 complex, the bike rack was installed in the summer of 2020 when
7 the Black Lives Matter protests began. The west side part of
8 the bike rack was installed late on January 5 into the early
9 morning of January 6, so when I drove in, I did drive by the
10 west side to look at the bike rack but did not physically
11 inspect each one.

12 Q All right. I would like to quickly go through some images
13 of those barriers.

14 MR. JONES: I am now showing the witness what's
15 already been admitted into evidence as Government's
16 Exhibit 203.

17 BY MR. JONES:

18 Q What is this?

19 A That's a picture of the west front. You can see the snow
20 fence with the sign attached that says area closed.

21 MR. JONES: I am now showing the witness what has
22 already been admitted into evidence as Government's
23 Exhibit 204.

24 THE COURT: You can just say showing him 204, and we
25 will assume that everything is admitted into evidence unless

1 there's an exhibit that hasn't been.

2 MR. JONES: Yes, Your Honor.

3 THE COURT: Thanks.

4 MR. JONES: That's a picture of the west front. You
5 can see the snow fence with the signs that say area closed
6 attached.

7 BY MR. JONES:

8 Q And in the background, is that the inaugural stage?

9 A Yes.

10 MR. JONES: I'm showing the witness 205.

11 BY MR. JONES:

12 Q What is this?

13 A That's bike rack with a sign that says area closed on it.

14 MR. JONES: I'm showing the witness 206.

15 BY MR. JONES:

16 Q What is this?

17 A That's a picture of the protestors at the initial breach
18 on January 6 at 12:53 breaching the combination of bike rack
19 and snow fence down in the area of Peace Circle.

20 MR. JONES: I'm showing the witness 207.

21 BY MR. JONES:

22 Q What is this?

23 A It appears to be a picture of the Capitol to include the
24 inauguration stage on January 6.

25 Q Is this the west front?

1 A Yes.

2 Q A few house-cleaning matters. Where is the U.S. Capitol
3 located?

4 A No. 1 First Street Northwest.

5 Q Which city?

6 A Washington, D.C.

7 Q Okay. As part of your duties that morning, did you meet
8 with a member of the U.S. Secret Service?

9 A Yes.

10 Q Who?

11 A I met very briefly with Paul Wade. At the time he was the
12 lead agent of the five-member Secret Service team who was
13 assigned to the Capitol building.

14 Q Why was there a five-member Secret Service team assigned
15 to the Capitol building for January 6?

16 A The Secret Service always has a five-agent team assigned
17 to the Capitol to ensure that any VIP under Secret Service
18 protection, the arrival, the visit, and the departure goes
19 smoothly. So there's always a five-member team there.

20 Q What time did you meet with U.S. Secret Service Agent Paul
21 Wade?

22 A Approximately 9:30.

23 Q And had you coordinated with Mr. Wade on other VIP visits
24 to the Capitol before January 6?

25 A Yes.

1 Q What about January 6 was unique or special, if anything?

2 A On that particular day, the vice president was coming up
3 to participate in a joint session to certify the 2020 election.

4 Q As part of your coordination with the Secret Service on
5 January 6, did you communicate with them about the fencing and
6 other barriers on the Capitol grounds?

7 A Not directly. The main purpose of our interaction on the
8 morning of January 6 was just to ensure that the arrival and
9 the time of the vice president -- we were on the same page as
10 far as the location and the time.

11 Q And a second ago you mentioned that Vice President Mike
12 Pence was scheduled to visit that day. Did he actually visit
13 that day?

14 A Yes.

15 Q How do you know?

16 A I was there.

17 Q Why were you there when he arrived?

18 A Just to make sure I coordinated with the Secret Service to
19 ensure his arrival and his visit ran smoothly.

20 Q Did you stay with him after he arrived, or did he leave
21 your company?

22 A No. At 12:53, when the initial breach was called out over
23 the radio, I was actually waiting to escort the vice president
24 and the entire Senate from the Senate chamber down to the House
25 chamber. They were expected to walk down there around 1:00.

1 But when the initial breach was called out, I immediately ran
2 into Senator McConnell's office, who was the majority leader at
3 that time, because his office had a bird's eye view of the
4 breach. I saw that it was very bad, so I immediately went to
5 the inauguration stage via the lower west terrace door.

6 Q You gave me a lot there, and I want to break it down.

7 Okay?

8 So before he got to the Senate chamber, were you with Vice
9 President Pence between when he arrived and the Senate chamber?

10 A Yes. I was part of the entourage escorting him.

11 Q And then you waited outside for him?

12 A Yes.

13 Q Okay. You just mentioned this, but when did you first
14 learn that rioters were approaching the U.S. Capitol building?

15 A Just prior to the breach, at 12:53, I received a phone
16 call from Assistant Chief Thomas alerting me there was a lot of
17 people coming my way. That's how he phrased it.

18 And I was a little confused by that phone call because we
19 were expecting a lot of people. But a few minutes after that
20 phone call, that's when the initial breach was called out on
21 the west front at 12:53.

22 Q And again, what did you do once you learned that?

23 A Ran into Senator McConnell's office to view the breach,
24 saw that it was very bad, and immediately made my way to the
25 west front.

1 Q Where did the breach occur as far as you could see?

2 A Peace Circle, which is at the bottom of the Pennsylvania
3 Avenue walkway on the west side of the Capitol.

4 Q All right.

5 MR. JONES: Your Honor, I am showing the witness
6 Exhibit 1, and I have it paused. I am going to play from the
7 beginning and then pause at 32 seconds.

8 (The videotape was played.)

9 BY MR. JONES:

10 Q Inspector Loyd, for the record, I have paused at 32
11 seconds. For the record, what did we just watch?

12 A That's a picture of the initial breach on January 6 at
13 Peace Circle.

14 Q Is that what you watched from Senator McConnell's window?

15 A Yes.

16 Q And once you saw the rioters outside, what did you do?

17 A I immediately ran to the stage, the inauguration stage,
18 and exited the building via the lower west terrace door.

19 MR. JONES: I am going to resume playing this video at
20 32 seconds and plan on stopping at 1 minute and 10 seconds.

21 (The videotape was played.)

22 MR. JONES: For the record, I have paused at 1 minute
23 and 10 seconds.

24 BY MR. JONES:

25 Q What's happening on the screen right now?

1 A After the initial breach on the west front, a few minutes
2 later, a large amount of demonstrators pushed their way up to
3 the lower west terrace. They are currently lining up against a
4 black temporary fence that's only there for the inauguration.

5 Q Can you identify yourself on this screen?

6 A Yes. That's me right there (indicating).

7 MR. JONES: For the record, the witness has circled
8 the individual at the bottom middle of the screen.

9 BY MR. JONES:

10 Q Once you got to the stage on the west side of the
11 building, what did you do first?

12 A I locked down the building and called for help.

13 Q All right. I want to take each of those in turn.

14 What does it mean to lock down the building?

15 A When you lock down the building, people are not permitted
16 to enter or exit the building until the threat is resolved.

17 Q Who did you call for help?

18 A Just our dispatcher. I told them to send any available
19 units to the west front to assist with the breach.

20 Q How long were you on the west front?

21 A I was there approximately an hour and 15 minutes.

22 Q And do you know the approximate time you left?

23 A Approximately 2:10 in the afternoon.

24 Q All right. Where did you head after you left the west
25 front?

1 A At 2:10, I received a second phone call from Assistant
2 Chief Thomas who ordered me to leave the west front and go to
3 the east front because that's when the initial breach on the
4 east front occurred, and he wanted me to take control over the
5 east front of the Capitol.

6 Q Okay.

7 MR. JONES: I am going to play Government's Exhibit 1
8 starting at 1:10. I am going to pause it at 3 minutes and 20
9 seconds, and I won't play any more, Your Honor.

10 (The videotape was played.)

11 MR. JONES: I have paused Government's Exhibit 1 at 3
12 minutes and 20 seconds.

13 BY MR. JONES:

14 Q What just happened on screen?

15 A You are witnessing the first breach to the interior of the
16 Capitol building.

17 Q And approximately what time did the first breach of the
18 building occur?

19 A 2:13 p.m. on January 6.

20 Q A moment ago you testified that you left the west front at
21 approximately 2:10. At 2:13, where were you?

22 A Shortly after getting into the building, I heard calls for
23 help from Officer Goodman, who was in the area of the Senate
24 chamber, who advised that the building had been breached and
25 the protesters were heading up to the Senate chamber. So I did

1 not go to the east front. I redirected myself to the Senate
2 chamber.

3 Q And what did you do next?

4 A Outside the Senate chamber, by the time I got there, my
5 guys and gals had done exactly what they were trained to do
6 when you have an internal threat. They locked down the Senate
7 chamber and sheltered in place.

8 Q Did you at any point go to the House side?

9 A Yes. I was at the Senate chamber for about 10 or 15
10 minutes. Deputy Chief Waldow came there to assist me. I was
11 happy with what I saw at the Senate chamber, so I asked
12 permission to leave the Senate chamber and go check on the
13 House chamber, and Deputy Chief Waldow gave me permission to do
14 that.

15 Q Once you got to the House side, what did you do?

16 A When I got to the House chamber, my guys and gals had done
17 the same thing that they were trained to do. They had locked
18 all the doors. They were sheltering in place. And when I
19 first arrived down there, it was relatively quiet because the
20 protesters had not reached that area. But after being there
21 for 5 or 10 minutes, the protesters who entered from the north
22 side eventually made their way to the House side.

23 Q Was the House side evacuated?

24 A Yes.

25 Q Can you describe that.

1 A Yes. When the protesters -- when it was evident that the
2 protesters were going to breach the chamber, when they
3 initially arrived, we set up a very small police line. They
4 pushed through the police line. They attempted to breach the
5 main House door of the House chamber, but the door held. And
6 then when they couldn't break through those doors, they made
7 their way to the east Speaker's lobby.

8 When they did that, I went to the west Speaker's lobby to
9 check on that side. And when I was on the west side, because
10 the doors are all glass, I could see through the Speaker's
11 lobby that the protesters were attempting to break in from the
12 east side.

13 So I grabbed a couple officers who were in the area, we
14 ran a quick evacuation route to get the members of Congress
15 evacuated. And when that was done, I ordered my officers to
16 unbarricade the Speaker's lobby's door on the west side. I
17 entered the House chamber and told everybody that we were
18 leaving. And so we evacuated the House members on the main
19 floor first, but then we had to repeat the procedure on the
20 third floor because on January 6, the members of Congress were
21 actually in the galleries, which are usually reserved for the
22 public, because of social distancing due to COVID.

23 Q Okay. So I am going to put a pin in this moment and take
24 you back to the west front. Okay?

25 A Okay.

1 MR. JONES: Your Honor, I am showing the witness
2 Government's Exhibit 210. I have it paused at 0 seconds.

3 BY MR. JONES:

4 Q Do you recognize this view?

5 A Yes.

6 Q What are we looking at?

7 A You are looking down on the inauguration stage and the
8 lower west terrace.

9 Q And on screen, what time does this video start?

10 A 12:55 on January 6.

11 MR. JONES: For the record, this is a time-lapse
12 video, so the time is going to go pretty quickly.

13 I am going to press play and pause at 7 seconds.

14 BY MR. JONES:

15 Q Actually, before I do that, can you describe the
16 barricades that you see in this image.

17 A Yes. The black fence you see in the middle of the screen,
18 that's the temporary black fence I mentioned earlier. It's
19 only there for the inauguration. And it's used to segregate
20 VIPs depending on what ticket they have on inauguration day.

21 Q And the background at the top of the image?

22 A That's the west front grassy area.

23 (The videotape was played.)

24 MR. JONES: I have paused 210 at 7 seconds for the
25 record.

1 BY MR. JONES:

2 Q What just happened?

3 A The protesters came from Peace Circle and the entire west
4 front and made it up to that temporary black fence that I just
5 spoke about, and then they breached that black fence and made
6 their way to the base of the stage.

7 Q Can you identify yourself at this point?

8 A Yes. Right there (indicating).

9 MR. JONES: For the record, the witness has identified
10 an individual at the center bottom of the screen.

11 MR. MOYERS: No objection.

12 BY MR. JONES:

13 Q What is happening just in front and below you?

14 A Below me, there's a temporary police line, the officers
15 who came to help us as well as the officers who were on First
16 Street who retreated back, and we attempted to set up a police
17 line to keep the protesters at that particular location until
18 help arrived.

19 Q Are those officers Capitol Police or Metropolitan PD?

20 A Currently that's just Capitol Police.

21 Q Later did Metropolitan Police show up?

22 A Yes.

23 Q I am going to resume Exhibit 210, and I want to focus your
24 attention on the left side of the screen. I am going to pause
25 at 30 seconds.

1 (The videotape was played.)

2 MR. JONES: I have paused at 30 seconds.

3 BY MR. JONES:

4 Q What time does the video show now?

5 A 1:15 in the afternoon on January 6.

6 Q And what did we just watch?

7 A You watched the first arrival of the Metropolitan officers
8 who came to assist us.

9 Q What side of the screen did they enter on?

10 A The left side.

11 Q Did they use any barriers to assist them?

12 A They were in the process right now of reestablishing the
13 perimeter there on the lower west terrace using bike rack.

14 Q At this time, was Metropolitan Police assisting U.S.
15 Capitol Police?

16 A Yes.

17 MR. JONES: One moment, Your Honor.

18 BY MR. JONES:

19 Q And were the Capitol Police engaged in their official
20 duties as officers or employees of the United States?

21 A Yes.

22 MR. JONES: I am going to resume playing 210 at 30
23 seconds and pause at the one-minute mark.

24 (The videotape was played.)

25 MR. JONES: I have paused at one minute.

1 BY MR. JONES:

2 Q What time is it?

3 A It is 1:35 in the afternoon on January 6.

4 Q And what did we just watch?

5 A Additional Metropolitan officers arriving to establish a
6 police line on the lower west terrace.

7 Q Were they able to regain even more ground?

8 A Temporarily, yes.

9 Q This video doesn't have sound, and it's taken from far
10 away. Can you describe what you are seeing and hearing on the
11 west front around this time?

12 A It's very loud. It's a street fight, basically a very
13 large street fight between hundreds of officers and tens of
14 thousands of protesters.

15 Q And at this point, you had been on the west front for a
16 little while. What were you personally doing?

17 A Leading my people, taking care of my injured personnel.
18 When Metropolitan arrived, I evacuated all of my injured
19 personnel back into the building so they could receive medical
20 treatment. And once that was done, I actually joined the fight
21 on the line with Metropolitan.

22 MR. JONES: I'm playing 210 at 1 minute. I'm going to
23 pause at 1 minute and 52 seconds.

24 (The videotape was played.)

25

1 BY MR. JONES:

2 Q I have paused at 1 minute, 52 seconds. What time is it on
3 the screen?

4 A 2:10 in the afternoon.

5 Q Is that approximately when you left the west front?

6 A Yes.

7 MR. JONES: I am playing at this moment, and I am
8 going to pause at 2 minutes and 20 seconds.

9 (The videotape was played.)

10 MR. JONES: I have paused at 2 minutes and 20 seconds.

11 BY MR. JONES:

12 Q What does the time show on the screen?

13 A 2:28 in the afternoon on January 6.

14 Q And what just happened on the screen?

15 A You see the police line that was established on the lower
16 west terrace collapsing.

17 Q Toward the bottom of the screen, do you see an area where
18 there are some handrails on the stage?

19 A Yes.

20 Q This area (indicating)?

21 A Yes.

22 Q Can you describe for the court what that is.

23 A That is a passageway from the top of the stage down to the
24 lower west terrace.

25 Q So where the rioters are, it's a way for you to get

1 upstairs to the stage?

2 A Yes.

3 MR. JONES: I am going to resume playing at 2 minutes
4 and 20 seconds, and I am going to pause at 2 minutes and 33
5 seconds. And I would like the Court's attention to focus on
6 that area.

7 (The videotape was played.)

8 MR. JONES: I have paused at 2 minutes and 33 seconds.

9 BY MR. JONES:

10 Q What time is it?

11 A 2:37 in the afternoon on January 6.

12 Q For the record, what did we just watch?

13 A It appeared that the officers, after the line was
14 breached, retreated up that stairwell onto the main stage.

15 Q Where did they go after they reached the stage?

16 A Eventually everybody who was on the west front retreated
17 to the lower west terrace door, also known as the tunnel.

18 Q In relation to this screen, where is that tunnel?

19 A It's a few inches below the bottom of the screen.

20 MR. JONES: I'm playing Exhibit 210 at 2 minutes and
21 33 seconds. And I'm going to play it to the end, which is
22 another approximately 30 seconds.

23 (The videotape was played.)

24 MR. JONES: One moment, Your Honor.

25

1 BY MR. JONES:

2 Q On January 6, 2021, while you were on the west front, did
3 members of the mob -- were they involved in acts of violence?

4 A Yes.

5 Q By three or more persons?

6 A Yes.

7 Q Did those acts of violence involve damage or injury to
8 persons or people --

9 A Yes.

10 Q -- or property or people?

11 A Yes.

12 Q On January 6, was one of the functions of the U.S. Capitol
13 Police to protect the U.S. Capitol?

14 A Yes.

15 Q And the grounds?

16 A Yes.

17 Q Was one of the functions of the Secret Service to protect
18 the vice president?

19 A Yes.

20 Q All right. I would like to briefly ask you about another
21 camera angle. This time I won't show you a video. I will just
22 show you a screenshot.

23 MR. JONES: I am showing the witness 104.1, which is a
24 screenshot of Exhibit 104.

25

1 BY MR. JONES:

2 Q Do you recognize this camera angle?

3 A Yes.

4 Q What is it?

5 A It's a camera looking out the lower west terrace door,
6 also known as the tunnel, out onto the west front.

7 Q At the top left corner, what time is it?

8 A 4:49 p.m. on January 6.

9 THE COURT: Can you read that again?

10 THE WITNESS: 4:49 p.m. on January 6.

11 MR. JONES: I can zoom in, Your Honor.

12 THE COURT: I'm sorry, I thought it was 14. Got it.

13 BY MR. JONES:

14 Q Were you aware that the Senate and House were called to
15 order January 6, 2021?

16 A Yes.

17 Q Why were they meet meeting?

18 A They were meeting to certify the presidential ballots for
19 the 2020 election.

20 Q How do you know that?

21 A I was part of the plan to deal with that.

22 Q Do you know the approximate time the session started?

23 A The joint session, when they came together, was about
24 1:00 p.m.

25 Q And do you know the approximate time that it was

1 suspended?

2 A The joint session came in -- came together around 1:00.
3 They went to their respective chambers almost immediately
4 because there was a formal objection to one of the ballots, so
5 the Senate went back to the Senate. The House stayed where
6 they were at. The Senate recessed, I believe, around 2:15 when
7 the rioters breached the building. And the House, I believe,
8 recessed around 2:30, you know, because the rioters were in the
9 building.

10 Q I will just show you a video to help us out. All right.

11 MR. JONES: So I am showing the witness Exhibit 2. I
12 have it paused at the beginning.

13 In the interest of time, I am going to jump around a
14 little bit, so I am going to start playing it at the 1 minute
15 and 15 second mark and pause it at 1 minute, 25 seconds.

16 (The videotape was played.)

17 BY MR. JONES:

18 Q What do you see on screen?

19 A That was the vice president and the United States Senate
20 making their way from the Senate chamber down to the House
21 chamber to start the joint session.

22 Q At that time, were you supposed to be outside the Senate
23 chamber?

24 A Yes.

25 Q But where were you?

1 A I was on the west front dealing with the breaches.

2 MR. JONES: I am going to skip ahead to 2 minutes and
3 5 seconds and play to 2 minutes and 25 seconds.

4 (The videotape was played.)

5 BY MR. JONES:

6 Q What did we just watch on screen?

7 A You are watching the arrival of the vice president, the
8 United States Senate, and the ballot entourage to the House
9 chamber to start the joint session.

10 Q Approximately what time?

11 A 1:00 p.m. on January 6.

12 MR. JONES: I am going to skip ahead to 5 minutes and
13 14 seconds, and I am going to play until 5 minutes and 54
14 seconds.

15 BY MR. JONES:

16 Q What did we just watch?

17 A That was the United States Senate going into recess due to
18 the protesters being physically in the building. Mr. Grassley
19 was escorted out by Capitol Police personnel, and that's my
20 officer up top taking over the Senate chamber to direct the
21 shelter in place.

22 Q And what time is that?

23 A That is 2:13 p.m.

24 MR. JONES: I am going to skip ahead to 7 minutes and
25 35 seconds, and I am going to play until 7 minutes and 48

1 seconds.

2 BY MR. JONES:

3 Q What did we just watch?

4 A That's the House of Representatives going into recess and
5 locking down the House chamber to shelter in place.

6 Q Approximately what time was that?

7 A 2:29 in the afternoon on January 6.

8 MR. JONES: I am going to skip ahead to 9 minutes and
9 57 seconds, and I am going to play until 10 minutes and 10
10 seconds.

11 (The videotape was played.)

12 BY MR. JONES:

13 Q What did we just watch?

14 A That's the vice president bringing the Senate back into
15 business so they can complete the joint session and the
16 ballot -- presidential ballot process.

17 Q Approximately what time is that?

18 A Approximately -- I think it was 8:06.

19 Q I can back it up.

20 A Yes, 8:06 in the evening on January 6.

21 MR. JONES: I am going to resume playing and play
22 until 10:24.

23 (The videotape was played.)

24 BY MR. JONES:

25 Q What did we just watch?

1 A That's the Speaker of the House bringing the House back
2 into order after the recess at 9:03 p.m.

3 Q I am going to resume playing and play until 11 minutes and
4 25 seconds.

5 (The videotape was played.)

6 BY MR. JONES:

7 Q What did we just watch?

8 A That was the conclusion of the joint session after the
9 ballot process was completed.

10 Q Approximately what time was that?

11 A 3:44 in the morning on January 7.

12 Q During that gap, from approximately 2:30 to 8:06 p.m., why
13 did the House and Senate remain in recess?

14 A The protesters had broken into the building, and they
15 actually controlled the interior of the building from
16 approximately 2:10 to about 4:30 in the afternoon.

17 After we had sufficient resources there, after 4:30, we
18 began to clear out any remaining protesters, and we began to
19 sweep the building to make sure there was nobody there
20 illegally or nothing that was left behind that could have been
21 nefarious.

22 Q Did continuing the certification require all rioters to be
23 cleared from the building?

24 A Yes.

25 Q How much police power did it take to clear the building so

1 the certification could continue?

2 A Hundreds. I don't know the exact number, but we had to
3 outnumber them. There were hundreds of rioters actually inside
4 the building, so we had to match that and surpass that to get
5 them all out and pushed outside.

6 Q At that time were there also rioters immediately outside
7 the building?

8 A Yes.

9 Q How, if at all, did responding to rioters outside the
10 building impact law enforcement's ability to clear the Capitol
11 quickly that day?

12 A It was a tremendous impact because there was only hundreds
13 of rioters inside the building, but there were tens of
14 thousands of people on the outside of the building.

15 MR. JONES: Okay. One final exhibit. I'm showing the
16 witness 105.

17 BY MR. JONES:

18 Q So I would like to turn your attention to the CCTV camera
19 facing the west front and fast-forward to later in that day.

20 MR. JONES: I'm showing 105, and I am going to pause
21 it at 2 minutes.

22 BY MR. JONES:

23 Q I have it paused at 2 minutes. At the top left corner,
24 what is the time stamp in this video?

25 A 5:06 p.m. on January 6.

1 Q What do you see on the screen?

2 A The stage, the inauguration stage, and the lower west
3 terrace with protesters on it.

4 Q Is that at the bottom of the screen?

5 A Yes.

6 Q Is that near the tunnel?

7 A Yes.

8 Q As long as rioters remained on the lower west terrace
9 outside the tunnel, could Congress resume the certification
10 process?

11 A No.

12 Q Why not?

13 A Because it's still a threat to have this many people who
14 were actively fighting police right next to the building.

15 Q A few cleanup questions. Were Metropolitan Police
16 officers assisting U.S. Capitol Police in the performance of
17 official duties?

18 A Yes.

19 Q How?

20 A Providing support and backup to the initial breach and
21 throughout the entire day.

22 Q And the image that we have currently up is -- what's the
23 source of this image as far as you know?

24 A It appears to be our circuit television cameras from the
25 Capitol Police Department.

1 Q Is it in good working order as far as you know?

2 A Yes.

3 Q Was it in good working order on January 6, 2021?

4 A Yes.

5 Q Are the time stamps accurate?

6 A Yes.

7 MR. JONES: No further questions, Your Honor.

8 THE COURT: Okay. Cross.

9 MR. MOYERS: Do we want to take a break now?

10 THE COURT: How long do you expect?

11 MR. MOYERS: I mean, it could be an hour, just like
12 this.

13 THE COURT: Okay. Let's take a ten-minute recess
14 then.

15 (A recess was taken at 10:43 a.m.)

16 THE COURT: Okay. You may recall the witness.

17 MR. GORDON: Yes, Your Honor.

18 THE COURT: Okay. Mr. Moyers, whenever you're ready.

19 CROSS EXAMINATION

20 BY MR. MOYERS:

21 Q Good morning, Inspector Loyd.

22 A Good morning.

23 Q I want to start out first with what you discussed on
24 direct in terms of your expectations for January 6.

25 Just so we're all clear, I believe you said on direct that

1 a large amount of people similar to MAGA rallies were going to
2 come -- or similar to the MAGA rallies from late 2020 were
3 going to show up. Can you tell the Court what you meant by
4 MAGA rally?

5 A There were two MAGA rallies, I believe, in support of
6 President Trump in late 2020 that drew tens of thousands of
7 people.

8 Q And MAGA would stand for Make America Great Again?

9 A Yes, I believe so.

10 Q And when were those rallies from late 2020, if you recall?

11 A When?

12 Q Yes.

13 A I don't remember the exact months. November, December,
14 but it's late 2020.

15 Q After the election?

16 A Yes. Yes.

17 Q And you said you arrived that day at around 7:30 p.m. --
18 or a.m.? I'm sorry.

19 A Yes, sir.

20 Q And tell me about this, I guess, restricted area on the
21 outer perimeter. Do you remember the exhibit that the
22 government showed you that had the red line all around the
23 Capitol map?

24 A Yes.

25 Q And how big is that area?

1 A I've never really been asked that question. It's hard to
2 tell. I'm not into acres. I can't even tell you how much an
3 acre is. But on the east side from the building to the bike
4 rack is probably 50 to 75 yards. On the west side, it's
5 probably closer to a hundred yards from the base of the lower
6 west terrace out to First Street.

7 Q By bike rack, are we talking -- I guess, how big is an
8 individual bike rack?

9 A I believe it's 8 feet lengthwise and 4 or 5 feet tall.

10 Q And how many of those did you need to surround the whole
11 Capitol grounds?

12 A I have no idea.

13 Q Was it hundreds?

14 A At least. Yes, at least.

15 Q And do you remember when those went up?

16 A The east side bike rack went up in the summer of 2020 when
17 the Black Lives Matter protests began. In that summer, Black
18 Lives Matter, they would ping back and forth from the Capitol
19 to the White House, back and forth, but they always came to the
20 east side. So they eventually just bike-racked the east side
21 of the building.

22 Q And that bike rack didn't move between that protest in
23 2020, I guess in the summer, until January 6 --

24 A Correct.

25 Q -- correct?

1 A Correct.

2 Q Do you know when the bike racks for I guess we will call
3 it the west side went up?

4 A Yes. They went up really late on January 5 into the
5 morning of January 6.

6 Q Were you in charge of that, or was somebody else?

7 A No. That's the Security Services Bureau.

8 Q And did you or, I guess, anybody beneath you publicize in
9 any way that this was a restricted area?

10 A Just the bike rack itself, that's the minimal. Some of
11 the bike rack did have signs on it that said, you know, stay
12 out of the area.

13 Q And you were expecting -- I believe you testified on
14 direct that you were expecting, I guess, tens of thousands --

15 A Yes.

16 Q -- of protesters?

17 And was there anything else besides signs and the bike
18 racks themselves?

19 A Just police presence along the, you know, portions of the
20 bike rack.

21 Q Do you know if, I don't know, anything went out over the
22 news media or social media?

23 A I am not aware.

24 Q All right. And your office wouldn't put out a tweet or
25 Instagram about the Capitol?

1 A It's possible, but I am not aware of anything that was put
2 out.

3 Q And I want to talk -- the snow fence, could you explain to
4 me about -- I heard something in there about every four years
5 or the architect. Can you explain what the snow fence is used
6 for or if it has lots of --

7 A Yes.

8 Q Why don't you tell me what the snow fence --

9 A It's no longer used now after January 6. But prior to
10 January 6, it was used as a primary tool to segregate an area.
11 Like we used to use it for the concerts, the summer concerts,
12 or a big event.

13 On January 6, the snow fence was being used to segregate
14 the construction area around the inauguration stage on the west
15 front. That was the extent of the snow fence.

16 Q Do you know when that snow fence went up?

17 A Yes. In the fall of 2020, that's when the construction of
18 the stage begins.

19 Q And so you saw the snow fencing up when you did your
20 rounds at 7:30?

21 A Well, I already knew they were there. I drove by the bike
22 rack that was added overnight from January 5 into the early
23 morning of January 6, just drove by it.

24 Q So on January -- if somebody had come to the Capitol on
25 January 5, they may not have seen all the barriers that would

1 be up on January 6?

2 A Correct.

3 Q Now, were there any -- I guess you were down on the west
4 side, or I guess we will say the west side of the Capitol, for
5 about an hour and 15 minutes. Is that right?

6 A Yes.

7 Q And did you say anything to the crowd like you're not --
8 you don't belong here, this is a restricted area, anything like
9 that?

10 A No, because the crowd was too large for me to individually
11 make that announcement without any kind of megaphone or
12 anything like that. The objective was to set up a temporary
13 police line to stop the surge.

14 Q And it was to -- and by setting up a temporary police
15 line, you mean where the barriers weren't any longer, is that
16 right?

17 A It was a mixture. Some places, there were no longer
18 barriers. Other places, we may have been able to put barriers
19 together that were just in the area. So it was a mixture.

20 Q And we saw in a lot of those videos that there was -- let
21 me ask you this. Is there any kind of loud speaker or PA
22 system that was available?

23 A There is a PA system, but it was not used to my knowledge.

24 Q Was the -- well, let me ask you. Would it have been loud
25 enough over the crowd for people to hear?

1 A I can't answer that question. The crowd was pretty loud.

2 Q Is snow fencing ever put up just for something more
3 prosaic like you want to rehabilitate the grass or something
4 like that?

5 A Yes. No longer. It's been banned since January 6. But
6 prior to January 6, yes.

7 Q Now, when you first -- I guess, when you first -- well,
8 let me ask this. When did you first learn that there was a
9 crowd gathering on the west side?

10 A I received a phone call from Assistant Chief Thomas just
11 prior to the initial breach at 12:53. I was in the Ohio Clock
12 area getting ready to escort the vice president and the Senate
13 from the Senate chamber down to the House chamber.

14 Assistant Chief Thomas called me. His voice was in a
15 panic. And he said, Tom, you have a lot of people coming your
16 way. And that was the first indication that there was a lot of
17 people out there.

18 Q And I believe you went to then Majority Leader McConnell's
19 office?

20 A After the breach, yes.

21 Q That would have been after the phone call from your --

22 A Yes.

23 Q And that's when you looked out. I guess, the office must
24 have been a west-facing window?

25 A Yes.

1 Q And was it on the ground floor, second floor?

2 A That's on the second floor.

3 Q And is that when -- I guess, who made the command at that
4 point to lock down the building?

5 A From Mr. McConnell's office, I made my way down to the
6 lower west terrace door, went out onto the stage. And by that
7 time, they had made their way up to the temporary black fence
8 that I talked about earlier on the lower west terrace, and then
9 they eventually breached that. So very shortly after I got on
10 the stage, I called for the lockdown.

11 Q And what does -- I mean, just -- I know the court probably
12 knows, but what does lockdown mean?

13 A Lockdown means you do not want people entering or exiting
14 the building until the threat outside is resolved.

15 Q And so do doors automatically lock, or what happens?

16 A No. The officers have to individually lock the doors that
17 they are posted at.

18 Q Oh, so the lockdown would be an order you make to the
19 officers that work for you?

20 A Yes.

21 Q And telling them to, I guess, don't let anybody in or out?

22 A It's assumed when you say lockdown, yes.

23 Q Okay. And that you would shelter in place, not move
24 around the building?

25 A No. Lockdown means you don't want people entering or

1 exiting the building. Shelter in place means you stay in your
2 individual offices, or if you're in the House or Senate
3 chamber, you would stay within the chambers.

4 Q And did you see -- I guess, when you were within the
5 Capitol, do you know if any protesters -- do you know if you or
6 any of your officers allowed any of the protesters to remain in
7 the building?

8 A No. When they broke in the building at approximately
9 2:00 or 2:15, we were -- going back to the initial breach at
10 12:53. The initial breach at 12:53, the fight for us was over
11 because we were so outnumbered. So the rest of the day, it was
12 just retreat, set up a police line, and retreat.

13 Eventually the protesters got to the edge of the building.
14 When they broke into the building, they outnumbered us
15 tremendously. So once they are in, they are in control.

16 THE COURT: I'm sorry, just one moment.

17 The government didn't mention it in opening. Is the
18 government alleging the defendant ever went into the building?

19 MR. JONES: No, Your Honor.

20 THE COURT: So let's keep that in mind as we cross.

21 MR. MOYERS: Understood.

22 THE COURT: Thanks.

23 BY MR. MOYERS:

24 Q Let's focus on the outside.

25 I saw in some of the time-lapse videos there would be

1 puffs of smoke. Do you know what that was?

2 A That could have been a variety of things. It could have
3 been pepper spray, bear spray, any kind of aerosol is a
4 possibility.

5 Q And do you know if any of your officers deployed any of
6 those pepper spray, bear spray?

7 A Yes. The pepper spray, our officers, we only had the
8 small personal pepper sprays. I am not aware of using anything
9 bigger than that.

10 When metropolitan arrived, Metropolitan had much more
11 heavy duty stuff when it came to pepper spray.

12 Q And by more heavy duty, what do you mean?

13 A If you see on some of the videos, Metropolitan has
14 officers with these big cylinders, it looks like gas cylinders,
15 that they are spraying. And I believe they actually launched
16 containers filled with pepper spray into the crowd.

17 Q And was that part of the USCP's planned response?

18 A I'm sorry?

19 Q Was that part of the Capitol Police's planned response, if
20 necessary, to the -- I guess to the mob?

21 A Well, the department had a Civil Disturbance Unit plan
22 that was put together. That was the only plan for the day.
23 And it included anything associated with the Civil Disturbance
24 Unit personnel and when the equipment would be utilized.

25 Q And do you know if CS gas was used?

1 A I'm not -- I don't know the exact terms. I refer to it as
2 pepper spray. I know pepper spray was used. CS, I'm into the
3 weeds with all the different types of gases.

4 Q What's the gas meant to do?

5 A The gas is meant to disperse any crowds to try to convince
6 them to leave the area.

7 Q And does it make people confused?

8 A No. It's to get their attention and tell them it's time
9 to go home.

10 Q Can people react aggressively?

11 A Some people did, yes.

12 Q Is it disabling to some people?

13 A I'm sure it was.

14 Q Now, I guess, let's go back to when you were looking out
15 the office of Senator McConnell's office.

16 Was it ever discussed that the Congress should just be
17 evacuated completely?

18 A I'm not sure what those discussions were about. I falsely
19 assumed that when I was receiving phone calls from the
20 assistant chief, that they were running things from the command
21 center. And I found out after the fact that was not occurring.

22 Q But you didn't know it at the time?

23 A Did not know it at the time.

24 Q Uh-huh. And so you made it over to the east -- did you
25 even make it over to the east side completely?

1 A I never made it to the east side.

2 Q And then you just turned right around and came back, I
3 guess, to the lower west terrace stage?

4 A No. When I entered the building after receiving the order
5 from Assistant Chief Thomas, I heard the cries of help from
6 Officer Goodman who said they were in the building now heading
7 up to the Senate floor. So I disregarded the order to go to
8 the east front and went to the Senate chamber because that's
9 our mission, protect the Congress, and that was the core threat
10 at that point.

11 Q I guess this may be apparent, but did you -- or were you
12 or any of your officers affected by the pepper spray that was
13 deployed or we will call it the gas that was deployed that day?

14 A Yes.

15 Q How so?

16 A If you breathe it and you don't have the gas mask, it will
17 impact you tremendously.

18 Q And was, I guess, issuing officers gas masks part of the
19 CDU response?

20 A I'm sure it was. I'm not part of that unit. That's with
21 the Operational Services Bureau. I work in the Uniformed
22 Services Bureau. But I'm sure that was part of the process.

23 Q And so you see your officers who maybe couldn't breathe
24 very well?

25 A Yes.

1 Q Watery eyes?

2 A Yes.

3 Q I guess what I would like to know is where were there --
4 were there any other areas of the Capitol grounds that were
5 permitted for demonstrations that day?

6 A Yes.

7 Q Where would that be?

8 A I don't know the exact. The only place they could not be
9 was in that restricted area that you saw on the diagram with
10 the red outline with the bike rack. There were other permitted
11 demonstrations outside that restricted area.

12 Q But my understanding is that the bike racks went all
13 around the Capitol grounds, or am I mistaken?

14 A No, they did not, only around that outer perimeter. It
15 does not encase the entire Capitol grounds.

16 Q So as far as you understood, outside that perimeter, First
17 Amendment protesting was permitted?

18 A Yes.

19 Q I guess, were you, yourself, affected by the pepper spray
20 or gas that day?

21 A Yes.

22 Q Did it interfere with your ability to think?

23 A Not think, but it hurt my ability to see and breathe.

24 Q Now, when you entered the House chamber and you told
25 everyone that, hey, we're leaving, I guess who was everyone?

1 A That's the member of Congress and the staff on the floor
2 at the time.

3 Q So we are talking hundreds of people?

4 A Yes.

5 Q Now, at around, I guess, when you were shown the video on
6 direct outside, around 1:35, I believe you described it as a
7 very large street fight?

8 A Yes.

9 Q We saw, I guess, on that video on kind of the left side
10 police moving, I guess, it looked like bike racks to kind of
11 push the crowd back. Is that what was actually going on?

12 A It appears so, yes.

13 Q And then, I guess, the injured personnel, that's when -- I
14 guess that's when you were able to take your injured personnel
15 to safety?

16 A Yes.

17 Q And you may have said this on direct, but you brought them
18 where?

19 A I'm sorry?

20 Q You brought them where?

21 A Inside the building through the lower west terrace door,
22 yes.

23 Q What we call the tunnel?

24 A The tunnel, yes.

25 Q Now, I guess we see it around 2:28. You have described it

1 as the police line collapsing?

2 A Yes.

3 Q And what does collapse mean?

4 A Just falling apart. We are being overwhelmed. I wasn't
5 out there, but the officers were being overwhelmed by the
6 rioters.

7 Q So the crowd was -- the police line was no longer able to
8 keep the protesters outside, I guess, off the lower west
9 terrace. Is that --

10 A Correct.

11 Q And there was a retreat, I guess, at the lower west
12 entrance, the tunnel?

13 A Yes.

14 Q And did you give that order to retreat, or was that --

15 A No. That would have been -- Metropolitan took control of
16 the west front as soon as they arrived en masse because they
17 greatly outnumbered us and had a lot more commanders there. So
18 Metropolitan got there about 20 minutes after the initial
19 breach and basically took over the west front after that.

20 Q Would it be fair to say that they just had manpower that
21 the people in your uniformed division did not?

22 A Correct.

23 Q And they had equipment for demonstrations like that, is
24 that right?

25 A Yes. Much more than we have, yes.

1 Q And you said that the mob was involved in acts of
2 violence. What particularly did you observe?

3 A Spraying us with different sprays. I don't know if it was
4 pepper spray, bear spray. I got sprayed several times. The
5 biggest threat were the objects that were thrown at us. We had
6 frozen water bottles that were thrown at us. We had flagpoles
7 that were thrown at us.

8 The area was an active construction zone, and the
9 construction workers were actually working that day. When they
10 fled, they left their tools behind. So we had screwdrivers.
11 We had hammers, saws. All that stuff was thrown at us.

12 Q And those were just tools that the construction people had
13 left. They were literally building that morning?

14 A Yes.

15 Q I guess you did -- was the final sweep at 4:30, or did it
16 end, I guess, at 4:30?

17 A 4:30 we gained control of the interior of the building,
18 and then we started our final sweeps starting then when we took
19 back the interior of the building.

20 And it took us a few hours to completely sweep the
21 building. When I say sweep, you have officers and K-9 dogs
22 that are trained to sniff out explosives. We had walked the
23 entire building, all the floors, to make sure there's nothing
24 nefarious inside.

25 Q By nefarious, you mean, I guess, weapons?

1 A Weapons or explosives, yes, or people.

2 Q Yeah, or people.

3 A Yes.

4 Q And was it -- you got kind of into this at the end of your
5 direct. Was the threat -- the threat was primarily inside
6 after the breach, is that right?

7 A No. The threat is inside and outside.

8 Q And can you explain that to me, how that worked?

9 A Yes. Outside, if you're a large amount of people in close
10 proximity to the building, after several hours of breaches,
11 assaults, pushing police, forcing them to retreat back to the
12 building to the point where the protesters break into the
13 building, the fact that we gained control of the interior
14 building and there's still tens of thousands of people outside,
15 that is still a threat at that point.

16 Q Because literally all that's in between is, like we saw in
17 the videos, glass or doors?

18 A Yes.

19 Q Like wooden doors, is that right?

20 A Yes.

21 Q And would you say -- I think you said hundreds of police
22 officers were needed to match and surpass the push from
23 outside?

24 A Hundreds of police officers were needed to clear out the
25 building. We were probably way above that on the outside

1 because there was tens of thousands of people outside. So
2 hundreds were needed for the inside. I'm not sure how many
3 outside.

4 MR. MOYERS: If you give me a moment, Your Honor, I
5 think I might be able to skip a bunch.

6 THE COURT: Sure.

7 BY MR. MOYERS:

8 Q If you had to estimate, what percentage of the crowd was
9 engaged in violence?

10 A I cannot estimate. As far as my position, I view a mob,
11 in this case, it was tens of thousands of people, it's one unit
12 made up of tens of thousands of people who were fighting my
13 officers made up of hundreds of people.

14 I really don't care what their participation was in the
15 mob. They are all part of the mob for that particular day.
16 And the mob assaulted my officers. They breached the
17 perimeter, breached the building, and threatened the United
18 States Congress and the vice president.

19 Q Was there any -- from your point of view, did you and the
20 officers below you follow the plan that you had developed for
21 that day?

22 A This was no department operational plan. The only plan
23 that was produced that day was for the Civil Disturbance Unit
24 aspect of the activities.

25 Q And you wouldn't have had access to that or not have been

1 subject to it or --

2 A I saw it, but that's a completely different bureau than
3 myself. The way it works is our Civil Disturbance Unit, it's a
4 collateral assignment. So if we have a big event like that on
5 January 6, my personnel are detailed to the Operational
6 Services Bureau to fill the manpower requirements.

7 So I wasn't part of that operational plan, but my
8 personnel were detail that day, and it fell under different
9 leadership that day.

10 Q The Civil Disturbance Unit is there just in case a
11 protest, let's say a benign or peaceful protest turns violent?

12 A Or it's used for crowd control or traffic direction,
13 whatever the need is.

14 Q Okay. Just to make it very clear for the record, you
15 never saw Brian Mock that day?

16 A No.

17 Q Okay. And as far as you know, he never entered the
18 building?

19 A I'm not aware.

20 MR. MOYERS: No further questions.

21 THE COURT: Any redirect?

22 MR. JONES: Briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. JONES:

25 Q All right. So I am going to try and take this in order.

1 So on cross you talked about the MAGA rallies at the end
2 of 2020. Do you remember that?

3 A Yes.

4 Q What were some of the preparation that Capitol Police took
5 in advance of those MAGA rallies?

6 THE COURT: Any relevance to that?

7 MR. JONES: I will just skip it.

8 BY MR. JONES:

9 Q You were talking about bike racks. I am going to show you
10 401.7. Do you see a bike rack in this picture?

11 A Yes.

12 Q Is that an example of a bike rack that was used on
13 January 6?

14 A Yes.

15 Q You also testified about a PA system. Do you remember
16 that?

17 A Yes.

18 Q I would like you to listen to this video I'm playing,
19 Exhibit 913.

20 (The videotape was played.)

21 BY MR. JONES:

22 Q Did you hear a PA system in that video?

23 A Yes.

24 Q Okay. And is that the PA system that you are familiar
25 with?

1 A That appeared to be from Metropolitan. Our PA system is
2 mostly used to keep people informed for a fire evacuation.

3 Q So on January 6, do you remember whether Metropolitan had
4 a PA system that they were using to tell people to disperse?

5 A I believe they had portable ones, yes.

6 Q And lastly I want to talk about the restricted area. I am
7 showing you 202 again. What does the red line represent?

8 A The red line represents our outer perimeter for that
9 January 6.

10 Q Are the Capitol grounds confined to that red area?

11 A No.

12 Q How big are the Capitol grounds?

13 A I don't have the exact square footage, but the primary
14 jurisdiction for Capitol grounds goes out to Third Street on
15 the west side, up Louisiana Avenue to Union Station and around
16 Massachusetts Avenue on the north side. Then it comes down
17 Second Street behind the Supreme Court and goes down to D
18 Street on the south side and encompasses D Street to Washington
19 Avenue.

20 Q If you see it on the screen, can you draw it?

21 A You can't do that. It's too big of a --

22 Q So the perimeter of the grounds stretch beyond the screen
23 that's in 202?

24 A Yes, tremendously.

25 Q Okay. So if there was a protest that was authorized in

1 this area (indicating) -- do you see where I am marking?

2 A Yes.

3 Q -- would that be on Capitol grounds?

4 A Yes.

5 Q Would that be in the restricted area?

6 A No.

7 MR. JONES: No further questions, Your Honor.

8 THE COURT: Thanks so much, Inspector. You may step
9 down. Government may call its next witness.

10 MR. GORDON: Thank you, Your Honor. The United States
11 calls Inspector Lanelle Hawa. To clarify for the record, when
12 Mr. Jones drew a marking on the exhibit he just published, it
13 was in the upper right-hand corner of the screen just outside
14 of the restricted area.

15 THE COURT: You may step right up to the witness
16 stand. And when you get there, raise your right hand for me,
17 please. Thanks.

18 LANELLE HAWA

19 Having been first duly sworn on oath, was examined and
20 testified as follows:

21 DIRECT EXAMINATION

22 BY MR. GORDON:

23 Q Good morning, Inspector Hawa.

24 A Good morning.

25 Q Could you please state your name and spell it for the

1 record, please.

2 A Yes. Lanelle Hawa, L-A-N-E-L-L-E. Last name is Hawa,
3 H-A-W-A.

4 Q Inspector Hawa, are you employed?

5 A Yes.

6 Q By whom are you employed?

7 A The United States Secret Service.

8 Q What do you do for the Secret Service?

9 A I am an inspector.

10 Q What does that role entail?

11 A Basically we handle internal affairs matters and
12 compliance inspections of the offices throughout the Secret
13 Service.

14 Q How long have you worked at the Secret Service?

15 A 24 years.

16 Q Have you always been in the position you have now?

17 A No.

18 Q How long have you been in your current position?

19 A Almost two years.

20 Q Were you working in that position, the one you have now,
21 on January 6, 2021?

22 A I was not.

23 Q What role did you have on that day?

24 A I was with the liaison division.

25 Q What is the liaison division?

1 A The liaison division, we have special agents who are
2 assigned to various federal agencies and entities in the
3 national Capitol region who assist in facilitating visits of
4 our protectees at those offices or facilities.

5 Q What is the mission of the Secret Service?

6 A We protect some of the nation's highest leaders;
7 president, vice president, former presidents, families, family
8 members, visiting heads of state, and we also protect the
9 financial infrastructure of the United States.

10 Q And so what was your role within the liaison division back
11 on January 6, 2021?

12 A I was assigned as an agent up at the U.S. Capitol to help
13 facilitate, again, any visits of our protectees to the U.S.
14 Capitol.

15 Q Was there going to be a visit of one or more of your
16 protectees on that day?

17 A Yes.

18 Q Which protectee was that?

19 A I was tasked with handling the advance for Vice President
20 Pence.

21 Q Why was Vice President Pence going to be visiting the
22 Capitol on January 6, 2021?

23 A To participate in the certification of the Electoral
24 College votes.

25 Q So what's involved in preparing for that kind of event or

1 that kind of movement? What did you have to do in the lead-up
2 to January 6?

3 A We coordinate with our counterparts up at the U.S.
4 Capitol, the Capitol Police, Senate and House, Sergeant at Arms
5 offices, personnel assigned to those offices, any staff that
6 might be involved in the event that's taking place, other
7 Secret Service agents obviously assigned to the vice
8 president's detail.

9 Q When you say you coordinate with them, what is it you are
10 coordinating?

11 A The logistics of just the access control onto the U.S.
12 Capitol complex, providing them were information about the
13 motorcade, other points of contact with the Secret Service
14 agents who will be the vice president. Also handling just kind
15 of coordinating the movements of our protectee once they are
16 there, what rooms they are going to, how they will be getting
17 to those rooms; and then the security obviously, who is going
18 to be allowed in those events, who's not going to be allowed in
19 those events that are taking place.

20 Q When you reference access controls, what does that mean?

21 A Just knowing which gates the motorcade would be entering
22 or exiting. Again, knowing who is going to be authorized into
23 the event taking place.

24 Q In terms of securing the vice president's presence at the
25 Capitol, was that limited to the building itself or a wider

1 area than that?

2 A It was a wider area.

3 Q Can you describe what it entailed.

4 A Sure. There was some bike rack utilized, some snow
5 fencing, some signage allowing others to know that there was a
6 restriction that day in place due to the nature of the event
7 and the individuals who would be attending.

8 Q When you refer to bike racks, et cetera, are you referring
9 to security measures on the Capitol grounds outside the Capitol
10 itself?

11 A Yes. There was an established perimeter, if you will, of
12 lines, if you will, that people would be allowed to enter. You
13 know, typically, for example, the public was allowed at some
14 point to go across, like, the plaza, where in this instance,
15 they wouldn't be because it was restricted. Again, due to
16 COVID, the building of an inaugural platform on the grounds,
17 the event itself, the certification of the Electoral College
18 votes, and some events in town.

19 Q So how does that work exactly? If you set up a restricted
20 perimeter and I am a pedestrian and I want to get from point A
21 to point B and the most direct path is through it, can I do
22 that, can I walk through the area?

23 A No. Again, there would be physical barriers that would
24 have signage on it letting individuals know that the area is
25 restricted beyond that. There would also be the presence of

1 law enforcement officers. In this instance, U.S. Capitol
2 Police were posted up.

3 Q Now, in advance of January 6, did you -- you said you were
4 reaching out to your counterparts in Congress. Did that occur
5 via phone, email, both?

6 A We typically send email notification. It can either be an
7 email, or in this instance, when it's the vice president or
8 president or head of state, we use what's known as a head of
9 state notification form.

10 MR. GORDON: All right. Ms. Bell-Norwood, if we could
11 have the government's computer for the witness.

12 THE COURTROOM DEPUTY: Sure.

13 MR. GORDON: Thank you.

14 BY MR. GORDON:

15 Q Inspector Hawa, I am showing you what's -- I'm showing
16 you 301. Do you recognize Government's 301?

17 A It went blank, but yes, I did. It's not on the screen
18 anymore.

19 Q Can you see it now?

20 A No.

21 THE COURTROOM DEPUTY: Government over there, or who
22 is controlling the computer?

23 MR. JONES: I am.

24 THE COURTROOM DEPUTY: When you say government, it's
25 there.

1 MR. GORDON: I'm sorry. So I'll say from the podium.
2 Does that make it easier?

3 BY MR. GORDON:

4 Q Now can you see it?

5 A Yes.

6 Q Do you recognize 301?

7 A I do.

8 Q What is that?

9 A That is an email that I sent, again, to our counterparts
10 at the U.S. Capitol Police, the Senate, and House Sergeant at
11 Arms offices. Some service Secret Service agents were also
12 recipients of this. This email serves as somewhat of a cover
13 page, if you will, to an attachment, which is the head of state
14 notification form.

15 Q Is head of state what HOS stands for?

16 A Yes.

17 Q Who is Charlotte Pence?

18 A That is Vice President Pence's daughter.

19 Q And both she and his wife were also protectees?

20 A That is correct.

21 Q Now I am showing you 302. What's -- do you recognize 302?

22 A Yes. That's the head of state worksheet or form that we
23 utilize again for notification purposes for counterparts at the
24 U.S. Capitol. It just provides more detailed information to
25 them regarding the vice president's motorcade in this instance,

1 arrival areas, counterparts, points of contacts in the
2 motorcade, as well, there's an itinerary as well at the bottom
3 of this form.

4 Q Okay. Now, scrolling down to the bottom of the form where
5 we see this table labeled itinerary. Just generally, can you
6 explain what it is we are looking at?

7 A Yes. It's just the itinerary that we were anticipating on
8 January 6, the movements of the vice president to the U.S.
9 Capitol, his arrival area, and then movements once he arrived
10 at the Capitol main building, which we anticipated would be
11 between the Senate chamber and the House chamber.

12 We were informed verbally that there was going to be some
13 back and forth, so that's why there's a lot of TBDs. It would
14 depend on how the certification was being carried out that day.
15 If there was any objections to any of the states' votes, then
16 there would be some movement back and forth.

17 Q We see in the chart the abbreviation M/C. What does that
18 stand for?

19 A Motorcade.

20 Q And we see the designation S-214. What is that?

21 A That's the room number that is designated for the vice
22 president's ceremonial office. That's within the main Capitol
23 building.

24 Q Did you stay behind a desk all day on January 6?

25 A I did not.

1 Q Okay. What was your role on that day?

2 A I met the vice president's motorcade, and I, again, just
3 coordinating with the agents on his detail and my counterparts
4 at the Capitol, I was tasked with just leading the vice
5 president to and from the areas he would need to go to that day
6 to include his office, the Senate chamber, the House chamber,
7 and then the back and forth, and then making sure that he, you
8 know, got to and from the motorcade safely.

9 Q So you were at the Capitol on January 6?

10 A That is correct.

11 Q And were you part of the Secret Service greeting team --

12 A Yes.

13 Q -- that met the vice president?

14 A Yes.

15 Q And did he arrive at 12:30 as the itinerary planned?

16 A Yes, he did.

17 Q What happened from there?

18 A So from there, we utilized the staircase to move upstairs
19 to the second floor to his office, which is S-214. And then at
20 some point, he moved over to the Senate chamber, which is just
21 across the hall from his office, met with the senators.

22 And then I want to say a little bit before 1:00 p.m.,

23 he -- the vice president and the senators moved over to the

24 House chamber and entered the House chamber just before 1:00.

25 And the certification of the Electoral College votes began, my

1 understanding was, at 1:00. I did not go into the House
2 chamber with them, but...

3 Q Where did you stay?

4 A Right outside of the doors.

5 Q Of the House chamber?

6 A Correct.

7 Q So to that point in the day, had everything gone according
8 to plan?

9 A Yes.

10 Q All right. Had you been aware of the protests that were
11 happening that day elsewhere in D.C.?

12 A Yes.

13 Q Were there any operational concerns or security measures
14 taken specifically in relation to those protests?

15 A That was one of the considerations I would say that went
16 into establishing that perimeter around the Capitol that day
17 due, again, to the events that were taking place in
18 Washington, D.C. along with the significance of the
19 certification of the Electoral College votes at the Capitol.

20 Q All right. So they made it to the House chamber
21 approximately 1:00?

22 A Yes.

23 Q Does everything go smooth sailing from that point forward?

24 A No, it does not.

25 Q Okay. So when did things start to go off the rails, so to

1 speak?

2 A Sure. So a little after 1:00, I want to say maybe just
3 before 1:15 p.m., my understanding was there was an objection
4 to the state of Arizona's votes. And then what happens at that
5 point is the House members stay in the House chamber. The
6 Senate members, senators and the vice president, move back over
7 to the Senate chamber, which is what we were doing. We were
8 crossing back over across the Capitol main building to the
9 Senate.

10 And then at that point, I had heard on my Capitol Police
11 officer -- I had a counterpart who was working with me that
12 day. From the Capitol Police, I heard, you know, some calls
13 for assistance and a scuffling, if you will, that was
14 happening. Something was happening on the exterior of the
15 Capitol.

16 And, of course, we were having conversation about it, and
17 he informed me that there had been a security breach on the
18 west side of the Capitol, on the west lawn area. And some
19 unauthorized individuals had made their way, you know, across
20 the yard, the lawn, and then onto the presidential platform --
21 sorry, the inauguration platform that was being built. And
22 then there was some scuffling or issues going on between the
23 Capitol Police and these individuals who appeared to be
24 attempting to make their way into the Capitol.

25 So there was some calls for backup, for assistance. And

1 just from what I could hear and what I was being told, it was
2 getting a little bit unruly. They are obviously not authorized
3 to be there. So at that point, I was just gathering
4 information from them, Capitol Police.

5 Q In terms of communication, were you the only agent with
6 the vice president?

7 A No.

8 Q Were you -- were there other agents who were in the
9 building somewhere but not right where the vice president was?

10 A There were other Secret Service agents who were also
11 liaison agents that were there that day. One was assisting me
12 with the movements of the vice president, the second lady and
13 their daughter, and then another agent was tasked with
14 assisting with the movements of Vice President Elect Harris.

15 Q How were you in communication with those other agents, if
16 at all?

17 A Typically, the one -- the one who was assisting me, we
18 would be on the radio frequency as the agents who are assigned
19 to the vice president's detail, not necessarily have
20 communication with others that were assigned to other details.
21 They would be on the frequencies of those details.

22 Q But you did have a radio communication of some kind?

23 A Yes.

24 Q In addition to that, you mentioned you were in
25 communication with a Capitol Police counterpart. Was that

1 person on the same radio, or were you communicating with that
2 person in a different way?

3 A We are not on the same radio frequency as the U.S. Capitol
4 Police, so that was more just verbal, or as I mentioned, their
5 radios sit on their uniform so I could hear whatever is being
6 broadcast on the radio and then verbal communication with my
7 counterparts.

8 Q Going back to what you had just testified to about how you
9 had learned there had been a security breach on west side,
10 which of those methods did you learn that from? Was it from
11 your radio from other Secret Service? Was it is from
12 overhearing Capitol Police radio? Or was it from somebody
13 verbally informing you?

14 A From hearing the initial incidents on the radio that was
15 on the U.S. Capitol Police officer's uniform and engaging in a
16 conversation with U.S. Capitol Police. And as it escalated,
17 you know, having more conversations with, you know, members
18 from the House and Senate Sergeant at Arms offices, Secret
19 Service agents. I mean, there was multiple ways of
20 communicating moving forward.

21 Q When you learned about what had happened that first
22 security breach, did that lead to any immediate action by you
23 or other Secret Service agents?

24 A Yes. We obviously began coordinating and talking and
25 discussing and gathering information to understand, you know,

1 what is exactly what we are dealing with, was it escalating.

2 There was at some point, you know, obviously a plan, what
3 we would call enacting our emergency action plan, which is just
4 an alternate plan to the initial plan that was established. We
5 will always have an alternate plan in case there is a medical
6 emergency of a protectee, if there was a natural disaster --

7 (There was an interruption by the court reporter.)

8 THE WITNESS: My apologies.

9 BY MR. GORDON:

10 Q You were talking about alternate plans. So you have a
11 backup plan?

12 A Correct.

13 Q And when you learned of those breaches on the west side,
14 you began enacting those alternate plans?

15 A Yes.

16 Q What did that involve doing?

17 A Just discussing whether or not we were going to need to
18 move the vice president from his location in the Senate chamber
19 or Senate office area. There was also discussion, and then
20 eventually we moved the vice president's motorcade, which was
21 staged on the east plaza.

22 Again, after gathering some intel, I received some phone
23 calls as to the other agents just letting us know there was a
24 crowd gathering out there and there was concern that these
25 unauthorized individuals would possibly breach that security

1 perimeter on that side and make their way to the motorcade.

2 Q Okay. So I've pulled up Government's 303. Can you see
3 that?

4 A Yes.

5 Q Do you recognize 303?

6 A I do.

7 Q What are we looking at?

8 A This is the east plaza of the Capitol, and then the black
9 vehicles that you see in some of the -- police vehicles that
10 you see, that is the vice president's motorcade.

11 Q All right. So I have circled --

12 THE COURT: Do we need -- this goes to what count? I
13 think we are getting a lot more detail here than we need.

14 MR. GORDON: Yes, Your Honor. We have to establish
15 that the civil disorder interrupted a federally-protected
16 function. One of those is the Secret Service's protection of
17 the vice president.

18 THE COURT: But isn't this the electoral certification
19 also?

20 MR. GORDON: So, yes, Your Honor. So essentially we
21 have four different ways; the Capitol Police's protection of
22 the Capitol itself, the certification, the Secret Service
23 protection of the vice president.

24 THE COURT: All right. So we can move through this a
25 little more expeditiously.

1 MR. GORDON: Yes.

2 THE COURT: Thank you.

3 MR. GORDON: The point is well taken, Your Honor.

4 BY MR. GORDON:

5 Q Does Government's Exhibit 303 show the motorcade in the
6 area I have circled in the middle?

7 A Yes.

8 Q You have seen this video before?

9 A I have.

10 Q Does this video show the motorcade being moved?

11 A Yes.

12 Q Okay. In addition to the motorcade being moved, did you
13 subsequently take other measures to protect the vice president?

14 A Yes, we did.

15 Q What did you do?

16 A We eventually moved the vice president to a more secure
17 location.

18 Q Okay. And what caused you to do that?

19 A The security breach of the Capitol grounds and then just
20 the escalation of it moving on into the building.

21 Q All right. Showing you Government's 304, have you seen
22 this video before?

23 A Yes, I have.

24 Q What does this video depict?

25 A This is the moment right before we moved the vice

1 president from his office to a more secure location.

2 Q Okay. You see yourself in this video?

3 A I do.

4 Q Okay. Where are you?

5 A On the stair landing at the bottom by the portrait.

6 Q You are the blonde woman wearing the mask at the bottom?

7 A Yes.

8 Q Okay. Now I am showing you Government's Exhibit 305.

9 Have you seen Government's Exhibit 305 before?

10 A I have not.

11 Q It's never been played for you before?

12 A I don't believe so, no.

13 MR. GORDON: It's in evidence. I am going to play it
14 now then. And I will pause it periodically.

15 (The videotape was played.)

16 BY MR. GORDON:

17 Q The words we are hearing, where are those coming from?

18 A It's communication between two of the agents assigned to
19 the vice president's detail.

20 Q Is that over the radio?

21 A Yes.

22 Q Were you on that radio channel?

23 A I am.

24 Q Did you hear those radio communications?

25 A I did.

1 (The videotape was played.)

2 BY MR. GORDON:

3 Q Okay. Did that video depict the moment when you and other
4 Secret Service agents evacuated the vice president?

5 A Yes.

6 Q Without compromising any operational details, can you
7 generally tell us where you took him?

8 A Yes. It was a more secure location still within the
9 secure perimeter that we established. We did not take him off
10 the complex.

11 Q How long did he stay in that secure location?

12 A Approximately five hours.

13 Q When he left that secure location, approximately,
14 ballpark, what time was it?

15 A Sometime between 7:00 p.m. and 8:00 p.m.

16 Q Where did he go from there?

17 A We went back to the Senate chamber area, his office.

18 Q Why was he there for five hours? Why did he stay in that
19 same location for so long?

20 A Because at that point, you know, as the day went on, after
21 the initial breach, there were multiple breaches on the grounds
22 and then within the main Capitol building on the House and
23 Senate side. So we had to render the building safe, meaning
24 there was a need to ensure that all of the unknown,
25 unauthorized, unswept -- you know, they hadn't gone through

1 security screening. All those individuals needed to be removed
2 from the Capitol building in the areas that the vice president
3 and other congressional leadership would be going back into for
4 the certification of the Electoral College votes.

5 Q Okay. Recognizing that the vice president makes his own
6 decisions, would you have recommended that the vice president
7 reenter the building while there were still rioters inside it?

8 A No.

9 Q Would you have recommended that the vice president reenter
10 the building while there were still rioters fighting to gain
11 access to the building?

12 A Reenter the building or reentered the area? He never left
13 the building, so the building is the complex.

14 Q Leave the secure area where he was.

15 A No, I would not recommend that.

16 Q Okay. And would you have recommended that he leave the
17 secure area while there were still rioters amassed on the west
18 plaza or upper west terrace well beyond the restricted
19 perimeter?

20 A No, it would not be my recommendation.

21 Q Could you explain why. What would your concern have still
22 been at that point?

23 A Again, the amount of breaches that had taken place, the
24 sheer number of the individuals attempting to gain access, and
25 then just gathering more information and understanding, like,

1 was the situation under control, was there still calls for
2 assistance and backup. There would be a lot of things that
3 would be taken into consideration.

4 Q Okay.

5 MR. GORDON: One moment, please, Your Honor.

6 THE COURT: Okay.

7 MR. GORDON: Thank you, Your Honor. Nothing further.

8 THE COURT: Okay. Cross.

9 CROSS EXAMINATION

10 BY MR. MOYERS:

11 Q Good morning, Inspector Hawa.

12 A Good morning.

13 Q I want to start with the, I guess we will call it the head
14 of state notification worksheet. What's the purpose of
15 circulating that?

16 A The purpose is just to communicate with our counterparts
17 at the U.S. Capitol, the Capitol Police, the Senate, and House
18 Sergeant at Arms office personnel, again, just the logistics
19 that are involved in our movements, the times that we would be
20 arriving with the protectee, where we would be going once we
21 are on the complex.

22 Q So say who would be involved?

23 A Correct.

24 Q How to contact them? I guess the time and place and
25 movements?

1 A Correct.

2 Q And then who the points of contact are when you arrive or
3 when you leave, right?

4 A That's correct.

5 Q Now, you talked a little bit about your history, but was
6 this the first election certification that you had worked on?

7 A Yes, it was.

8 Q And obviously these only happen every four years, is that
9 right?

10 A That's my understanding.

11 Q And I believe you testified on direct, and don't let me
12 put words in your mouth, but you anticipated that there were
13 going to be objections during the process of the certification?

14 A Yes. We were informed that that is typically what happens
15 in the certification of Electoral College votes, that there
16 might be, you know, some objections and that when that happens,
17 the Senate and House Sergeant at Arms offices who help
18 coordinate these events let us know that when that happens,
19 that means that we would move back, and they were just kind of
20 informing us of what the choreography would be, you know, the
21 movements that day if something like that were to happen.

22 Q The reason it was relevant for you and your team is that
23 your protectee, in this case the vice president, would be
24 moving around the building, is that right?

25 A Yes, that's correct.

1 Q And so it's not -- it would be different than when you
2 have a protectee come to one building, one room, and then
3 leave?

4 A Different how?

5 Q You know those -- I think the judge got it. I am going to
6 move on.

7 When did you think -- I guess on direct you said things
8 started to go off the rails at about 1:15. Is that right?

9 A That's when I first heard of the security breach on the
10 west side, yes.

11 Q And, I guess, in your business, how big a deal is that, is
12 learning that information?

13 A Security breach is a very big concern.

14 Q Okay. And I believe it was especially concerning because
15 there was already an objection around that point or --

16 A (Shaking head.)

17 Q No?

18 A No.

19 Q Okay. And when do you recall that you decided, hey, we
20 need to move the vice president?

21 A Gosh, that would be sometime -- I couldn't give a specific
22 time, but once we moved to his office, I would say sometime
23 between 1:45 p.m. and 2:30.

24 Q Okay. And I believe you said on direct that the crowd was
25 getting, I guess, a little bit unruly. What did you mean by

1 that?

2 A I could just hear the loud words being used. It sounded
3 like a scuffle, you know, calling for backup, and then I had
4 run into some of the protesters in the building on the Senate
5 side who had their flags and sticks and poles, and they were,
6 you know, again, bellowing information, you know, protesting,
7 if you will.

8 So, again, not -- I say unruly meaning one would not
9 typically go through windows and bang down doors to get into
10 the Capitol. There is a more civilized method of entering, I
11 think.

12 Q So you eventually saw protesters themselves, is that
13 correct?

14 A That's correct.

15 Q If the motorcade came in on the east side, were there any
16 protesters you recall when the motorcade came in on that east
17 side or no?

18 A I was not with the motorcade when it entered. I was on
19 the -- I was in the Senate carriage, so I would not know if
20 they passed any coming in.

21 Q And can you just explain what the Senate carriage is.

22 A Sure. It's the entrance located on the east side of the
23 Capitol that when you enter, it's a carriage, you know, kind of
24 a covered entrance that the motorcade pulls through. And then
25 you go through those doors, and you are on the Senate side of

1 the Capitol.

2 Q And is it fair to say that you have alternate plans
3 whenever you have a protectee moving from one place to another
4 or -- let me ask. I'll back up.

5 You talked on direct about how the security breach
6 triggers a special response or some kind of planned response?

7 A An emergency action plan.

8 Q An action plan?

9 A Yeah, an emergency action plan.

10 Q And so you had alternate plans if you couldn't move the
11 protectee to this area or to that area, is that right?

12 A Correct.

13 Q And when -- I guess, who's in charge of ultimately about
14 where the protectee can go? Would it be up to the protectee,
15 to you, or to the Capitol Police when you're there?

16 A It's a coordinated effort. There's discussions being had,
17 you know, best places to go, better places to go, what those
18 alternate places might look like.

19 So, again, depending on needs of individuals and paths
20 available, I mean, there's lots of discussions that happen when
21 deciding and determining where we would go.

22 Q And so it would be fair to say you try to build that by
23 consensus with your law enforcement partners about what to do?

24 A Yeah, law enforcement counterparts and any of the staff
25 involved or personnel assisting us in the visit.

1 Q And may this be clear, but I just -- how did you
2 understand, when you hear the radio chatter, of We may lose the
3 ability to leave? What did that mean to you?

4 A That meant at that time we knew that there had been
5 individuals that had already breached the main Capitol
6 building, and we knew that there were individuals in the plaza,
7 you know, which caused us to have to move our motorcade.

8 Where the vice president's office is on the Senate side,
9 there's only so many ways in and so many ways out. So we
10 didn't want to get into a position where we were met with
11 protesters on, you know, the bookends of those entrances and
12 exits where we would have to stay where we were and be
13 surrounded by all of these unknown individuals that hadn't been
14 screened through our processes.

15 Q And, I guess, when you arrived at the Capitol that day,
16 did you see any signage on the grounds that would restrict
17 people from going there, anything like that?

18 A Yes.

19 Q And what did the signs say?

20 A I believe it says the area is restricted by order of the
21 Capitol Police Board.

22 Q And was it your understanding -- well, no. I'll move on.

23 And I assume you saw the bike racks and snow fencing --

24 A Yes.

25 Q -- as well?

1 A Yes.

2 Q All right. And, I guess, did you ever -- well, what time
3 did you go in the building that day?

4 A Earlier that morning. I couldn't give an exact time.

5 Q When would be the first time you went outside?

6 A Went outside?

7 Q Uh-huh.

8 A I likely went out prior to the motorcade arrival just to
9 ensure that the officers at the north barricade were prepared
10 and ready for the motorcade arrival.

11 And then if I had met anyone along the way, just again,
12 counterparts from the Capitol Police, I would know, you know,
13 either they were on their way or the motorcade is coming to
14 make sure there is a clear path, and then standing by for the
15 motorcade.

16 Q So when the motorcade arrived, were you -- I mean, did you
17 have any -- let me back up.

18 When the motorcade arrived, how would you describe the
19 situation? Was it secure, not secure? Were you -- you know,
20 was it threatened?

21 A It was secure.

22 Q And after that time going outside and going back in, when
23 was the next time you saw anything going on outside?

24 A There were moments where I looked out the windows of the
25 Capitol to see unauthorized individuals in areas that they

1 typically would not be in, you know, close up to the building
2 or on the plaza, on the side lawn areas.

3 Q And so did you ever look -- did you ever have a view of
4 the lower west terrace?

5 A I would not have gone over to that area, no.

6 Q Okay. And you never saw my client that day, Mr. Mock?

7 A I don't recall, no.

8 MR. MOYERS: Nothing further.

9 THE COURT: Any redirect?

10 MR. GORDON: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. GORDON:

13 Q All right, Inspector Hawa. Here's Government's 203. Are
14 these the signs that you were referring to on cross?

15 A Yes.

16 Q Same with the signs that we see on 204?

17 A Yes, that's correct.

18 Q And 205?

19 A Yes.

20 Q That's the bike racks you were referring to?

21 A Yes.

22 Q And then in 207, I have drawn a line across the bottom of
23 the screen. Do you see the white squares that are, you know,
24 every few feet just above that line?

25 A I do.

1 Q Do you know from experience what those are?

2 A Likely the same signs you just showed me.

3 MR. GORDON: Nothing further, Your Honor.

4 THE COURT: Thanks so much. You may step down.

5 We have about ten more minutes before lunch, so do you
6 want to call your next witness?

7 MR. GORDON: Sure.

8 MR. JONES: The United States calls Officer Collins.

9 THE COURT: Good afternoon, sir. If you would make
10 your way up to the witness stand, raise your right hand when
11 you get there, please.

12 THE COURTROOM DEPUTY: Good afternoon. Raise your
13 right hand.

14 JONATHAN COLLINS

15 Having been first duly sworn on oath, was examined and
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. JONES:

19 Q Good afternoon, Officer Collins.

20 A How are you doing, sir?

21 Q Can you state and spell your name for the record.

22 A Sure. Full name is Jonathan Sean Collins.

23 THE COURT: You need to be closer to the mike.

24 THE WITNESS: Sorry. Full name is Jonathan Sean
25 Collins, J-O-N-A-T-H-A-N. Middle name is Sean, S-E-A-N. And

1 last name is Collins, C-O-L-L-I-N-S.

2 BY MR. JONES:

3 Q What do you do for a living?

4 A I am a police officer with the United States Capitol
5 Police.

6 Q And how long have you worked for the Capitol Police?

7 A I have completed seven years. I'm in my eighth year.

8 Q Can you briefly describe your background before joining
9 the Capitol Police?

10 A Sure. I went to college at Rutgers University. In
11 between college and my job with the Capitol Police, I was a
12 police dispatcher for a local police department in New Jersey
13 and full-time worked construction.

14 Q With the Capitol Police, what is your current rank?

15 A Private first class.

16 Q How long have you been in that rank?

17 A Six years.

18 Q Do you have a specific division to which you are assigned?

19 A Yes. I am on the Senate division.

20 Q Can you explain to the court what that means.

21 A Capitol Police is a large agency, so we have different
22 divisions on Capitol Hill that kind of just handle the
23 different parts of Congress. So the senators have office
24 buildings on the Senate side of the Capitol, and we are
25 assigned to the Senate office buildings.

1 Q Okay. I just want to make sure I understand. Capitol
2 buildings include things just beyond the United States Capitol
3 itself?

4 A Yes.

5 Q And one of those buildings there is Senate office
6 buildings?

7 A Yes.

8 Q And you are assigned to the Senate office buildings?

9 A Yes.

10 Q Okay. Are those north of the Capitol?

11 A Yes.

12 Q Did you have any collateral duties with the U.S. Capitol
13 Police?

14 A Yes. I was on the Civil Disturbance Unit.

15 Q And can you explain to the Court what the Civil
16 Disturbance Unit is.

17 A It's a unit that handles large-scale and small protests
18 and demonstrations on Capitol grounds. And the Civil
19 Disturbance Unit is also trained with hard gear and, like, for
20 events that go beyond just civil mass gatherings.

21 Q I am going to get to your hard gear in a second, but
22 before we do, did you receive any special training as a member
23 of CDU?

24 A Yes. You initially receive a week of it in the academy.
25 You are issued the gear and go through a week of training. And

1 then throughout the time after the academy, you go for
2 recertification training.

3 Q Okay. Going back to hard gear, what exactly do you mean
4 by that?

5 A You are issued gear that has, like, a plastic outer shell
6 that covers arms, your chest, your legs, your back, and a
7 helmet that's got -- it's a hard helmet.

8 Q Is that all the gear that's associated with hard gear?

9 A For hard gear, yes, but, like, you are also issued a
10 baton, PR-24 is the technical term, and gloves.

11 Q Do you have a gas mask?

12 A Yes, you are issued a gas mask with a bag.

13 Q Is hard gear sometimes referred to as turtle gear?

14 A Yes.

15 Q Did you receive any training as part of your receiving
16 this hard gear?

17 A Yes. Because it can be used in a time of urgency, you are
18 trained on how to put it on as quickly as possible over your
19 uniform, how to move in it, how to create the formations that
20 we use to train with, breathing with a gas mask on and wearing
21 a helmet at the same time.

22 Q As part of your training with the hard gear, were you ever
23 struck with objects?

24 A Yes.

25 Q Can you describe that.

1 A It was mainly pieces of, like, two-by-four that were cut
2 up into, like, brick-sized pieces that, going through training
3 and formations and stuff, the instructors would throw them at
4 our gear, the shields we were holding, stuff like that, so
5 simulate getting hit with objects.

6 Q And when you were hit with those objects during training,
7 did you feel them?

8 A You knew they hit you, but it didn't -- it wasn't painful.

9 Q Before January 6, how many protests did you work as a
10 member of the Capitol Police?

11 A A number of them. We would also work CDU events, Civil
12 Disturbance Unit events, not as hard squad, just as -- we
13 called it soft squad. It was more low-key. You didn't expect
14 anything to turn into violence, stuff like that.

15 So including those, dozens of events. But for actually
16 being used for -- using the hard gear, maybe a handful, five.

17 Q So sometimes you would support an event not in hard gear,
18 and a few times you would be in hard gear?

19 A Yes.

20 Q Of those many protests before January 6, how many of them
21 turned violent in your experience?

22 A I don't think any of them did to the level of January 6.

23 Q Before January 6, how many times had you been assaulted on
24 the job?

25 A Zero.

1 Q All right. I want to talk about January 6, 2021.

2 Were you one of the officers who defended the Capitol that
3 day?

4 A Yes.

5 Q Before today, have you ever testified in court about
6 January 6?

7 A No.

8 Q Have you ever testified in any other setting about
9 January 6?

10 A No.

11 Q Given any media interviews about January 6?

12 A No.

13 Q Is today the first time you will publicly tell your story?

14 A Yes.

15 Q What time did you report to work on January 6?

16 A My shift starts at 06:30 for my normal tour of duty.

17 Q And you reported at that time?

18 A Yes.

19 Q Were you assigned to the CDU that day?

20 A Yes.

21 Q Hard gear?

22 A Yes.

23 Q Before you reported for work that day, what were your
24 expectations for January 6?

25 A That it was going to be probably one of the largest crowds

1 that I had ever been drafted to work with --

2 Q And -- sorry.

3 A That's okay.

4 -- and that it could get violent. You know, there's
5 potential for it. Yeah.

6 Q Why was that your expectation?

7 A Based on what my supervisors were saying about it and the
8 nature of the topic that the group was there for.

9 Q That morning after you showed up for work at 6:30, what
10 time did you stage?

11 A Around 11:00 a.m., if I remember correctly.

12 Q Can you explain to the court what staging means.

13 A So we report to headquarters, which is where our detail
14 office is and where other lockers are, where we get dressed for
15 the day, but we would stage in an area that would be most
16 advantageous to respond to any civil disturbance. So we
17 responded to that location around 11:00 a.m.

18 Q What did that involve on January 6?

19 A It involved getting dressed out in the hard gear, and then
20 our squad was assigned a bus to keep us all together in one
21 location. And we loaded on the bus outside of headquarters and
22 staged outside of the Russell Building Delaware Avenue.

23 Q Approximately how far from the Capitol building is that
24 location?

25 A One block.

1 Q One block?

2 A Yes.

3 Q So you are sitting in a bus with your hard gear on?

4 A Yes.

5 Q Approximately how long are you sitting on that bus?

6 A I don't remember exactly, maybe an hour.

7 Q How often had you staged in hard gear before January 6?

8 A Maybe two or three times. Sometimes we would only dress
9 out in half of it, maybe just the leg pads and stuff like that,
10 to keep us from overheating.

11 Q Before January 6, after you had staged in hard gear, were
12 you ever actually needed and responded to an event?

13 A No.

14 Q So January 6 was the first time that you responded to an
15 event after staging in your hard gear?

16 A Yes.

17 THE COURT: All right. Let's take our lunch at this
18 point. All right. 1:40, okay? 1:40. Thanks, everybody.

19 (A recess was taken at 12:21 p.m.)

20 THE COURT: Good afternoon, everybody. We can resume.

21 MR. JONES: Thank you, Your Honor.

22 The United States recalls Officer Collins.

23 THE COURT: Good afternoon, sir.

24 THE WITNESS: Good afternoon.

25

1 BY MR. JONES:

2 Q Officer, I would just like to remind you that you are
3 still under oath.

4 A Yes, sir.

5 Q So the morning of January 6, we had just finished talking
6 about you staging in hard gear. Do you remember that?

7 A Yes.

8 Q Approximately what time did you head to the Capitol in the
9 turtle bus?

10 A I don't remember exactly, but approximately 11:00, 11:30,
11 I want to say.

12 Q Sometime midday?

13 A Yes.

14 Q And what immediately preceded you going to the Capitol?
15 Why did the bus leave to go there?

16 A We started hearing calls on the radio of a police line
17 being breached. The officers on the radio sounded very
18 distressed. And my supervisors, who were with us on the bus,
19 made the call that they felt we were needed there where the
20 calls were coming from on the west front.

21 Q Approximately how many officers were on the bus?

22 A The squad was about 20, 24-ish.

23 Q Was it just a single bus, or were there multiple buses?

24 A We had one bus. It's a 30-passenger bus.

25 Q Can you describe the route you took to the Capitol and

1 what you saw when you arrived.

2 A So the bus was parked on Delaware Avenue outside the
3 Russell building. We went south on Delaware Avenue across
4 Constitution to north barricade of the Capitol, made a right
5 onto northwest drive, which goes around the perimeter of the
6 Capitol grounds behind the Capitol building, and we stopped
7 about halfway down in the bus.

8 It was the best spot to stop to get to the west front
9 walking because the bus couldn't get close enough.

10 Once we got to that point, we exited the bus, walked
11 single file to the front of the crowd, and formed a new police
12 line.

13 Q Okay. As you are going to the Capitol, in your mind, what
14 is your mission that day or the Capitol Police's mission?

15 A To hold the police line and protect the building, the
16 grounds, the staff, and members inside.

17 Q So your mission is to protect the building and the people
18 inside the building?

19 A Correct.

20 Q And in your mind, as you are arriving that morning, what
21 were the risks responding to the Capitol for you personally?

22 A Before I went to work?

23 Q No. As you are in the bus going to the Capitol, what is
24 your understanding of the risks?

25 A Well, being dressed out because, like I said, sometimes we

1 are not typically fully dressed out, the potential for violence
2 seemed very elevated in that it might be a day that we have
3 never experienced before.

4 Q Once you got to the Capitol, where did you eventually
5 report?

6 A Right at the base of the inauguration stage on the west
7 front, the lower west terrace.

8 Q Did you have a specific position assigned to you?

9 A Not specifically assigned. We just kind of formed up to
10 the right of the stage or the right side of the front of the
11 stage to the first spot where we looked like we were needed.

12 MR. JONES: I am showing the witness Exhibit 209, and
13 I am zooming in on the bottom of the image.

14 BY MR. JONES:

15 Q What are we looking at?

16 A The west front of the Capitol and the inauguration stage
17 that was put up.

18 Q Is this what it looked like on January 6 approximately?

19 A Yes, to me it does.

20 Q Can you mark, using the touch screen in front of you,
21 approximately where you were when you reported on January 6?

22 A Once we got there, roughly here (indicating).

23 Q Okay. And was this a choreographed position, or was this
24 something that you were doing sort of by the seat of your
25 pants?

1 A It was on the fly. We had not practiced reporting like
2 this.

3 Q Was there someone who told you specifically to stand
4 there, or did you just find a spot?

5 A We just found a spot. We were in a single file line
6 walking up, and when the line stopped, wherever the line
7 stopped is where I stood.

8 Q So I want to understand what the west front was like from
9 your perspective on the line that day.

10 For the record, I would like to note that the witness
11 circled a spot on the west plaza toward the stage in the middle
12 somewhat near the northwest scaffolding.

13 BY MR. JONES:

14 Q When you arrived, were there bike rack barriers on the
15 west front?

16 A No.

17 Q At what point, if ever, did your police line have bike
18 rack barriers?

19 A I don't know exactly when they were brought out or where
20 they really came from. They just happened to start appearing
21 to help us keep a police line.

22 Q And what was the purpose of the bike racks?

23 A Just to create more of a barrier for people to make it
24 harder to cross and to get to us personally.

25 Q So while you were there on the west front, how many

1 rioters were there?

2 A Thousands. I don't know exact number. Too many to count.

3 Q How many officers were you with?

4 A In my immediate area, 20 to 30.

5 Q Is it fair to say you were outnumbered?

6 A Yes, sir.

7 Q Did some of the rioters have body armor?

8 A Yes.

9 Q Was it better than yours?

10 A Yes, it was.

11 Q When you were on the line, you had officers on either side
12 of you?

13 A Yes.

14 Q Do you remember telling a new officer anything about what
15 they should be paying attention to?

16 A Yes. The officer to my right was newer than I was, and I
17 felt the need to tell him that he should not focus at what was
18 being said to him and shouted at him and the noise, to look at
19 individuals' hands and waistbands, that general area, because
20 typically that's where people were holding items of various
21 nature.

22 Q Did you feel like there was a threat to you at that time?

23 A Yes.

24 Q Why did you feel that way?

25 A Based on what people were wearing with the body armor, it

1 wasn't something that people wear to a normal demonstration.
2 It was -- I don't know exactly the name of it, but it was like
3 armor -- non-armor piercing, round body armor, like, heavy
4 plates, and people had axe handles, just things that you don't
5 bring to a demonstration.

6 Q Did you have any reason to think that the rioters might be
7 armed that day?

8 A I personally felt that there could be individuals armed
9 with a gun, but I didn't know for sure.

10 Q Did rioters ever hit you with anything, either objects or
11 with their hands?

12 A I specifically remember getting hit with a flagpole in the
13 head at one point, but there could have been more than that and
14 I just don't remember.

15 Q So before the breach, were you ever sprayed with anything?

16 A Yes. I was sprayed with some type of OC spray or pepper
17 spray.

18 Q Can you describe what happened.

19 A I was holding my position next to the other officers, and
20 I just remember seeing a hand come out of my right side view
21 holding, I assume, a can of spray. Because all I saw after
22 that hand appeared was orange spray hit my face and shield --
23 or the face shield on my helmet.

24 Q And what did you do next?

25 A Well, it hit me in my face, got underneath the shield, so

1 I had to back off the line because I couldn't see at that
2 point, and backed off the line to try to clear it from my face.

3 Q What was going through your head at that moment in time?

4 A Just trying to be able to use my senses as quickly as
5 possible because I knew I had to get back to the line with my
6 fellow officers.

7 Q Were you able to return to the line?

8 A Yes.

9 Q While you were on the line, at any point did you notice
10 rioters behind you?

11 A I noticed, as time went on and more and more people were
12 coming, that the crowd had started to climb the scaffolding,
13 which was off to our right side and which also was behind us.
14 And when I started seeing them behind us, I knew that other
15 position was compromised, and things were going south.

16 Q Can you mark on this model with the touch screen in front
17 of you where you are discussing?

18 A This general area was just regular scaffolding behind the
19 bleachers (indicating).

20 MR. JONES: For the record, the witness has marked the
21 top of the northwest scaffolding by the inaugural stage.

22 MR. MOYERS: No objection.

23 BY MR. JONES:

24 Q When you saw the rioters up on the scaffolding, what went
25 through your mind?

1 A A little bit of panic because I wasn't sure how things
2 were going to end at that point. We are used to holding a
3 police line, and people don't cross it. And if they do, it's
4 not multiple people. It's one person or nobody for that
5 matter.

6 But I really didn't have time to think too much because I
7 still had the people in front of me that were causing problems.

8 Q When you say causing problems, what do you mean?

9 A At that point, we had bike racks, and they were pulling,
10 pushing on the bike racks, shouting, screaming, being
11 disruptive.

12 Q What were some of the things they were shouting and
13 screaming?

14 A Some of the things that still stick in my mind are calling
15 me, like, a traitor, stuff like that, that I'm on the wrong
16 side, it's not too late to come join us, that type of thing,
17 calls for us to abandon what we were doing that day.

18 Q When someone was trying to move the bike rack or grabbing
19 it like you just mentioned, how did you respond to that?

20 A If I was able to get a hand on it and try to pull it back,
21 I would. Otherwise, I had my baton, and we would hit people's
22 hands, the tops of their hands, to get their hands off of them.

23 Q While you were on the line, how many small children did
24 you see in the crowd?

25 A Zero.

1 Q How many frail older people did you see?

2 A Zero.

3 Q You mentioned hitting people's hands with your baton. At
4 any point did you hit a small child?

5 A No.

6 Q Did you hit any old people?

7 A No.

8 Q To the best of your recollection, did you hit any women?

9 A No.

10 Q Did the mob ever successfully break through the bike rack
11 barrier and through the police line?

12 A Yes.

13 Q Okay. I want to talk about that.

14 What do you remember about what happened when the mob
15 finally broke through the police line?

16 A So with the bike racks, I don't remember them being linked
17 together, which makes it -- if they are linked, it makes it
18 harder to break through. And they weren't linked that I
19 remember.

20 And so once people would overpower us with pulling those
21 bike racks away and it kind of broke our police line because
22 other officers were trying to grab the bike racks while others
23 just let them go, it really created a lot of chaos in keeping
24 an actual police line.

25 Q So police line, the bike racks are in front of you, mob

1 breaks through, what do you do?

2 A I try to stay shoulder to shoulder with other officers,
3 try not to get drawn into the crowd for my own safety. I let
4 bike racks go out of my hands because I just didn't have the
5 ability to hold on to them. It wasn't worth trying to save
6 those.

7 Q Are you moving backward at this point?

8 A Yes.

9 Q At any point do you fall?

10 A I do remember falling, yes.

11 Q Can you mark on this model approximately where you fell,
12 to the best of your recollection?

13 A It was similar to where this first circle is. It was in
14 this area (indicating).

15 Q As you are -- after you fell, were you able to get back
16 up?

17 A Yes.

18 Q After you got back up, where did you go?

19 A I stood back up just kind of further back by this knee
20 wall here, this half wall, with other officers.

21 Q And then did you stay there for an extended period of
22 time, or what did you do next?

23 A No. I was kind of following the lead of other officers
24 that were there in this area, and we started moving to the left
25 side, our left, towards the other corner of the stage area.

1 Q As this is happening, as you're moving backwards toward
2 the building, what is the mob doing?

3 A They are continuing to shout and throw things and gain the
4 ground that we are giving up.

5 Q So they are still advancing toward you?

6 A Yes.

7 Q At some point, were you able to make it up to the lower
8 west terrace, the stage area?

9 A Yes.

10 Q How did you get up there?

11 A There's a staircase that was built in the stage in this
12 corner over here (indicating).

13 Q And once you got up to the stage area, what did you do?

14 A Once we got up to the top of the stairs, I walked across
15 the stage into the lower west terrace entrance.

16 Q Can you mark on the model where that is.

17 A Yes. Here's the lower west terrace entrance (indicating),
18 and I walked up from here into the middle.

19 MR. JONES: For the record, the witness is drawing a
20 line from the lower west plaza, up through the front of the
21 inaugural stage, to the middle of the inaugural stage, and then
22 straight toward the top of the screen toward where the tunnel
23 is.

24 BY MR. JONES:

25 Q Once you were in the tunnel, did you have a moment to

1 catch your breath?

2 A Briefly.

3 Q All right. I want to put a pin in this moment and return
4 to it in a bit. But first I want to show you some pictures and
5 videos of the west front. Okay?

6 A Okay.

7 MR. JONES: I'm showing the witness Government's
8 Exhibit 210.

9 BY MR. JONES:

10 Q Is this the west front of the Capitol?

11 A Yes.

12 Q Can you mark eventually where you reported that day?

13 A Yes. Right now on the screen?

14 Q Yes, please.

15 A It was about this area (indicating).

16 MR. JONES: For the record, the witness has marked on
17 the screen just above where the time says 55.

18 BY MR. JONES:

19 Q I'm going to press play and pause it at 10 seconds.

20 (The videotape was played.)

21 BY MR. JONES:

22 Q At this point do you see police officers where you
23 previously marked?

24 A Yes.

25 Q Are you one of those police officers?

1 A I can't tell exactly which person is me, but I know I was
2 there in that area.

3 Q What time is it at this point?

4 A 1:00 p.m., 1:02.

5 Q In the interest of time, I am going to skip ahead to the 2
6 minute mark.

7 Where are you at this point, can you mark on the screen
8 approximately?

9 A Approximately, I think over here.

10 Q And what time is it?

11 A 2:15.

12 Q Earlier you testified about rioters in the scaffolding.
13 Where is that in relation to this video?

14 A Offscreen to the bottom right corner.

15 Q So behind where you were?

16 A Yes.

17 Q If you weren't required to man this line on January 6,
18 could you have helped elsewhere?

19 A Could I have helped elsewhere?

20 Q Uh-huh.

21 A It depends where my post would have been for that day, but
22 most of our job is post work, so you have to maintain your post
23 unless otherwise told.

24 MR. JONES: Okay. I am going to play from 2 minutes
25 to 2 minutes and 20 seconds.

1 (The videotape was played.)

2 BY MR. JONES:

3 Q At this point, what time is it?

4 A 2:29.

5 Q And approximately where are you at this point?

6 A Hard to say. I think in this general area (indicating)
7 with those officers.

8 Q Is that approximately where you fell?

9 A I believe so.

10 MR. JONES: I am going to play again from 2:20 and
11 stop at 2:35. And if you can, pay attention to this area
12 (indicating). Okay?

13 MR. JONES: For the record, I am marking on the screen
14 the railing at the top of the inaugural stage.

15 (The videotape was played.)

16 BY MR. JONES:

17 Q Were you one of those officers we just watched climb the
18 stairs to the inaugural stage?

19 A I believe so. Those are the stairs that I was talking
20 about.

21 Q And then you went in the direction of the tunnel?

22 A Yes.

23 MR. JONES: I am now showing the witness Exhibit 505.
24 I am going to play from 0 seconds to 50 seconds.

25 (The videotape was played.)

1 MR. JONES: I have paused at 50 seconds.

2 BY MR. JONES:

3 Q Do you recognize the area in this video?

4 A Yes.

5 Q What is it?

6 A The west front of the Capitol at the base of the stage.

7 Q Is this near where you were that day?

8 A Yes.

9 Q Does the 50 seconds we just watched accurately reflect
10 your time on the police line?

11 A I believe so, yes.

12 Q I am going to play at 50 seconds and pause at 55 seconds.

13 (The videotape was played.)

14 BY MR. JONES:

15 Q At this moment in time, what's happening in the video?

16 A There are individuals climbing the scaffolding.

17 Q Is this what you were referencing earlier about rioters
18 getting access to the scaffolding?

19 A Yes.

20 Q I am going to skip ahead to the 7 minute mark and play
21 until 7 minutes and 30 seconds.

22 (The videotape was played.)

23 BY MR. JONES:

24 Q I have paused at 7 minutes and 30 seconds.

25 Is the rioter who took this video now up in the

1 scaffolding you mentioned before?

2 A Yes.

3 Q I am going to skip ahead to the 10 minute mark and play
4 until 10 minutes and 36 seconds.

5 (The videotape was played.)

6 BY MR. JONES:

7 Q I have paused at 10 minutes and 36 seconds. The camera
8 just zoomed in on an area, correct?

9 A Yes.

10 Q Is this area approximately where you fell?

11 A Yes.

12 Q Do you recognize the area currently shown on the video?

13 A Yes.

14 MR. JONES: I would like to direct the Court's
15 attention to this individual (indicating).

16 I am going to play from 10:36 to 11 minutes.

17 (The videotape was played.)

18 MR. JONES: Okay. I want to show you this scene from
19 a different angle.

20 I am going to show the witness 101.b. I am going to
21 play from the beginning and pause at 20 seconds.

22 (The videotape was played.)

23 BY MR. JONES:

24 Q The camera has zoomed in. Do you see that?

25 A Yes.

1 Q Is the area near the yellow circle where you fell?

2 A Yes.

3 MR. JONES: I am going to play from 20 seconds to 30
4 seconds.

5 (The videotape was played.)

6 MR. JONES: Exiting out of that.

7 BY MR. JONES:

8 Q Before today, did you have an opportunity to review some
9 of the government's video exhibits?

10 A Yes.

11 Q Including body-worn camera from Metropolitan PD officers?

12 A Yes.

13 Q In the body-worn camera videos, were you able to identify
14 yourself?

15 A Not a hundred percent because you can't see an actual
16 face, but there's multiple reasons that I believe it's me.

17 Q What are some of those reasons?

18 A The first is a carabiner-type key chain that I had on my
19 duty belt that day that I don't think I have seen other
20 officers in my division use which stood out to me.

21 Another reason is the magazine holster that's on my belt
22 is different from the magazine holster that we are issued in
23 that it doesn't have flaps that snap overtop of the magazines.

24 And the third reason is I lost my radio at some point
25 during that, and in those videos, the officer does not have a

1 radio on his hip.

2 Q The officer in the videos, was there anything noteworthy
3 about the officer's gloves?

4 A Yes. The gloves issued with the hard gear have a leather
5 patch that goes over the knuckle area. The gloves are cloth,
6 but there's like leather patches. And those gloves didn't
7 appear to have the leather patch on them. And the gloves I
8 wore that day were not the issued gloves.

9 Q And the officer that you watched in the video, did that
10 officer interact with a shield at all?

11 A Yes.

12 Q What did the officer in the video do?

13 A After falling, there was a shield right by their hands,
14 and they picked up the shield and continued to hold the shield.

15 Q When you fell, did you pick up a shield on your way up?

16 A Yes.

17 Q So that's consistent with your memory?

18 A Yes.

19 Q Is the location in the video where you fell?

20 A Yes.

21 MR. JONES: I'm showing the witness what has already
22 been -- I'm showing the witness 402.b. Parts of this video
23 have been slowed down for ease of viewing, Your Honor.

24 I am going to pause at 3 seconds.

25 (The videotape was played.)

1 BY MR. JONES:

2 Q The officer in the middle of the screen right here
3 (indicating), is that the officer you were referring to earlier
4 who you think is yourself, but you're not sure?

5 A Yes.

6 MR. JONES: I am going to resume playing and pause at
7 9 seconds.

8 (The videotape was played.)

9 MR. JONES: I would now like to direct the Court's
10 attention to this part of the screen (indicating). And I am
11 going to go frame by frame.

12 (The videotape was played.)

13 BY MR. JONES:

14 Q What did we just watch in this video?

15 A The rioters getting up on an officer on the ground.

16 Q When you were on the ground, do you remember being kicked?

17 A No, not specifically.

18 Q Is there any reason you might not have felt someone
19 kicking?

20 A Because of the gear I was wearing, the hard gear.

21 MR. JONES: I am playing at 10 seconds until the end.

22 (The videotape was played.)

23 MR. JONES: I'm showing the witness 401.d.

24 Again, Your Honor, parts of this video have been
25 slowed down for ease of viewing. I am going to pause at 15

1 seconds.

2 (The videotape was played.)

3 BY MR. JONES:

4 Q And again, this officer on the ground here, is this the
5 officer that you recognize as you?

6 A Yes.

7 MR. JONES: I am going to press play and play until
8 the end.

9 (The videotape was played.)

10 BY MR. JONES:

11 Q How many rioters did you see on January 6?

12 A Thousands. I don't know a specific number. It was more
13 than I had ever seen before.

14 Q Could you recognize all of them here today?

15 A No.

16 Q Do you recognize the defendant?

17 A No, I don't.

18 Q When you fell to the ground, what was going through your
19 head?

20 A Just that it's probably the worst position to be in in
21 that type of situation, and I was focused on trying to get up
22 as fast as possible.

23 Q Why is that the worst possible position to be in?

24 A It's a position of disadvantage when being confronted with
25 somebody, and you don't want to be in a position of

1 disadvantage.

2 Q Were you afraid for your safety?

3 A Yes.

4 MR. JONES: I'm showing the witness Exhibit 509. It's
5 paused at zero seconds.

6 BY MR. JONES:

7 Q Do you recognize the area depicted in this video?

8 A Yes.

9 Q Where is it?

10 A The lower west terrace of the Capitol in front of the
11 inaugural stage.

12 MR. JONES: I would like to direct the Court's
13 attention to this individual (indicating).

14 I am going to press play, and I am going to pause at
15 26 seconds.

16 (The videotape was played.)

17 MR. JONES: I would like to direct the witness's
18 attention to an individual on the ground here.

19 BY MR. JONES:

20 Q Okay?

21 A Yes.

22 Q Over the next several seconds, watch that officer on the
23 ground. Okay?

24 A Uh-huh.

25 MR. JONES: For the record, I am marking an individual

1 on the ground toward the bottom of the screen, toward the
2 middle (indicating).

3 (The videotape was played.)

4 BY MR. JONES:

5 Q Do you see that officer still on the screen?

6 A I believe so. I might have lost where they actually moved
7 to.

8 Q Do you recognize an officer who still has a shield?

9 A Yes.

10 Q Where on the screen is that?

11 A Right here (indicating).

12 MR. JONES: For the record, the witness is marking
13 toward the bottom left of the screen.

14 BY MR. JONES:

15 Q Is that approximately where you were after you fell?

16 A Yes.

17 Q When you backed up against that stage wall?

18 A Yes.

19 MR. JONES: I am going to press play and pause at 55
20 seconds.

21 (The videotape was played.)

22 BY MR. JONES:

23 Q Can you describe what we just watched in the video?

24 A An individual in the crowd took a flagpole and struck the
25 face shield of that officer multiple times.

1 Q Do you remember that happening to you?

2 A Yes.

3 MR. JONES: I am going to play and pause at 1 minute
4 15 seconds.

5 (The videotape was played.)

6 MR. JONES: I have paused at a minute and 15 seconds.

7 BY MR. JONES:

8 Q From this point, where did you go on the screen?

9 A From this position is when I made my way back over to the
10 corner where the staircase is. Should I draw?

11 Q Can you mark on the screen approximately where the corner
12 is.

13 A Back over here (indicating) behind this wall.

14 MR. JONES: For the record, the witness marked the
15 screen toward the middle left, just in front of the stage.

16 BY MR. JONES:

17 Q Okay. So you left the west plaza and made it into the
18 tunnel, right?

19 A Yes.

20 Q Was your whole squad there when you got there?

21 A No.

22 Q At some point in that time frame, did you see your whole
23 squad?

24 A No, only a select few who I could actually recognize.

25 Q Do you -- at that time, did you have any idea what

1 happened to them?

2 A No.

3 Q What did you think happened?

4 A I wasn't sure. I didn't have time to think where
5 everybody was because of the fact that I -- at that point
6 people started to try to enter the lower west terrace entrance,
7 and all the officers that were inside began to rush towards
8 that door.

9 Q By lower west terrace entrance, is that sometimes referred
10 to now as the tunnel?

11 A Yes.

12 Q So you had just escaped the west plaza, had a moment to
13 catch your breath, and immediately go back into the tunnel, is
14 that right?

15 A Yes.

16 Q Why?

17 A We were there to protect the Capitol and those inside.
18 And that was what we thought was the main artery to the
19 building, and it needed to be defended and sealed.

20 Q Was it particularly important?

21 A Yes.

22 Q I want to understand what the tunnel was like from your
23 perspective.

24 THE COURT: Can I just ask you, was the defendant in
25 the tunnel?

1 MR. JONES: He was immediately outside of it, Your
2 Honor.

3 THE COURT: Okay.

4 BY MR. JONES:

5 Q When you made it into the tunnel, were you still in hard
6 gear?

7 A Yes.

8 Q Gas mask?

9 A Yes.

10 Q Where were you in the tunnel?

11 A I believe there's two sets of double doors, like a
12 vestibule area, and I was inside the second set of doors.

13 Q What did you hear inside the tunnel?

14 A Just shouting, chaos.

15 Q Was there an alarm going off?

16 A I don't recall.

17 Q What were you doing in the tunnel personally?

18 A I really was taking up space so that there was less for
19 the rioters outside to get through. There was so many of us
20 that we just sandwiched ourselves in there and tried to create
21 a wedge or like a lodge so that no one could get through.

22 Q Approximately how many police officers were with you?

23 A A rough estimate, maybe 30 to 40.

24 Q And the rioters outside, what were they doing?

25 A The ones that I could see at the immediate entrance of the

1 tunnel were trying to gain entry.

2 Q Were they spraying anything at you?

3 A Yes.

4 Q Throwing objects?

5 A Yes.

6 Q Approximately how many rioters were there?

7 A I'm not sure exactly how many were on the whole stage,
8 but, I mean, right in the front, maybe 50 because the tight
9 area of that space.

10 Q And more beyond that?

11 A Yes.

12 Q So you were outnumbered?

13 A Yes.

14 Q If there were fewer rioters outside the tunnel, would it
15 have been easier to regain control of the area?

16 A Absolutely.

17 Q Was protecting the tunnel important?

18 A Yes.

19 Q Why is that?

20 A It was a large entrance into the Capitol building, and
21 inside the Capitol building was the joint session of Congress
22 that we needed to protect those members who were in there.

23 Q If you didn't hold that line, what would have happened?

24 A Thousands more individuals would have gotten into the
25 building.

1 Q Did you hold that line?

2 A Yes.

3 MR. JONES: No further questions, Your Honor.

4 THE COURT: Thank you.

5 Cross.

6 CROSS EXAMINATION

7 BY MR. MOYERS:

8 Q Good afternoon, Officer Collins.

9 A How are you?

10 Q My understanding is that you received training for the CDU
11 as -- I guess as part of your time with the academy, is that
12 right?

13 A Yes.

14 Q And when would you have gone to the academy, seven, eight
15 years ago?

16 A Yes.

17 Q And then there were, I believe you said, there were
18 recertifications from time to time, is that right?

19 A Yes.

20 Q And when you got that training, was part of it learning to
21 write after-action reports?

22 A Not directly during that CDU training, no.

23 Q But what about the training generally at the academy?

24 A Yes, reports in general. Specifically after-action, I
25 don't recall.

1 Q And what about a use-of-force report, did you get training
2 on that?

3 A Yes.

4 Q And is it sometimes called a CP315 or 315?

5 A Yes.

6 Q And why do you make those use-of-force reports?

7 A They are to explain the justification of the use of force
8 in any given situation.

9 Q And did you use force that day?

10 A Yes.

11 Q Did you fill out a report?

12 A I don't recall.

13 Q And would it be unusual for you not to write one?

14 A It would.

15 Q And if I told you you did or it appears that you made a
16 use-of-force report, would that seem consistent with your
17 practice?

18 A It would be consistent.

19 Q And do you remember if any -- I mean, I guess you said
20 that you don't remember making a use-of-force report.

21 A Not specifically, no.

22 Q Would it help you remember if I showed you a copy?

23 A Sure.

24 MR. MOYERS: Your Honor, if I can just approach with
25 the laptop?

1 THE COURT: No need to ask. Go ahead.

2 MR. JONES: The government hasn't seen whatever it is.

3 MR. MOYERS: Oh, sorry.

4 BY MR. MOYERS:

5 Q Did looking at that CP315, did that help refresh your
6 recollection?

7 A Yes.

8 Q And do you remember what you wrote in it?

9 A After reading it, I do remember.

10 Q And did -- let me ask you this. Do you remember writing
11 down anything then at the time about a kick or anything like
12 that?

13 A No.

14 Q And is it possible you don't remember being kicked because
15 you weren't kicked?

16 A It's possible.

17 Q And I'm curious. With the, I guess, the hard gear that
18 you put on, you can still feel pressure if somebody were to
19 touch it, squeeze it, that sort of thing?

20 A Correct.

21 Q And I believe you said they threw two-by-fours at you
22 during the training or pieces of two-by-fours at you?

23 A Yes.

24 Q And could you feel those?

25 A Yes.

1 Q But it just didn't hurt or cause pain, is that right?

2 A Correct. The hard gear blunted it.

3 Q And I guess when you were looking through those videos
4 that we just saw on direct and you said you weren't a hundred
5 percent that it was you, why can't you be sure?

6 A Because you can't see a face.

7 Q But you don't have a particular memory of being there at
8 that time?

9 A I remember being in that area, yes.

10 Q But you can't really pick yourself out from any video?

11 A I picked myself out based on the reasons that I said
12 earlier.

13 Q And so when you came in that day on a bus, can you
14 describe, what kind of bus was it? Was it a school bus or --

15 A We have Capitol Police buses with Capitol Police lettering
16 and lights on it. It's a white bus.

17 Q And as part of your hard gear, are there elbow pads or
18 knee pads?

19 A Yes.

20 Q And you said, I believe, also that you had deployed maybe,
21 before January 6, maybe five times in hard gear?

22 A Approximately.

23 Q And is it fair to say none of the events that you had
24 dressed out for before were like January 6?

25 A That's true, yes.

1 Q And would -- was one of those five times a December 12
2 rally or no?

3 A I don't recall.

4 Q Now, you testified on direct that you believe -- was it
5 you that you said you were hit by a flagpole in the head or
6 part of a flagpole? Is that right?

7 A Yes.

8 Q And was it -- do you remember if it was before or after
9 what we have been calling the kick?

10 A After.

11 Q And is that how you remember it?

12 A Do I remember it was after the kick?

13 Q Yes.

14 A Yes.

15 Q How many videos do you think you've watched of the mob
16 that day?

17 A Half a dozen different ones.

18 Q And, now, I believe you said the reasons that you couldn't
19 identify -- or, I guess, that you could identify yourself or
20 that suggested it was you is there was a carabiner key chain?

21 A Yes.

22 Q And what color would that have been?

23 A Like a black and silver tone.

24 Q And that wasn't part of, I guess, what we would call
25 standard issue for the department?

1 A No.

2 Q And the magazine holster, I'm not a gun guy, so can you
3 kind of explain. It didn't have a flap over the top, is that
4 right?

5 A Correct. The issued one has leather -- it's made of
6 leather and has leather straps that snap to the front of the
7 case to hold the magazines in place.

8 Q And yours does not, is that right?

9 A That's correct.

10 Q Okay. You were also looking, I guess -- the third thing,
11 I believe, you said was that you were looking -- you would try
12 to identify yourself with a lost radio or not having a radio.
13 Is that right?

14 A Yes.

15 Q Where is your radio -- where is it supposed to be?

16 A On my rear left hip where it's located here today.

17 Q And you are right-handed?

18 A Yes.

19 Q Were you the only officer to lose your radio that day?

20 A No.

21 Q How do you know that?

22 A Other officers had mentioned that they did.

23 Q And the gloves, the gloves were a little different, is
24 that right?

25 A Yes.

1 Q But they were the same color, right, as department issue,
2 is that right?

3 A Yes, they were black.

4 Q Okay. And yours did not have the leather on, I guess, on
5 the second knuckles, is that right?

6 A Yes.

7 Q Were you wearing knee pads or elbow pads?

8 A Yes.

9 Q And then I guess the final thing you were looking for in
10 the video is you remember picking your shield up after you got
11 up, is that right?

12 A There was a shield that was on the ground, yes.

13 Q Oh, but it wasn't necessarily your shield that you picked
14 up?

15 A No. We are not issued shields.

16 Q Okay. And so we saw the, I guess, the video that purports
17 to show my client. Do you have an actual memory of what went
18 on in that video, or is that part of, I guess for lack of a
19 better word, the blur?

20 A I have a pretty good memory of that event.

21 Q And was that the only time you were -- that, I guess, you
22 were assaulted that day?

23 A Directly, yes.

24 Q And so I guess that's as violent as it got for you that
25 day, would that be fair to say?

1 A You could say that.

2 Q Do you remember anything about any of the individuals that
3 were around you when you were on the ground?

4 A Not specifically.

5 Q Do you remember which officer -- any officers around you
6 or who may have been near you?

7 A Not by name, not specifically.

8 Q And would that be unusual for you not to know other
9 officers that you were on the line with?

10 A It wouldn't be unusual, but it's possible.

11 Q Was it difficult for you to identify other officers with
12 their gear on?

13 A No.

14 Q Why not?

15 A It's police-issued equipment, not something that's
16 normally issued to the general public.

17 Q Oh, I asked a bad question.

18 Were you able to identify other specific officers that you
19 knew by name such as, oh, that's Adam or that's Bert?

20 A In that specific time --

21 Q Yes.

22 A No.

23 Q Okay. Was that in part because they had helmets on?

24 A Yes.

25 Q And don't let me put words in your mouth, but I believe

1 you described it as a lot of shouting and chaos. So would it
2 have been hard to hear voices from other officers?

3 A Yes.

4 Q And how did you learn that you were supposed to, I guess,
5 retrench, if you will, or go back to what we have been calling
6 the tunnel?

7 A Pulls on my shoulder, on my gear, to keep moving
8 backwards, and looking around and seeing other officers backing
9 up towards that area.

10 Q So somebody would have, I guess, just tapped you on the
11 shoulder or kind of pulled on your gear from behind to get your
12 attention?

13 A Yes.

14 Q Okay. And when -- I guess, when was the first time, if
15 you can recall -- I believe you said in direct, though, that
16 you saw people getting on the scaffolding sometime between 2:15
17 and 2:29. Is that right?

18 A Yes.

19 Q And when we are talking about the scaffolding, we are
20 talking about scaffolding that was on, we'll say, the north
21 side of the lower west terrace?

22 A Yes.

23 Q And how many people were up on the -- I mean, how many
24 people did you see on the scaffolding at that point?

25 A I don't know a specific number. Dozens.

1 Q Dozens?

2 I know this is the first time you have had to testify in
3 court. About how many times do you think you have told -- I
4 guess explained what happened to you that day, either to your
5 superiors or to investigating officers, anything --

6 A A handful of times.

7 Q A handful?

8 A Yeah.

9 Q Like not more than five?

10 A I don't think so.

11 Q Has your memory -- did your memory improve of the event
12 once you saw more video?

13 A I recalled the events better, yes.

14 Q And is that just because certain pictures or images,
15 sounds would trigger, Oh, yeah, I was there at that time, or
16 Oh, now I remember this, sort of like that?

17 A Yes.

18 Q And did you ever see anything -- did you see yourself on
19 the video at all with -- and think to yourself, Well, I have no
20 memory of that at all?

21 A Yes.

22 Q And is it fair to say that this is the most chaotic
23 deployment you have ever been part of?

24 A Yes.

25 Q So I gather you were -- you left the bus between 11:30 and

1 12:00. Is that right?

2 A Approximately.

3 Q And when do you -- I guess was it escalating the whole
4 time, or when did -- you know, at a steady rate, or was there
5 sometime where you really started to fear for the integrity of
6 the line?

7 A When we first formed the line, it seemed to be more under
8 control. The people there were not as chaotic and violent.
9 And as time went on, it deteriorated.

10 Q This might be obvious from the video, but were you able to
11 see down towards the White House? Were you able to see over
12 the crowd, you know, like more people coming down, or were you
13 too, I guess, low to the ground to see, I guess, down
14 Constitution or Pennsylvania?

15 A No, I could not see that far.

16 Q All right. And so would it be fair to say that as far as
17 you could see, there were people walking west?

18 A Yes.

19 Q I think I know the answer, but was it the same people at
20 the front all the time, or did it change for the, I guess we
21 will say, over the two and a half hours?

22 A I can't say specifically. I don't recall.

23 Q And you saw men?

24 A Yes.

25 Q Women?

1 A Yes.

2 Q No children?

3 A I don't remember children.

4 MR. MOYERS: I think I might be able to finish, Your
5 Honor.

6 THE COURT: All right.

7 BY MR. MOYERS:

8 Q Would you be surprised to learn that there were children
9 there or no?

10 A I wouldn't be surprised, no.

11 Q I don't think this was clear on direct, though. Did
12 another police officer pick you up, or was it -- help you up
13 off of the ground, or was it another protester?

14 A I don't think a protester helped pick me up off the
15 ground.

16 Q And was it harder to see with your helmet on?

17 A Yes.

18 Q And you still don't recognize my client?

19 A No, I don't.

20 MR. MOYERS: I am going to try to finish, Your Honor.
21 I just need one minute.

22 THE COURT: Okay.

23 MR. MOYERS: Your Honor, I would like to show him a
24 video that isn't in the government's -- among its exhibits.

25 THE COURT: All right. Why don't you --

1 MR. MOYERS: And so I think with that, should I recall
2 him or --

3 THE COURT: This is cross. You can mark an exhibit
4 yourself.

5 MR. JONES: I would like the opportunity to the watch
6 or see the video before it's shown to the witness. It's
7 unclear whether I have ever seen the video, Your Honor.

8 THE COURT: I tell you what. Why don't we take a
9 recess, and you can look at it and then we can show it.

10 All right. Ten minutes. Thank you.

11 (A recess was taken at 2:46 p.m.)

12 THE COURT: We resolved the issue, Mr. Moyers?

13 MR. MOYERS: We did, Your Honor.

14 THE COURT: So are you marking this as a defense
15 exhibit or as a government exhibit?

16 MR. MOYERS: We will mark it as a defense exhibit.
17 We'll call it Defense Exhibit A.

18 THE COURT: I will do numbers, if that's okay with
19 you.

20 MR. MOYERS: Let's do Defense Exhibit 1.

21 THE COURT: All right. You got it.

22 (Defendant's 1 received in evidence.)

23 BY MR. MOYERS:

24 Q Officer Collins, do you recognize -- I guess, first of
25 all, can you recognize yourself in this video, or I guess in

1 this -- where I have stopped it in the video?

2 A Not from what I can see.

3 Q Let's try.

4 (The videotape was played.)

5 BY MR. MOYERS:

6 Q Does this help or no?

7 A I can see the officer better, but...

8 Q And could you circle that.

9 A Right here (indicating).

10 THE COURT: I'm sorry, did you say that was you, or
11 what did you say? You can see the officer?

12 THE WITNESS: Well, yes, that's who I believe to be
13 me. I can see it better than the previous frame.

14 THE COURT: Okay. Got it.

15 BY MR. MOYERS:

16 Q Okay. And do you recognize -- who's that -- if you --
17 well, I have moved it forward a little. Do you see where, I
18 guess, in this video where my client is supposed to have been?

19 A I mean, it's a blurry photo, but in this general area
20 (indicating).

21 Q And I am going to move forward a few more frames. Can you
22 still -- is that you, I guess, is that your right foot in the
23 upper right corner?

24 A I believe so.

25 Q Can you just circle it to make sure we are talking about

1 the same thing.

2 A (Indicating.)

3 Q Does it appear to be, I guess from the government's
4 exhibit, does it appear that this gentleman without a hat on
5 kind of balding is the same gentleman, I guess the same balding
6 gentleman with no hat from the government's exhibit?

7 Sorry about that.

8 A It appears so.

9 MR. MOYERS: And I am going to keep moving forward.

10 (The videotape was played.)

11 BY MR. MOYERS:

12 Q And you can't see yourself here, is that right?

13 A Not definitively.

14 Q I am going to go back again. Do you see, I guess, the
15 gentleman with the -- where, I guess, I put my mouse there with
16 the green hood?

17 A Yes.

18 Q Does that appear to be the man that's alleged to be my
19 client from the other video?

20 A It's possible. I can't say for sure.

21 Q And you don't have any memory of this, I guess we will
22 call him the bearded, balding gentleman trying to help you up
23 or no?

24 A No.

25 Q And I've gone back a little bit. Do you recognize any of

1 these other officers around you?

2 A Only by department, not individual.

3 Q Ah, so as far as you know, these are USCP officers like
4 yourself?

5 A Or Metropolitan.

6 Q Okay. And were you part of any -- well, we can move on.

7 Were you part of any group of officers that, I guess,
8 surged forward with bike racks or no?

9 A I don't remember surging forward with bike racks, no.

10 Q Do you remember carrying a bike rack?

11 A No.

12 Q Do you remember, did you see any officers move forward
13 together with bike racks?

14 A Yes.

15 Q And would that have been to, I guess, reinforce or
16 establish a line?

17 A Yes.

18 Q And, I mean, if you can, how did the mob react to that, if
19 you saw?

20 A It's hard to recall. They at first gave more space from
21 the officers once the bike racks were in place.

22 Q And I guess we will ask, did you ever -- is using -- I
23 guess using bike racks -- let's ask this: Did you see bike
24 racks all around, I guess, the outer perimeter of the Capitol
25 grounds that day?

1 A I don't recall.

2 Q And are you using -- in your CDU training, do you learn to
3 use bike rack, what we are calling bike racks, as barriers?

4 A Yes.

5 Q And so that would be standard for the USCP CDU to use
6 those as a crowd control device?

7 A Yes.

8 Q That's part of your training, right?

9 A Yes, it can be.

10 Q And when you use them, do you have to -- I guess, would
11 you have to use -- make a use-of-force report for that if you
12 were pushing a crowd back with the bike rack?

13 A No. It's meant to create a barrier, not a weapon.

14 Q Ah, so if you used, say, I guess -- what's the official
15 name for the baton?

16 A PR-24.

17 Q If you used that, that's a weapon, right?

18 A Correct.

19 Q And then so if you deployed that in some way, you would
20 have to make a use-of-force report?

21 A Yes.

22 Q And same thing goes for if you used your shield to push
23 somebody, would you do it or not?

24 A I can't say if it's -- if one should be done for that.

25 Q Okay. Would it depend on what you actually did with the

1 shield?

2 A Yes.

3 Q And, I guess, would you make the same answer for what we
4 are calling pepper spray or OC spray?

5 THE COURT: Is there relevance to this line of
6 questioning?

7 MR. MOYERS: I can move on if you would like.

8 BY MR. MOYERS:

9 Q Just to make this very clear, when you were in the tunnel,
10 you didn't see my client?

11 A No.

12 Q Did you see anybody that you recognized from, I guess,
13 being on top of you during the video?

14 A No.

15 Q But you were able to recognize other officers in the
16 tunnel when you were --

17 A Yes.

18 Q -- I guess, smashed together, is that fair?

19 A Recognize that they were other police officers, yes.

20 MR. MOYERS: Nothing further.

21 THE COURT: Thanks so much.

22 Any redirect?

23 MR. JONES: One moment, Your Honor.

24 Just a couple questions, Your Honor.

25 THE COURT: Okay.

REDIRECT EXAMINATION

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BY MR. JONES:

Q You were just asked about bike racks. I just have a couple questions to follow up on that.

When the bike racks were being moved or removed, was that a problem?

A Yes.

Q By the rioters?

A Yes.

Q Why was that a problem?

A They were pulling them apart or pulling the police line apart that they had made and then using them to push back against us.

Q So was that preventing you from doing your job?

A Yes.

Q How is that?

A They would push them into us, and we would have to react and go off line and try to regain control from the bike racks.

MR. JONES: No further questions, Your Honor.

THE COURT: Sir, thank you so much.

Government, call its next witness.

MR. GORDON: Thank you, Your Honor. United States calls officer Stevin Karlsen.

THE COURTROOM DEPUTY: Good afternoon. Please remain standing and raise your right hand.

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STEVIN KARLSEN

Having been first duly sworn on oath, was examined and testified as follows:

THE COURTROOM DEPUTY: Thank you. You may be seated.

DIRECT EXAMINATION

BY MR. GORDON:

Q Good afternoon, Officer.

A Good afternoon.

Q Can you please state your name and spell it for the record.

A My name is Stevin Karlsen. First name is S-T-E-V-I-N. Last name is K-A-R-L-S-E-N.

Q All right. Officer, are you currently employed?

A Yes.

Q By whom?

A Department of Veteran Affairs.

Q What do you do for the VA?

A I am a police officer.

Q How long have you been a police officer with the VA?

A Just over a year.

Q So you weren't working with them on January 6, 2021?

A I was not.

Q How long have you been in law enforcement?

A Since May of 2017.

Q And were you employed in one form or another in law

1 enforcement continuously from that day in 2017 through today?

2 A Yes.

3 Q How about on January 6, 2021, what role did you have on
4 that day?

5 A Police officer with the United States Capitol Police.

6 Q Were you deployed to the Capitol on January 6 to deal with
7 the riot that day?

8 A I was.

9 Q What kind of unit or groups were you in in the Capitol
10 Police then?

11 A So I was part of the Civil Disturbance Unit, and they had
12 two squads within that. It's a soft squad and a hard squad.
13 So I was part of the hard squad, which is all padded, gear, and
14 shields and helmets and gas masks and things like that.

15 Q Is the Civil Disturbance Unit commonly referred to as CDU?

16 A Yes.

17 Q Did you have to undergo any special training to become
18 part of the hard squad?

19 A Yes.

20 Q Can you describe that for us.

21 A Yes. I believe it's a week or two weeks going through
22 formations, how to put on your gear, how to take off your gear,
23 how to put on gas masks, how to take off gas masks, and just
24 drills, walking in formation, the different verbal commands you
25 will hear, and what to do when those verbal commands are given

1 and things like that, baton striking, things like that.

2 Q Officer, I am going to ask you to pull your microphone a
3 little bit closer to you.

4 A Is that better?

5 Q Much.

6 All right. So for January 6 specifically, what time did
7 you get to work that day?

8 A Sometime in the a.m. I believe it was 8:00 or 9:00 in the
9 morning.

10 Q Did you receive any specialized briefing that morning?

11 A Yeah, a little bit more than a usual briefing, a little
12 bit longer, just kind of describing that things could go south.

13 Q What do you mean things could go south?

14 A So there wasn't any, like, specific, you know, line of
15 this is going to happen, but it was just, Hey, you know, we are
16 all here because this event is going on down at the White House
17 and something could come our way and we've got to be ready for
18 it. No one really knew what, but...

19 Q Had you been in the Capitol Police -- you had said that
20 you had started law enforcement in 2017. Had you been in the
21 Capitol Police that entire time, from 2017 until January 6?

22 A Yes.

23 Q Had you had any previous job to that before you carried a
24 weapon?

25 A Yes.

1 Q What was that?

2 A U.S. Army.

3 Q How long had you been in the Army?

4 A Seven years.

5 Q And in that time, had you deployed ever?

6 A 2013, yes.

7 Q Where was that?

8 A Qatar.

9 Q How long were you in Qatar?

10 A One full year.

11 Q Did you see combat while you were in Qatar?

12 A No.

13 Q Moving back to January 6, that morning, what were your
14 expectations of what your duties were going to be on that day?

15 A My expectation was possibly just kind of do a show of
16 force maybe at some point if groups made their way to the
17 Capitol, which is common from previous protests and stuff, and
18 just kind of stand there and be present. But for the most
19 part, just be on a standby status for the whole day and just
20 wait until someone called us out.

21 Q So when you are on standby status, are you geared up at
22 that time?

23 A Usually, yes. And that day, I was.

24 Q So you are wearing your full hard gear?

25 A Everything on except for a helmet and a gas mask.

1 Q Can you describe what that consisted of.

2 A Shin pads, thigh pads, groin protection, chest pads, back
3 pads, shoulder pads, arm pads, gloves, and your duty belt with
4 gun and radio.

5 Q Okay. How about, did you carry a shield?

6 A Typically, yes. But on this day, we did not have shields.

7 Q Why is that?

8 A Didn't -- I'm not sure. Command decision. I don't think
9 they planned ahead to get the shields in time or something
10 along -- I'm not sure.

11 Q It's not up to you?

12 A No.

13 Q The decision comes from someone higher than you whether
14 you are going to get a shield that day or not?

15 A Correct.

16 Q Someone said no shields for this unit?

17 A Apparently, yes.

18 Q So when you were -- you said you got there in the morning?

19 A Yes.

20 Q And you geared up and staged somewhere waiting for a call,
21 is that right?

22 A Yes.

23 Q At some point did you get the call that you or you and
24 your group needed to leave the staging area and go somewhere?

25 A Yes.

1 Q Ballpark, what time was that?

2 A Sometime around noon, noon, 12:30.

3 Q Do you know what the impetus for that call was, why at
4 that time you and your group were needed?

5 A At that time there was an officer on the radio in high
6 distress screaming that he needed help and that he was being
7 overrun somewhere around the Peace Circle area on First Street.

8 Q And can you describe where that is, the Peace Circle area
9 on First Street.

10 A It's right at the intersection of First Street and
11 Pennsylvania Avenue Northwest.

12 Q So if I were, let's say, a rally goer who went to the Stop
13 the Steal Rally at the Ellipse and I wanted to walk to the
14 Capitol, presuming there's more than one way to get there,
15 could I walk down Pennsylvania Avenue towards the Peace Circle?

16 A Yes.

17 Q Since January 6, have you seen videos or read reports
18 about what happened on that day? Are you familiar with how the
19 crowd moved?

20 A I have read reports, yes.

21 Q Okay. And are you familiar with, was there a large crowd
22 that moved in that direction from Pennsylvania -- from the
23 Ellipse down Pennsylvania Avenue towards the Capitol?

24 A Yes.

25 Q And is the Peace Circle where the first line of barricades

1 and officers was?

2 A Yes.

3 Q All right. So when you heard that there was an officer in
4 distress and was being overrun, what did that spur from you and
5 your group?

6 A An immediate reaction. We didn't -- the sergeants in
7 charge of our squad didn't wait to be called at that point.
8 They kind of made the decision on their own, We need to go
9 right now. And they told us to put on our helmets. And we
10 made our way via the bus that we were waiting in.

11 Q And so you were already sitting in a bus or you boarded
12 the bus?

13 A We were already sitting in a bus, door closed, off on a
14 side street on Delaware Avenue, and then we made our way.

15 Q And how many of you were in that bus?

16 A 22.

17 Q And where did the bus take you?

18 A On the north side of the Capitol is a barricade. It's off
19 Constitution Avenue. Immediately took a right-hand turn coming
20 through the barricade down a drive we call the northwest drive.
21 And at the end of northwest drive is Peace Circle. And we made
22 it about two-thirds, three-quarters of the way down the drive.
23 That was the closest roadway to where we needed to get, and
24 that's where we got off.

25 Q And then did you go to the Peace Circle?

1 A No. By that time, when we got off the bus, the crowd was
2 already, you know, halfway or so up the sidewalk that leads
3 from Peace Circle to the lower west terrace area of the
4 Capitol. So the decision was made to huff it to the lower west
5 terrace and try to get there as fast as we could.

6 Q Okay. What did you observe as you were huffing it, so to
7 speak?

8 A A lot of people, a lot of people, and not a lot of police
9 officers really at all anywhere around. So I felt like we
10 were, like, the first ones almost to be kind of there.

11 Q So what did you do at that point? Did you manage to huff
12 it enough to beat the crowd?

13 A No. We got to the lower west terrace, and the crowd was
14 already at the lower west terrace. And they had kind of slowed
15 down at that point in that area. And we created a single-file
16 line shoulder to shoulder the best we could with the little
17 amount of people we had.

18 Q Were there already a lot of officers on the lower west
19 terrace at that point?

20 A A few, not many, from what I saw.

21 MR. GORDON: Ms. Bell-Norwood, if I could have the
22 computer from the podium, please.

23 Thank you.

24 BY MR. GORDON:

25 Q All right. Officer Karlsen, you are looking at

1 Government's 209. The screen you have in front of you is a
2 touch screen. I am going to zoom in a little bit.

3 Can you draw on the screen where you went -- actually, I
4 should ask you first, did you join that shoulder-to-shoulder
5 line?

6 A Yes.

7 Q Along with your other 21 colleagues who had been on the
8 bus with you?

9 A Yes.

10 Q Can you indicate for us just drawing with your finger
11 where it was that you and your colleagues set up position.

12 A Roughly like that (indicating).

13 Q Okay. And where were you specifically? Can you indicate
14 that as well?

15 A Somewhere right in this middle of the line area from left
16 to right.

17 Q And what makes you remember where you were specifically?

18 A There was a large -- at the bottom of the picture here,
19 there is a large tower, like a media tower, and I remember I
20 was in front of that for the majority of the time that I was
21 down there.

22 MR. GORDON: Let the record reflect that I have drawn
23 a circle around the media tower at the center of the screen,
24 the center of the inaugural stage construction, and Officer
25 Karlsen drew a line just sort of above that, what would be to

1 the east of it, stretching from one side of the sort of
2 inaugural bleachers to the other.

3 BY MR. GORDON:

4 Q Is that accurate?

5 A Yes.

6 Q Now, once you reached that point, do you have a ballpark
7 idea of what time it was?

8 A Between 12:30 and 1:00 maybe.

9 Q Sure. And once you got there and established that
10 shoulder-to-shoulder line, was the crowd managed at that point?

11 A There was a pause in the movement of the crowd at that
12 point, and just mostly verbal at that point, some pushing back,
13 a little bit, but not coming at us anymore. At that point
14 everything was kind of paused for a little bit.

15 Q When you say mostly verbal, do you mean the crowd was
16 shouting at you?

17 A Yes.

18 Q Was the crowd attacking you in any way at that time?

19 A No.

20 Q Did that change?

21 A Yes.

22 Q How?

23 A To me specifically, I don't -- it wasn't an event that
24 sparked it with me, but somewhere along the line, a push led to
25 another push, and another push led to another push. And then

1 it got worse and worse and worse. And then everyone started
2 coming at us.

3 Q Was the crowd able to breach that police line?

4 A Eventually, yes.

5 Q What about where you were, did the crowd manage to breach
6 the line in front of you?

7 A No.

8 Q Were you attacked at any point during that afternoon?

9 A Yes.

10 Q Can you describe what happened.

11 A The line was being overrun, and a decision to pull back
12 from our line was made. And I made my way to -- over my left
13 shoulder, there's two sets of staircases that go up to the next
14 level. And so as we were kind of backpedaling and withdrawing,
15 at one point, I was shoved down to the ground during the time
16 that I was trying to retreat from the lower west terrace area.

17 Q Now, I am going to show you some videos of that in a
18 moment. Before we get to that moment, I am going to pull back
19 up Government's Exhibit 210.

20 Officer Karlsen, this is a time-lapse video that I have
21 paused at about 3 seconds in.

22 Now, at this point, are you on scene yet?

23 A No.

24 Q I have drawn a line underneath this first row of fencing.
25 By the time you arrived, was the crowd still behind that

1 fencing, or had they already breached it?

2 A I believe they had already breached it.

3 Q Okay. So we see here, I paused 5 seconds in, this is just
4 before 1:00 in real time. All right. The crowd is breached.
5 Are you on scene yet?

6 A I don't believe so. But somewhere around right in this
7 time frame is when me and the 21 I was with showed up.

8 Q Okay. Now I have paused at 1:00. Do you see where I have
9 drawn a line just below the lower west terrace?

10 Does that describe the line of police officers standing
11 shoulder to shoulder that you were mentioning?

12 A Yes.

13 Q And is that where you joined up?

14 A Yes.

15 Q Using this view, can you mark an X approximately where you
16 were standing.

17 A Somewhere in the vicinity of that (indicating).

18 Q Okay. Were you on that --

19 MR. GORDON: So just let the record reflect the
20 witness drew an X right at the sort of front rail of the
21 balcony in the dead center of the screen across from the media
22 tower.

23 BY MR. GORDON:

24 Q Were you on the sort of platform where that railing is or
25 below it?

1 A Below that.

2 Q Approximately how long did you stay in that area?

3 A It's tough to say with time frame. Maybe 30 minutes, an
4 hour. It's hard to remember.

5 Q Why is it that it's hard to remember the time?

6 A It was just a lot packed into a day, and the last thing
7 that I was trying to track was how long things were lasting.
8 You are just kind of dealing with what's in front of you in the
9 moment.

10 Q Did you have to fend off rioters yourself?

11 A Yes.

12 Q Can you describe that?

13 A Exhausting. It felt never-ending. You try to verbalize
14 and tell them to get back, and then you are getting shoved or
15 hit by the metal pole or something thrown at you, and the best
16 way I can describe it is exhausting.

17 Q Did you have to strike any rioters yourself?

18 A Yes.

19 Q Why did you do that?

20 A Swinging at me, throwing something at me. At one point we
21 put a bike rack in front of us, and they were using that as
22 weapons to push us and stuff like that. So I made strikes to
23 try to get them to let go of the bike racks.

24 Q Can you explain that in a little more detail. What do you
25 mean you put bike racks and they were using it as a weapon how?

1 A So the bike racks kind of became like a tug-of-war object
2 between us and the rioters. And, you know, they are light
3 enough weight that you can pick them up. And if you have
4 someone strong enough, they can throw it or use it as kind of a
5 battering ram and things like that. So we were trying to keep
6 that from getting in their possession and using it.

7 Q But you said that despite that tug-of-war, despite rioters
8 throwing things at you, rushing, all those things, that you and
9 the group in your area was able to hold your line, is that
10 accurate?

11 A In my direct area, yeah, the line would either move a
12 little back or a little forward, but it never got fully
13 penetrated at our little spot.

14 MR. GORDON: Now I am going to continue on the
15 time-lapse video.

16 (The videotape was played.)

17 BY MR. GORDON:

18 Q So you had mentioned that there came a time when there was
19 a decision made to retreat. I am going to play this time-lapse
20 video. I am not looking for the precise second, but can you
21 watch this and identify -- tell me when to stop, when we have
22 reached at about that time where the situation had changed and
23 your group decided to retreat. Okay? I am just going to press
24 play. Tell me when to stop.

25 (The videotape was played.)

1 BY MR. GORDON:

2 Q I will pause here for a moment. We're at 1:26 p.m., 47
3 seconds into the video.

4 Is it fair to say at this point it seems the effort to
5 repel the rioters is succeeding?

6 A Somewhat, yes.

7 Q Fair to say in your area, you have pushed the rioters back
8 some?

9 A Somewhat, yes.

10 Q Were you able to hold that ground?

11 A No.

12 MR. GORDON: Continuing to play.

13 (The videotape was played.)

14 MR. GORDON: Stopping at 1:33 p.m., 57 seconds in.

15 BY MR. GORDON:

16 Q Were you still in this area where you had drawn before,
17 again I have marked with an X, or were you part of that group
18 that had pushed forward and reclaimed part of the plaza?

19 A Part of the group that pushed forward.

20 MR. GORDON: Okay. Continuing to play.

21 (The videotape was played.)

22 MR. GORDON: Stopped at -- never mind -- strike that.

23 (The videotape was played.)

24 BY MR. GORDON:

25 Q Okay. Officer Karlsen --

1 A Stop, yeah.

2 Q At 2:29 p.m., stopped the video, 2 minutes and 20 seconds
3 in, we can all see suddenly the line was lost. Can you explain
4 what happened?

5 A Yeah. At some point along the line, I believe it's to my
6 left, they were overrun on their side. I don't know the exact
7 events what occurred that made that happen. And then they just
8 started to flood through. And they were behind us, and we
9 would have been surrounded. So we started to pull back very
10 fast at that point to prevent having too many people behind us.

11 (The videotape was played.)

12 BY MR. GORDON:

13 Q All right. Now I have stopped at 2:32 p.m. Where are you
14 at approximately this time?

15 A Somewhere in the cluster of the officers at the lower
16 left-hand side in front of that railing.

17 Q You can go ahead and draw on it.

18 A Okay. Somewhere in that area (indicating).

19 Q Okay. Now, at that point are you and the other officers
20 maintaining any kind of line? Are you blocking rioters at all?

21 A We are kind of trying to shield our retreat in a sense.
22 There's a cluster of guys behind me, guys and girls behind me.
23 And so we are slowly making our way backwards and kind of
24 holding shoulder to shoulder as we keep getting backwards to
25 get to that staircase.

1 Q Thank you for mentioning that. That's what I wanted to
2 get to. Because here (indicating), it looks like you are
3 backing into a corner. Is that accurate?

4 A Yes. But in that corner is a staircase.

5 Q Where does that staircase lead?

6 A If I draw again here, the staircase comes out right where
7 this circle is.

8 Q And that's where you're retreating to to go up that
9 staircase?

10 A Correct.

11 Q Okay. What was your role in that retreat?

12 A I identified that I was one of the only few remaining
13 officers in hard gear and with a shield.

14 Q Where did you get the shield if you didn't start the day
15 with it?

16 A That's a good question. At some point I was handed a
17 shield. I don't recall the exact moment. It must have been a
18 command decision to bring shields out by somebody. So officers
19 must have been shuffling them up the line to the hard squad
20 guys to have some additional protection.

21 Q Can you describe that shield.

22 A 4 feet tall, maybe a foot and a half, 2 feet wide. Really
23 hard plexiglass. A couple handles on the back. Has United
24 States Capitol Police written on the front.

25 Q Have you ever tested that to see what it can withstand?

1 A In CDU training, they showed us videos of throwing fire
2 bombs at it, and it holds off from that, bricks, bashed with
3 bats. And then during the CDU training, they threw blocks of
4 wood at us and stuff like that to be able to show that we are
5 safe, you know, it keeps you safe.

6 Q And were you trained to use the shield to deflect things?

7 A Deflect things. You can interlock the shields together
8 and create a big wall with them. You can actually make some
9 strikes with the shields. It can cause some damage.

10 Q You can use it as an offensive weapon too then?

11 A Correct.

12 Q And you said you were one of the few officers who still
13 had a shield?

14 A Correct.

15 Q What did you then take it upon yourself to do?

16 A I wanted to kind of shield the retreat as best as I could,
17 if you will, from objects flying, from people coming at us and
18 things like that.

19 Q Okay. Did that work?

20 A Kind of until I eventually lost the shield.

21 Q And how did that happen?

22 A At some point I was shoved down to the ground. And in the
23 process of falling down to the ground, I lost my grip on the
24 shield, and it was ripped from me.

25 Q I would like you to focus now just on that moment when you

1 were shoved down to the ground. Talk about how that happened
2 and sort of what your fears were or what the danger of that
3 was. First, the mechanics of it. How was it that you came to
4 be shoved to the ground?

5 A So as we were slowly retreating, I would occasionally look
6 over my shoulder to see where I was going. And I knew there
7 were some steps approaching at some point. And all I remember
8 was looking over my shoulder and getting shoved down kind of at
9 the same time. And my feet had slipped out a little bit from
10 me because there were some objects or something on the ground.

11 And I went down to the ground and just felt kicking and
12 getting hit with things as I was down on the ground. And the
13 best way I can describe what I was feeling was just panic at
14 that point.

15 Q Can you explain that for someone who doesn't understand or
16 hasn't had the experience. Why would that situation -- we have
17 all fallen before, so why would that situation induce panic?

18 A When you are in the police academy and you are getting
19 taught, you know, defensive ground tactics and stuff, the worst
20 place you can be is down on the ground in a situation like
21 that. You've got thousands of people swarmed around you as
22 well.

23 Additionally, you know, to back up, I didn't have a radio.
24 I had lost my radio. And the thought process was just that, If
25 I get taken, you know, or if they pull me into the crowd or

1 anything, there's no way I can tell anyone. And I just felt
2 defenseless down on the ground with all these people swarming
3 at me, so...

4 Q So then what happened after you fell to the ground?

5 A I just started kind of flailing all my arms and all my
6 legs and just trying to get people away from me. I tried
7 holding my hand on my gun so that they wouldn't take my gun,
8 screaming. I couldn't really see much.

9 At some point, I had spray or some kind of chemical in my
10 face even though I had a mask on. So the seal must have gotten
11 broken at some point.

12 And after a short period of time, I felt someone grab my
13 arm and begin to pull. And I got lifted back on my feet by an
14 officer and some Metropolitan D.C. officers as well.

15 Q Okay. And then what happened?

16 A I got off the line and went behind the kind of the line
17 that I was on. And I couldn't see out of my right eye, and I
18 was having a hard time breathing because at some point
19 something got in my face. I don't know how. And I kind of
20 said some choice words out loud out of frustration, and then I
21 began my exit up the staircase.

22 Q Okay. When you exited up the staircase, did you still
23 have your shield with you?

24 A No.

25 Q All right. Officer Karlsen, I am now going to show you a

1 series of photographs and videos and ask you if you recognize
2 yourself in those.

3 Starting with Government's 403.2., do you see yourself in
4 Government's 403.2?

5 A Yes.

6 Q Can you use your finger to indicate where you are.

7 A (Indicating.)

8 Q Is this the moment that you were shoved?

9 A Yes.

10 Q Had you been interacting with the rioter who shoved you
11 prior to him shoving you?

12 A There may have been some verbal Get back, but I don't
13 recall specifically.

14 Q Okay. Had you struck him right before he shoved you?

15 A I don't recall.

16 Q Okay. Did you strike any women or children in the
17 immediate vicinity?

18 A No.

19 Q Strike any women and children all day?

20 A No.

21 Q Strike any elderly people?

22 A No.

23 Q All right. Now moving on to Government's 403.3, do you
24 see yourself in this photograph?

25 A Yes.

1 Q Okay. Can you indicate who you are.

2 A (Indicating.)

3 Q Is this the moment just after you got shoved?

4 A Yes.

5 MR. GORDON: I am going to play the videos that
6 sourced for that, so first Government's 403.a.

7 BY MR. GORDON:

8 Q I'm going to advance this frame by frame. Tell me when to
9 stop when you see yourself in the video, if you do.

10 (The videotape was played.)

11 THE WITNESS: Stop.

12 MR. GORDON: Let's try again.

13 (The videotape was played.)

14 THE WITNESS: Stop. It went away, but just before
15 that, you could see me. And then you are going to see me right
16 after.

17 (The videotape was played.)

18 THE WITNESS: Right there.

19 BY MR. GORDON:

20 Q Can you mark yourself.

21 A (Indicating.)

22 Q Okay.

23 MR. GORDON: Move to Government's 403.c.

24 (The videotape was played.)

25

1 BY MR. GORDON:

2 Q That's the same image of you being shoved?

3 A Yes.

4 Q Did you experience pain when you hit the ground on your
5 back?

6 A Yes.

7 Q Moving on to Government's 513.c, do you see yourself in
8 513.c? I have paused it one second in.

9 A Yes.

10 Q Can you indicate where you are.

11 A (Indicating.)

12 (The videotape was played.)

13 BY MR. GORDON:

14 Q Had you done anything to provoke that rioter who shoved
15 you?

16 A No.

17 MR. GORDON: Okay. Now go to 513.f. Okay.

18 (The videotape was played.)

19 BY MR. GORDON:

20 Q That's the same incident from another angle?

21 A Yes.

22 MR. GORDON: All right. Moving on to
23 Government's 103.

24 All right. This is Government's 103.6.

25

1 BY MR. GORDON:

2 Q Do you see yourself in 103.6?

3 A Yes. I think this is me down here (indicating).

4 MR. GORDON: Okay. Let the record reflect that
5 Officer Karlsen drew an X on the officer contained within the
6 red circle across from the defendant.

7 BY MR. GORDON:

8 Q 103.7, do you see yourself in 103.7?

9 A Yes (indicating).

10 Q Okay.

11 MR. GORDON: Let the record reflect again Officer
12 Karlsen drew himself within the red circle across from
13 defendant.

14 BY MR. GORDON:

15 Q And 103.8, do you see yourself there?

16 A It's tough to say where I'm at in this one. I'm somewhere
17 in this group down in here (indicating).

18 Q Okay. Now, speaking of the loss of your shield, was that
19 a problem for you for the rest of the day?

20 A Yes.

21 Q Can you explain why?

22 A The shield offers an advantage to civil disturbance. It's
23 an extra layer of protection for me, and it's just another tool
24 to use to help move the crowd, push the crowd, defend yourself,
25 defend others. So without having it, my whole upper body area

1 and everything was exposed.

2 Q Was there a stack of shields inside the Capitol or
3 somewhere else that if you lost this one, no big deal, you can
4 pick up another one?

5 A There are shields placed around Capitol grounds. Where, I
6 don't know specifically.

7 Q And what about on January 6, was there an available
8 stockpile that you could just go pick another one up from?

9 A Not that I was aware of.

10 Q After leaving -- after retreating from that west plaza
11 area, where did you go?

12 A I made it up the staircase and then made it up through all
13 the stage area to the upper west terrace area to the very
14 foundations of the Capitol. And there was a Metropolitan
15 Police line of officers established up there. And I got behind
16 them and began removing my helmet and gas mask because I was
17 having a hard time breathing and seeing. There was bottles of
18 water on the ground, and I started to kind of decontaminate
19 myself up there.

20 Q Did you, after taking that moment, did you rejoin the
21 fighting?

22 A Eventually inside, yes.

23 Q And where was that, inside the building or inside the
24 tunnel or somewhere else?

25 A Eventually inside the Capitol in the rotunda.

1 Q Now, fast-forwarding to afterwards, did you eventually
2 leave the Capitol Police?

3 A Yes.

4 Q And when was that?

5 A May of 2022.

6 Q Okay. Did your experience on January 6 contribute to your
7 decision to leave the Capitol Police?

8 A Yes.

9 Q Was there an aspect of the attack where you were shoved to
10 the ground that contributed to your decision to leave the
11 Capitol Police?

12 A Yes.

13 Q Can you explain how.

14 A I would just say that the entirety of that day and the
15 feeling that I had being down on the ground like that, I had to
16 kind of make a choice if I even wanted to do law enforcement
17 anymore. And I wanted to give the Capitol Police a chance, so
18 that's why I didn't leave until over a year later.

19 I didn't see many positive changes within the Capitol
20 Police over the course of a year that affected at my level.
21 Maybe at administrative levels or higher levels, there's been
22 changes, but nothing that changed for me.

23 And eventually I just wanted to go home, and this wasn't
24 home for me. Home is back in New York, so...

25 Q Have you experienced any psychological impact based on

1 what happened to you on January 6, specifically the attack
2 where you were shoved to the ground?

3 A No one really knows what you are going to do, especially
4 in law enforcement, until you get into an actual very, like,
5 bad incident. You can say what you're going to do over and
6 over again, but then once the incident actually occurs, the
7 complete opposite might happen.

8 And I always thought that I was something, and that kind
9 of changed because of the events from the 6th a little bit.
10 And that's been tough.

11 But I would say the hardest would be trust, and that's
12 just because you started to see the individuals that were
13 involved on the 6th, the rioters, and, you know, as you grow
14 up, you are told, you know, these people are honorable people,
15 lawyers, you can trust doctors, you can trust surgeons, you can
16 trust firefighters, and you can trust police officers, and you
17 can trust military people. And then you start finding out that
18 firefighters, police officers, military members, all kinds of
19 trustworthy professions were involved that day and attacked us.

20 So I just was like I don't trust -- I have a hard time
21 trusting anybody. And then on top of that, people are hitting
22 us with flagpoles that have the thin blue line flag on them, or
23 people are attacking us that have back the blue T-shirts on.
24 It was psychologically, like, very confusing.

25 So I would just say that a little bit of self-reflect and

1 trust were the two things that I have had a hard time with.

2 Q Thank you.

3 MR. GORDON: One moment, please, Your Honor.

4 Nothing further.

5 THE COURT: Thank you.

6 Cross.

7 MR. MOYERS: You don't need to put anything up yet.

8 Thanks.

9 CROSS EXAMINATION

10 BY MR. MOYERS:

11 Q Good afternoon, Officer Karlsen.

12 A Good afternoon.

13 Q When you finished your employment that day --

14 MR. GORDON: I'm sorry, Your Honor, there's something
15 published to the witness that isn't in evidence.

16 THE COURTROOM DEPUTY: You have to disconnect it.

17 MR. MOYERS: Oh, I have to disconnect it totally?

18 Pardon me.

19 BY MR. MOYERS:

20 Q Let's start with this. From when you went into work that
21 day until you, I guess, went home, how long was that?

22 A So I got in at about 8:00 or 9:00 in the morning, and I
23 don't believe I left until 4:00 in the morning.

24 Q On the 7th?

25 A Yes.

1 Q And did you write an after-action report?

2 A Not immediately, but the following days, I did.

3 Q And why did you write one?

4 A Just for a personal reason, so I could look back and
5 remember. It's better to write something, like, right after
6 it. Trying to remember it a year later without writing it down
7 would have been tough, so that's why.

8 Q It kind of preserves your memory, is that fair?

9 A Yes.

10 Q Do you remember what you wrote in the after-action report?

11 A Yes.

12 Q And did you describe being pushed over in the after-action
13 report?

14 A I believe I did.

15 Q And how would you have described it?

16 A That at some point while retreating off the lower west
17 terrace, I was shoved, something along those lines.

18 Q So as far as you know, you wouldn't have described it as,
19 I guess, falling straight backwards?

20 A I may have used those words.

21 Q And would you -- and you said you, I believe, in your
22 after-action report, you said you hit your helmet. Is that
23 right?

24 A Yes.

25 Q And did you -- was that the only time, I guess, we saw in

1 the videos during the government's direct. Was that the only
2 time you fell down that day?

3 A Yes.

4 Q And would that have been the only time you hit your head
5 that day?

6 A No.

7 Q When would have been the other time your head got hit?

8 A I didn't notice my helmet, the damage to my helmet, until
9 the end of the day. And from the January 6, I never reviewed
10 footage immediately, nothing, so I just kind of stuck that that
11 damage must have happened when I fell.

12 Q And so -- but you remember in the videos -- the videos, I
13 guess, trigger -- I assume you saw videos after you wrote your
14 after-action report. Is that fair?

15 A Some.

16 Q And about how many videos do you think you have watched
17 since between after January 6 and today?

18 A It's hard to say a number, but I've really only reviewed
19 footage if it was for some legal purpose or whatever.

20 Q Like another trial?

21 A Yeah, if someone was requesting, Hey, can you review this
22 to see if this was you. Those would be the only times. Maybe
23 a dozen times. I don't know specific.

24 Q Now, when you fell back and hit your head, was that -- did
25 the helmet protect you or, like, was it still painful?

1 A Whenever I did get hit or fall or whatever, whenever I did
2 get the damage to that helmet, I didn't feel anything. It did
3 protect me, yes.

4 Q And it looks like you said you hurt your left elbow. Is
5 that right?

6 A Yeah. At some point on the ground, I was struck on the
7 elbow. I don't know by what or by whom.

8 Q And would that have been through any elbow guard, or were
9 you not wearing elbow guards, if you remember?

10 A Yeah, the protection on the forearm kind of covers the
11 forearm, but the elbow area is like a flap. It's not, like,
12 attached to the elbow. So it's just kind of sitting out here
13 and it flaps around. So I don't know if it made it behind that
14 or if it hit on top of it. I don't know.

15 Q So just to make this clear for the record, are you
16 familiar with elbow pads that you might have for skateboarding
17 or rollerblading?

18 A Yes.

19 Q It's not like that?

20 A No.

21 Q It's more of a flap that, would you say, extends off your
22 forearm protection?

23 A Correct.

24 Q And when you are picked up off the ground in that video,
25 do you know who was picking you up?

1 A I didn't know in the moment, no.

2 Q But you later found out who it was?

3 A From talking with other members of my group --

4 Q Uh-huh.

5 A -- I found out who it was.

6 Q And did you ever -- I guess, did you ever speak with this
7 person and watch the video together?

8 A I have spoken with the person. I don't believe we watched
9 the video together.

10 Q About how many times do you think you have watched the
11 videos that we just saw in preparation for this trial?

12 A Probably no more than ten.

13 Q And when do you think the first time you saw those videos
14 was?

15 A Within a few months after January 6.

16 Q And when you looked at them, were you alone? How did you
17 come into contact with these videos?

18 A Majority of the time, the CDU unit that I was with that
19 day would review footage together, and we would try to talk it
20 out and see if it identified any of us.

21 Q And is it fair to say that, I guess, seeing these videos
22 reinforced some of the concerns you had about the CDU?

23 A Yes.

24 Q And was there -- I guess, was there a CDU operational plan
25 for that day?

1 A Yes.

2 Q And can you describe that plan.

3 A I think it involved the movement of the soft squad
4 individuals being placed in places and all the hard squad were
5 primarily in, like, a standby role for the day.

6 Q And how long did you think you were in that standby role?

7 A Two to three hours.

8 Q Okay. Now, were you -- I guess you testified on direct
9 that you were able to hear some things that the protesters
10 would yell. Is that correct?

11 A Yes. Difficult, but yes.

12 Q But would you describe it mostly as a loud ding or
13 something like that?

14 A You could pick up a couple individual things, but for the
15 majority of the time, it's like you explained, just overall
16 yelling.

17 Q And I believe you described, when you are falling back,
18 protecting your firearm with your left hand?

19 A Uh-huh.

20 Q Is that right?

21 A Yes.

22 Q And, I guess, can you show the judge how you were
23 protecting it as you remember it?

24 A So my weapon was on my left thigh, the drop leg holster.
25 So while on the ground, I just hold my hand over it like this

1 (indicating).

2 Q And just put your hand over it?

3 A Yes.

4 Q What's on your right hip, if anything?

5 A It was my radio, but I lost it within, like, 30 seconds of
6 the day.

7 Q And so when you are falling back, the shield would have
8 been in which hand?

9 A I would have had both my hands on the shield.

10 Q And then as you are falling back, you take one to cover
11 your left, I guess, left hip, is that right?

12 A While falling, I lost control of the shield and then
13 eventually lost the shield entirely. And my first reaction was
14 to put my hand and hold on to my gun.

15 Q Now, I am going to go now to Government's 403.a, but I am
16 going to slow it down. And I am going to keep the sound off.
17 Can you see it there in front of you?

18 A Yes.

19 Q Now, do you know whose body -- I guess you may not have
20 known at the time, but do you know whose body camera that was?

21 A No.

22 Q And you don't know now?

23 A No.

24 Q I am going to play the video now hopefully.

25 (The videotape was played.)

1 BY MR. MOYERS:

2 Q I guess I have stopped it here at 14:34:07. Do you see
3 yourself in this frame here?

4 A Yes.

5 Q Which one are you?

6 A The officer kind of in the center of the frame holding the
7 shield wearing all the protective gear.

8 Q Can you just circle it.

9 A Oh, sure (indicating).

10 Q Perfect. And do you see the person in the hood, I guess,
11 to the left in the green hood?

12 A Yes.

13 Q And what, if anything -- do you remember if that person
14 said anything to you?

15 A I can't recall.

16 Q And let me ask you, did you recall this particular
17 moment -- well, did you recall -- did you recall these, I
18 guess, moments leading up to when you end up on your backside,
19 do you remember this in your head, or was seeing the video, did
20 that kind of trigger a memory?

21 A I remembered in my head.

22 Q Now, I'm going to move forward some frames.

23 Now, I have stopped here at 14:34:09. Is that you right
24 here (indicating)?

25 A Yes.

1 Q With the U.S. Capitol Police helmet on?

2 A Yes.

3 Q And what is -- I guess, what's on the ground behind you?

4 Do you see that --

5 A Yes.

6 Q -- right here (indicating) where I have circled?

7 A Yes.

8 Q Can you tell the Court what that is?

9 A That's a 4-foot CDU riot shield.

10 Q And you see your, what is that, your right foot stepping
11 back on it?

12 A Yes.

13 Q All right. And then now, I guess, your right foot -- when
14 do you -- I guess, when do you lose balance? Is it when you
15 step on the shield?

16 A I think it's when I got shoved.

17 Q And so can you -- I guess, where does your foot go after
18 it steps on the shield?

19 A I believe it slid out.

20 Q And, now, were you already falling when you -- when this
21 person touches your shield or no?

22 A No.

23 Q And so you fall, and so you fell backwards because you
24 were shoved, is that right?

25 A Yes.

1 Q All right. But you didn't describe being shoved in an
2 after-action report?

3 A I don't recall if I did or didn't.

4 Q Would it help if you saw your after-action report?

5 A Yes.

6 THE COURT: All right. Why don't you let him read
7 that. We will take a recess, and then you can ask him about it
8 when we return. One last recess, ten minutes.

9 (A recess was taken at 4:11 p.m.)

10 THE COURT: All right. You may resume.

11 BY MR. MOYERS:

12 Q So, Officer Karlsen, you had a chance to review your
13 after-action report?

14 A Yes.

15 Q And do you mention being shoved?

16 A No.

17 Q What about any kind of injury?

18 A No.

19 Q And any kind of -- I guess, any kind of pain that you felt
20 from any strike or anything like that?

21 A No.

22 Q But you did sit down with the FBI eventually, didn't you?

23 A Yes.

24 Q And did you tell them that you had been shoved?

25 A I believe so.

1 Q And why the change?

2 A From looking back, the more you discuss with the people
3 that were with you that day, you know, the individual that
4 picked me up, you know, he was like, You were shoved, you know
5 that. But I think that, like, in that moment, my head is
6 turned away. And it obviously felt like a shove, the
7 difference between being pushed over and falling over. I just
8 in the AAR didn't describe it, I guess, very accurate and
9 detailed. It was kind of just a brief thing, just an overview.

10 Q And when do you think you spoke with the person who picked
11 you up?

12 A Sometime in the following weeks of January 6.

13 Q And when do you think you first sat down with the FBI and
14 told them what happened?

15 A I can't remember a time. Months, a while after, months
16 later.

17 Q And would it have been -- was it after you spoke with the
18 gentleman who picked you up?

19 A Yes.

20 Q And nobody put pressure on you to change your story, did
21 they?

22 A No.

23 Q And now let me ask, is it fair to say that you were
24 dissatisfied with the equipment that you were given that day?

25 A I wasn't dissatisfied with our equipment.

1 Q But you were dissatisfied with the level of communication?

2 A Yes.

3 Q And why do you think that is?

4 THE COURT: Is this relevant? In other words, he's
5 testifying about an assault.

6 BY MR. MOYERS:

7 Q Let's ask this. Remember the shield that we see in the
8 video behind you?

9 A Yes.

10 Q Did that contribute in any way to your fall?

11 A Probably.

12 Q How so?

13 A Couldn't get my footing.

14 Q Now, was the ground generally slippery that day or not
15 really?

16 A Generally slippery.

17 Q And what made it slippery?

18 A Water bottles being thrown, pepper spray, bear spray all
19 over the place. I think there was just a lot of water all over
20 the ground because people were -- it was being thrown, and
21 people were using it to decontaminate themselves.

22 Q And were you affected by any of the pepper or OC spray at
23 the time of the push?

24 A At the time of the push, I don't recall that I was.

25 Q And did pepper spray -- but you did get -- like, pepper

1 spray did affect you at some point or no?

2 A At some point while I was either on the ground or being
3 picked up, somewhere in there, spray got behind my gas mask.

4 Q And what were the effects of that as you recall?

5 A I had my right eye closed because opening it was too
6 painful, and some of it was getting into my mouth. And so you
7 are trying to spit it out of your mouth, but you have a gas
8 mask that's covering your mouth, so tough to breathe.

9 Q And did it make you confused at all?

10 A No.

11 Q But it probably made it harder to see?

12 A Yes.

13 Q And we didn't talk about this, but was it harder to hear
14 with your helmet and other gear on?

15 A Yes.

16 Q And, I guess, in what way did it make the -- like, in what
17 way did it interfere with your hearing?

18 A Just muffled, like, the things that were being said, so
19 people had to talk louder in order for you to hear them.

20 Q Is that why you see sometimes in the videos officers
21 talking in each other's ears?

22 A Yes.

23 Q Because that's a reflection of how loud it was?

24 A Yes.

25 Q And when you, I guess, deployed down into, I guess, we'll

1 say the area where you ended up falling, how familiar with that
2 area were you?

3 A With the setup that was down there because it had the
4 inauguration stage?

5 Q Yes.

6 A I had zero familiarization to it.

7 Q So were there steps there that were unfamiliar --

8 A Yes.

9 Q -- or that wouldn't be there?

10 And is it fair to say you are mostly familiar with it when
11 the fountain is out and the scaffolding is gone?

12 A Yes, when all that stuff is away.

13 Q And you hadn't been -- I guess you hadn't -- were you with
14 the USCP in 2016 -- I guess, yeah, it would be 2017 for the
15 last certification?

16 A Yeah. I started with the Capitol Police in May of 2017.

17 Q All right. And so the plan was a little different this
18 time, though, is that right?

19 A I'm not understanding.

20 Q Let me get some more foundation for that.

21 Did you -- were you deployed or did you work during that
22 certification?

23 THE COURT: Again, what's the relevance?

24 BY MR. MOYERS:

25 Q How many times do you think you have met with law

1 enforcement to discuss what happened to you?

2 A No more than ten times. I can't say verbatim. I would
3 say, you know, I'm not sure.

4 Q But it wouldn't be like 20?

5 A No, I don't think it's like 20.

6 Q When did you learn that -- or, you know, if you did, when
7 did you learn that law enforcement had found the person that
8 had allegedly shoved you?

9 A It's tough to say. Within a year of January 6. I don't
10 recall.

11 Q So it wouldn't be, like, within the last year?

12 A I don't know.

13 Q But it wouldn't have been like a few months ago?

14 A I don't think so.

15 Q And did they give you -- how did you learn about it?

16 A Through an FBI agent.

17 Q And who was that?

18 A Beth Alvarez.

19 Q Do you remember what you talked about?

20 A Not verbatim, just a quick update that we found the
21 individual.

22 Q And was that over email or phone call?

23 A I think it was through phone.

24 Q And did you know Agent Alvarez at the time?

25 A I had met with her previous to that.

1 Q So just to get the timeline straight, when you met with
2 her for the first time, that was before you learned from her
3 that they had found an alleged suspect?

4 A I believe so.

5 Q And did you remember more things between your first
6 meeting with Agent Alvarez and I guess I will -- no, I will
7 make it more general.

8 Did you remember more from your first meeting with law
9 enforcement to your last meeting with law enforcement?

10 A No.

11 Q And so the -- and when you spoke to your colleague who
12 picked you up, do you remember where that would be, if it would
13 be before the first time you spoke with any law enforcement
14 about it?

15 A Yes, before I spoke with anyone.

16 Q And then it would be -- speaking with the FBI would have
17 been after that?

18 A Yes.

19 Q And then after that, law enforcement comes to you and
20 says, Hey, we think we may have a suspect for who did this?

21 A Yes.

22 Q And did you watch video each time you met with law
23 enforcement?

24 A No, I don't believe so.

25 Q And would you look at still photos every time?

1 A I can't recall. I'm not sure.

2 Q And when you did have meetings, I know a lot of this was
3 during COVID, were these meetings over Zoom or would they be in
4 person?

5 A I'm pretty sure I only had one or two in-person meetings,
6 and that was it.

7 Q Would that be at your office or elsewhere?

8 A I know the one was at the FBI building.

9 Q And do you remember if anybody took notes or if you took
10 notes?

11 A I believe there was individuals taking notes.

12 Q And did you?

13 A No.

14 Q I think you said this on direct, but when was your last
15 day with the USCP?

16 A May 8, 2022.

17 Q So 16 months after the event?

18 A Sounds right.

19 Q And I guess that would be 14 months from -- 13 months
20 from -- I guess 13 months from today --

21 A Yes.

22 Q -- that you went to the Veterans Administration?

23 A Yes.

24 MR. MOYERS: I think I might be able to finish, Your
25 Honor.

1 THE COURT: Okay.

2 BY MR. MOYERS:

3 Q Again, I know this is a long time ago, but when you had
4 meetings with law enforcement, how would those be set up?

5 THE COURT: Do we care about that?

6 BY MR. MOYERS:

7 Q Were there emails back and forth that you know about with
8 law enforcement where you would -- to set up those meetings?

9 THE COURT: Again --

10 MR. MOYERS: All right.

11 BY MR. MOYERS:

12 Q Let's ask this. Were there any -- did you write any --
13 did you write your story down in any emails that you recall?

14 A No.

15 Q So as far as you know, the -- you wrote your after-action
16 report, and that would be the thing that you -- the only thing
17 you have written?

18 A Yeah.

19 Q All right.

20 MR. MOYERS: Nothing further.

21 THE COURT: Thank you. Redirect.

22 REDIRECT EXAMINATION

23 BY MR. GORDON:

24 Q Officer Karlsen, just first off, the shield, is it your
25 personal shield? Does that belong to you?

1 A No.

2 Q Who does it belong to?

3 A The Capitol Police.

4 Q And is that an agency of the government?

5 A Yes.

6 Q All right. Now, you were just asked a bunch of questions
7 on cross about the stuff underneath your feet.

8 A Uh-huh.

9 Q Did you fall to the ground because you slipped because it
10 was wet?

11 A No.

12 Q Did you fall to the ground because you took a wrong step
13 and slipped on a shield?

14 A No.

15 Q Did you fall to the ground because you are clumsy?

16 A No.

17 Q Why did you fall to the ground?

18 A Because I was pushed.

19 Q You were pushed by the rioter standing directly in front
20 of you?

21 A Yes.

22 Q Did he just give you a soft, loving tap on your shield?

23 A No. He pushed me pretty hard.

24 Q How much do you weigh?

25 A 200 pounds.

1 Q Is that about what you weighed on January 6?

2 A Yes.

3 Q Decently strong?

4 A Yes.

5 Q Okay. What kind of shoes were you wearing on that day?

6 A Steel-toed boots.

7 Q Do they have a pretty good grip?

8 A Okay.

9 Q All right. Have you been shoved in the chest before?

10 A Yes.

11 Q Do you fall down every time you get shoved in the chest?

12 A No.

13 Q So why did this shove knock you over?

14 A I think it's a combination of the shove and not having
15 anything underneath me to brace or, you know, catch myself
16 falling backwards.

17 Q Where were you looking at the time you were shoved?

18 A Over my right shoulder.

19 Q How long did you spend looking over your right shoulder?

20 A I thought it was only a couple of seconds maybe.

21 Q And is that the exact moment when the person shoved you?

22 A Yes.

23 MR. GORDON: Nothing further, Your Honor.

24 THE COURT: Thanks so much, Officer. You may step
25 down.

1 Thank you.

2 Okay. So, Mr. Gordon, so you have one more witness,
3 is that -- according to your witness list.

4 MR. GORDON: Yes, Your Honor. So just as a
5 housekeeping matter, we have one more witness in our case in
6 chief. That's the case agent. She will be a lengthy witness.
7 We have a lot of video to go through with her.

8 I understand from defense counsel that they intend to
9 recall both Officer Collins and Officer Karlsen on their case
10 in chief as witnesses.

11 THE COURT: Okay.

12 MR. GORDON: Even though Officer Karlsen just finished
13 being crossed, he's apparently going to --

14 THE COURT: So, Mr. Moyers, can we finish Officer
15 Karlsen now? In other words, if you are going to -- anything
16 you want to him to testify to outside what your cross was?

17 MR. MOYERS: I don't think we can. There's some stuff
18 that's come out that I didn't expect, and I would like to talk
19 with Mr. Mock about it.

20 THE COURT: Okay. So for Agent Alvarez, how long
21 tomorrow are you thinking, Mr. Gordon?

22 MR. GORDON: I would rather overestimate and be under,
23 so --

24 THE COURT: I'm talking about for your direct.

25 MR. GORDON: I understand. Due to how long it will

1 take to go through all the videos, let's reserve two hours for
2 her.

3 THE COURT: Okay. So what is your order of witnesses?
4 I want to be able to tell this agent when to come back.
5 Mr. Moyers, what do you think? In other words, who is going --
6 do you want him to come back right after lunch, or have you got
7 other people?

8 MR. MOYERS: It would be Collins and then Karlsen.

9 THE COURT: Okay. All right. Why don't we have them
10 come back -- they should be here at 2:00, let's say, or 1:45
11 maybe.

12 MR. GORDON: Whatever Your Honor likes. They are
13 available to come back as early as 9:30 if we need them to.

14 THE COURT: But if you are going to --

15 MR. GORDON: I understand.

16 THE COURT: Why don't we say -- you never know. Maybe
17 we will be shorter. Why don't we say 11:30 then and hope we
18 get them on before lunch or at least to start.

19 MR. GORDON: That's fine, Your Honor.

20 THE COURT: All right. Then anything else before we
21 adjourn for the government?

22 MR. GORDON: Not that I can think of, Your Honor, no.

23 THE COURT: All right. And so just for clarification,
24 I looked at the superseding indictment. You talked in your
25 opening about four different assaults, but only two were

1 charged.

2 MR. GORDON: Well, the operative is the second
3 superseding indictment.

4 THE COURT: When I was scanning, I must have missed
5 that. I will go back and look at that again.

6 MR. GORDON: Thank you, Your Honor.

7 THE COURT: Anything else for the defense?

8 MR. MOYERS: No, Your Honor.

9 THE COURT: All right. Great. Let's return 9:30
10 tomorrow. Thank you so much, everyone.

11 (The trial adjourned at 4:43 p.m.)

12 - - -

13 C E R T I F I C A T E

14
15 I hereby certify that the foregoing is an
16 accurate transcription of the proceedings in the
17 above-entitled matter.

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20 8/23/23

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s/ Tammy Nestor
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