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June 24, 2022

FIAT
JUN 24 2022
6/15/22

Hon. Trevor N. McFadden
United States District Judge
United States District Court District of Columbia
333 Constitution Avenue N.W.
Washington, D.C. 20001

Re: *United States v. Kevin Seefried and Hunter Seefried*, Case No. 21-CR-00287 (TNM)

Dear Judge McFadden:

Kevin Seefried responds to the government's letter of June 24, 2022.

The government appears to be correct that counsel for Mr. Seefried misidentified the exhibit that was shown in court as Government's 405 when it was in fact Government's 408. Counsel apologizes for his error.

While it is well within the Court's discretion to reopen the case and admit Government's 408, especially in light of the parties' stipulation to its authenticity, the government does not appear to be contesting what was revealed by Government's 408 -- that 55 seconds elapsed between when Mr. Seefried entered the Capitol building and when the ProPublica video (Government's 504) captured him in the doorway with Officer Goodman. Government's Letter at 4 ("GX 504 does not depict Kevin Seefried until approximately 50 seconds into the video, which corresponds to approximately 2:14:17 pm). Both parties appear to agree that Mr. Seefried was captured in the ProPublica video 55 seconds after he entered the building.

The government letter goes further, however, and adds its contention that if Mr. Seefried were walking at the same walking pace as the ProPublica videographer, he would have been in the doorway for 10 seconds prior to the image captured by the videographer. Government's Letter at 4. The defense thus feels compelled to point out that if Mr. Seefried was walking a third slower or stopped to see look at something in the hallway, it would have taken him 51.87 seconds longer and he would have arrived 3 seconds before he was captured by the video with Officer Goodman. In any case, the fact remains that the amount of time that Mr. Seefried was in the building was negligible before he was captured in Government's 504 and it is unlikely that there was an initial meeting that occurred prior to the interaction between Mr. Seefried and Officer Goodman that was caught on video.

Best regards,

/s/

Eugene Ohm
Elizabeth Mullin
Counsel for Kevin Seefried