

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NO. 1:21-CR-00312-JEB

UNITED STATES OF AMERICA

v.

BRADLEY STUART BENNETT

**DEFENDANT'S RESPONSE TO
GOVERNMENT'S MOTION IN
LIMINE REGARDING EVIDENCE
ABOUT THE SPECIFIC LOCATIONS
OF U.S. CAPITOL CAMERAS (ECF-
106)**

Defendant Bradley Stuart Bennett, by and through counsel, hereby responds to the Government's Motion in Limine Regarding Evidence About the Specific Locations of U.S. Capitol Police Surveillance Cameras (ECF-106). The Government seeks an order "limiting the defense from probing, during cross-examination, the exact locations of Capitol Police surveillance cameras or from using maps, which show each camera's physical location, as an exhibit at trial." Gov't Mot. at 2.

To the extent Mr. Bennett believes that some of the camera positions may prove relevant, he suggests that these matters are better addressed during trial. At that time, all parties will have an improved understanding of the witness testimony and the specific camera positions at issue. Mr. Bennett is confident that the parties, with the assistance of this Court, can then agree on a method of disclosure that protects sensitive information while simultaneously preserving Mr. Bennett's rights to confrontation. For these reasons, this Court should defer ruling on the Government's

Motion in Limine at this time. *See Barnes v. District of Columbia*, 924 F. Supp. 2d 74, 79 (D.D.C. 2013) (“[I]n some instances it is best to defer rulings until trial, [when] decisions can be better informed by the context, foundation, and relevance of the contested evidence within the framework of the trial as a whole.”).

Alternatively, “to the extent [Mr. Bennett] develops evidence to show that such location information is relevant and necessary to his defense at trial,” this Court should permit him to “raise the issue outside the presence of the jury.” *United States v. Rhine*, 2023 U.S. Dist. LEXIS 27764, *36-37 (D.C.C. Feb. 17, 2023). This Court should also make clear that, as the Government acknowledges, a ruling in its favor would not prevent Mr. Bennett from “prob[ing] what Capitol Police’s cameras show, and what they don’t, by asking about the general location of each camera.” Gov’t Mot. at 4; *accord Rhine*, 2023 U.S. Dist. LEXIS 27764 at *37. Finally, this Court should order the Government to produce to Mr. Bennett a copy of the relevant maps with the camera positions deleted, for potential publication to the jury.

Respectfully submitted this 5th day of September, 2023.

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Federal Public Defender

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CERTIFICATE OF SERVICE

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

NIALAH S. FERRER
Assistant United States Attorney
United States Attorney's Office
Criminal Division
601 D Street NW
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Washington, DC 20530

by electronically filing the foregoing with the Clerk of Court on September 5, 2023,
using the CM/ECF system which will send notification of such filing to the above.

This the 5th day of September, 2023.

/s/ Leza Lee Driscoll

LEZA LEE DRISCOLL
Assistant Federal Public Defender