UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	**CASE NO. 21-cr-119 (CJN)**
v.	:	
	:	
GARRET MILLER,	:	
	:	
Defendant.	:	

TRIAL STIPULATIONS

The United States of America, by and through its attorneys, and the Defendant, Garret Miller, through his attorney, agree and stipulate as follows. The Court may accept the following facts as if they had been proved beyond a reasonable doubt at trial. Neither party shall be prohibited from calling witnesses to testify about, or introducing evidence to establish, any of the facts listed in these stipulations.

1. *United States Capitol Police Closed Circuit Video Monitoring*

The United States Capitol Police (USCP) operates and maintains closed-circuit video monitoring and recording equipment (CCTV) that captures locations inside and outside of the U.S. Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the date and time at which the footage is captured. The USCP-controlled CCTV equipment was in good working order on January 6, 2021, and video footage recovered from the CCTV system with the timestamp of January 6, 2021 is footage from January 6, 2021. The events depicted in the video footage are a fair and accurate, the timestamps on the recordings are accurate,

and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

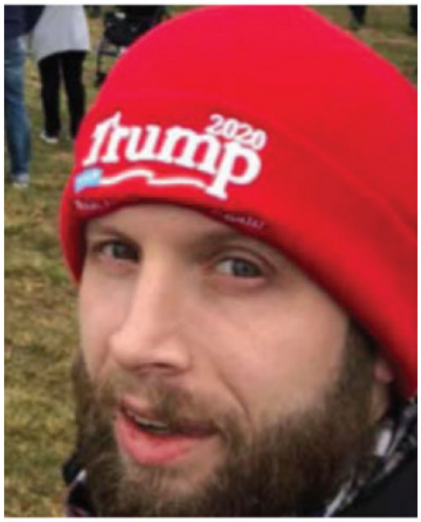
The parties agree that any video obtained from the USCP CCTV can be admitted into evidence at trial without further foundation beyond this stipulation.

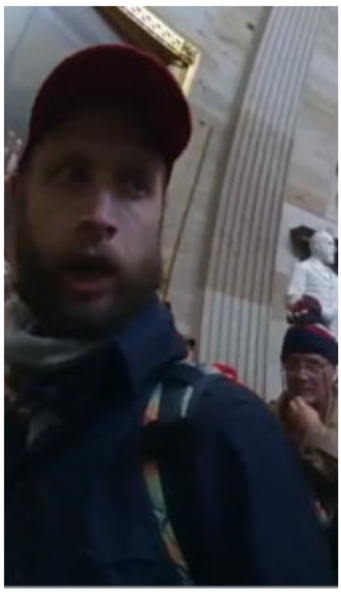
2. *United States Capitol Building and Grounds*

By law, the U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. At the U.S. Capitol, the building itself has 540 rooms covering 175,170 square feet of ground, roughly four acres. The building is 751 feet long (roughly 228 meters) from north to south and 350 feet wide (106 meters) at its widest point. The U.S. Capitol Visitor Center is 580,000 square feet and is located underground on the east side of the Capitol. On the west side of the Capitol building is the West Front, which includes variety of open concrete spaces, a fountain surrounded by a walkway, two broad staircases, and multiple terraces at each floor. On January 6, 2021, the inaugural stage scaffolding was on the West Front of the Capitol building. On the East Front are three staircases, porticos on both the House and Senate side, and two large skylights into the Visitor's Center surrounded by a concrete parkway.

3. *Identity*

The Court may accept, as if proven beyond a reasonable doubt at trial, that the below photographs are fair and accurate depictions of Garret Miller. Neither party shall be prohibited from calling witnesses to testify about or introducing evidence to establish any of the facts listed in this stipulation.





4. *Social Media*

The records from Meta Platforms, Inc. (Facebook) are true and accurate copies of the subscriber records, account information, and correspondence such as posts, messages, chats, comments, reactions, and other communication to and from the Facebook account with user name "garret.a.miller," and from the Instagram account with user name "garrmill," which the parties

stipulate were created and continuously operated by Defendant Garret Miller from November 1, 2020 through January 20, 2021.

The records from Twitter, Inc. (Twitter) are true and accurate copies of the subscriber records, account information, and correspondence such as posts, messages, chats, comments, reactions, and other communication to and from the Twitter account with user name "garretamiller," which the parties stipulate was created and continuously operated by Defendant Garret Miller from December 27, 2020, through January 20, 2021.

5. *Chain of Custody*

As part of this case, the FBI executed an arrest warrant and search warrant with respect to the defendant. The government and defendant agree and stipulate to the following:

1. The FBI lawfully seized Government's Exhibits 601.1-601.11 in the course of the arrest and search in this case:

    a. Two tan ropes and grappling hook;
    b. A red Make America Great Again hat with bump cap inside;
    c. A desk calendar with the handwritten words "Big Day Wild!!" written on January 6, 2021;
    d. A vest of soft body armor;
    e. A neck gaiter with an American flag print;
    f. A silver iPhone;
    g. A black jacket;
    h. A red and black mouth guard;
    i. A t-shirt with the image of Donald Trump shirt and the words "January 6. I was there;" and
    j. A red "Make America Great Again" Beanie.

2. The FBI maintained proper chain of custody for Government's Exhibits 601.1-601.11.

3. Government's Exhibit 601.1-601.11 are the items seized by the FBI and are in the same or substantially same condition as the date of their seizure.

6. *Standard Protocols for Device Extraction*

As part of this case, the FBI performed a digital forensic extraction of Defendant Garret Miller's cell phone. The United States and Defendant Garret Miller agree and stipulate to the following:

1. Garret Miller's cell phone number was (XXX) XXX-5392 from January 1, 2020, through at least January 20, 2021.
2. On or about January 26, 2022, FBI lawfully obtained Miller's cell phone and retained it as evidence in this case.
3. FBI maintained proper chain of custody for Miller's cell phone throughout the pendency of this case.
4. FBI employed proper and reliable techniques to extract the data from Miller's cell phone.
5. Government Exhibits 702A-777 are accurate and authentic copies of digital content extracted from Miller's cell phone.

7. *The Civil Disorder*

Beginning at approximately 12:53 p.m. on January 6, 2021, and continuing until approximately 6:30 p.m. on January 6, 2021, the events on the Grounds of the U.S. Capitol and in the U.S. Capitol building constituted a "civil disorder" as that term is used in Title 18, United States Code, Section 231(a)(3), which means that it was a public disturbance involving acts of violence by assemblages of three or more persons, which caused an immediate danger of or resulted in damage or injury to the property or person of any other individual.

8. *Interstate Commerce*

The civil disorder on the Grounds of the U.S. Capitol and in the U.S. Capitol building on January 6, 2021, obstructed, delayed, or adversely affected commerce or the movement of any

article or commodity in commerce as those terms are used in Title 18, United States Code, Section 231(a)(3). The term "commerce" means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

Under the Constitution, Congress has the exclusive power to enact laws for the District of Columbia.

9. *Federally Protected Function*

The civil disorder on the Grounds of the U.S. Capitol and in the U.S. Capitol building on January 6, 2021, adversely affected a "federally protected function" as that term is used in Title 18, United States Code, Section 231(a)(3). That means that the civil disorder adversely affected any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. The federal protected functions that were adversely affected included the following: the United States Capitol Police's protection of the U.S. Capitol and the Capitol grounds, and the United States Secret Service's protection of the Vice President of the United States and immediate family members of the Vice President.

10. *Officers from the United States Capitol Police and Washington, D.C., Metropolitan Police Department*

On January 6, 2021, officers from the United States Capitol Police (USCP) on the U.S. Capitol Grounds and in the U.S. Capitol building were engaged in their official duties as officers or employees of the United States or of any agency in any branch of the United States Government, as those terms are used in Title 18, United States Code, Section 1114.

On January 6, 2021, officers from the Washington, D.C., Metropolitan Police Department (MPD) on the U.S. Capitol Grounds and in the U.S. Capitol building were assisting officers from

the USCP who were engaged in their official duties as officers or employee of the United States or of any agency in any branch of the United States Government, as those terms are used in Title 18, United States Code, Section 1114.

11. *Safeway*

On January 6, 2021, at around 3:45 p.m., in response to Mayor Bowser's order imposing a curfew in the District of Columbia because of the events at the U.S. Capitol, Safeway closed all 12 of its stores in the District of Columbia as of 4 p.m. Safeway's stores were supposed to close at 11 p.m. Safeway later determined that its District of Columbia stores made between 18% and 47% less in sales to the public on January 6, 2021, than they had been projected to make on that day.

Safeway's District of Columbia stores receive their shipments from a warehouse in Pennsylvania. After 4 p.m. on January 6, 2021, the scheduled shipments for the remainder of the day could not be delivered because the stores were closed and no employees were working.

12. *Open Source Video*

The events depicted in the video footage for the following Government Exhibits are a fair and accurate depiction of the events at the U.S. Capitol on January 6, 2021 and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be:

- Ex. 201: Open-source video depicting the East Front of the United States Capitol at approximately 1:55 p.m.
- Ex. 203: Open-source video from "FreedomNews.TV" depicting East Front of U.S. Capitol at approximately 2:00 p.m.
- Ex. 204: Open-source video from "REEL The Capitol Siege – January 6th – RSW FOOTAGE" depicting East Front of U.S. Capitol at approximately 2:00 p.m. on 1/6/21

- Ex. 207: Open-source video depicting East Front of U.S. Capitol from approximately 1:45 – 3:00 p.m. on 1/6/21

- Ex. 301: Open-source video from "What Parler Saw" depicting outside of Rotunda Doors at approximately 2:43 p.m. on 1/6/21

- Ex. 302: Open-source video from "Getty Images" depicting outside of Rotunda Doors at approximately 2:43 p.m. on 1/6/21

- Ex. 304: Open-source video depicting inside of Rotunda Doors facing outward at approximately 2:43 p.m. on 1/6/21

- Ex. 414: Open-source video from "REEL The Capitol Siege – January 6th – RSW FOOTAGE" depicting interior of U.S. Capitol (Rotunda and surrounding area) from approximately 2:43 – 3:15 p.m. on 1/6/21

- Ex. 415: Open-source video from "Infowars.com" depicting interior of U.S. Capitol (Rotunda and surrounding area) from approximately 2:43 – 3:15 p.m. on 1/6/21

- Ex. 416: Open source video depicting interior of U.S. Capitol hallway between approximately 2:43 – 3:15 p.m. on 1/6/21

- Ex. 417: Open-source video from "Getty Images" depicting interior of Rotunda from approximately 3:08 – 3:10 p.m. on 1/6/21

- Ex. 418: Open-source video titled "Protestors Storm Capitol Building in Washington DC.mp4" depicting interior of Rotunda from approximately 3:08 – 3:10 p.m. on 1/6/21

13. *Congresswoman Ocasio-Cortez's Presence in D.C.*

On January 6, 2021, Congresswoman Alexandria Ocasio-Cortez was in Washington, D.C. at and around the time that defendant sent a tweet "Assassinate AOC" to a Twitter account used by the Congresswoman.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney

By: /s/ *Jason M. Crawford*
Jason M. Crawford

Trial Attorney, Detailee
DC Bar No. 1015493
175 N St. NE
Washington, D.C. 20002
(202) 598-1099
Jason.M.Crawford@usdoj.gov

Stephen J. Rancourt
Texas Bar No. 24079181
Assistant United States Attorney, Detailee
601 D Street, NW
Washington, D.C. 20530
(806) 472-7398
stephen.rancourt@usdoj.gov

Victoria A. Sheets
NY Bar No. 5548623
United States Attorney's Office
601 D Street NW
District of Columbia, DC 20530
202-809-2050
victoria.sheets@usdoj.gov

/s/ F. Clinton Broden
F. Clinton Broden
Broden & Mickelsen
2600 State Street
Dallas, TX 75204
214-720-9552
clint@texascrimlaw.com

Counsel for Defendant Garret Miller