

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 v. : **Case No. 21-cr-91 (RCL)**
 :
 CRAIG MICHAEL BINGERT and :
 ISAAC STEVE STURGEON, :
 :
 Defendants. :

**GOVERNMENT’S NOTICE OF INTENT TO OFFER
EVIDENCE PURSUANT TO RULE 902(11) OF THE FEDERAL RULES OF EVIDENCE**

The United States of America hereby provides notice to defendants of its intention to offer self-authenticating evidence pursuant to Rule 902(11) of the Federal Rules of Evidence during its case-in-chief.

The Second Superseding Indictment charges defendants with eight counts: obstruction of an official proceeding and aiding and abetting, in violation of Title 18, United States Code, Sections 1512(c) and 2 (Count One); assaulting, resisting, or impeding certain officers, in violation of Title 18, United States Code, Section 111(a)(1) (Count Two); civil disorder, in violation of Title 18, United States Code, Section 231(a)(3) (Count Three); entering and remaining in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(1) (Count Four); disorderly and disruptive conduct in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(2) (Count Five); engaging in physical violence in a restricted building or grounds, in violation of Title 18, United States Code, Section 1752(a)(4) (Count Six); obstructing, or impeding passage through or within, the grounds or any of the Capitol buildings, in violation of Title 40, United States Code, Section 5104(e)(2)(E) (Count Seven); and engaging in an act of physical violence in the grounds or any of the Capitol buildings (Count Eight).

At trial, the government will introduce a number of business records, including records from Safeway Inc., the Senate Recording Studio, the House Recording Studio, and Facebook. The government will introduce these business records pursuant to Rules 803(6) and 902(11). The specific records that the government will introduce pursuant to those rules are identified in the chart below and copies of the corresponding Rule 902(11) certification forms are attached. *See* Attachments A - F.

Gov. Exhibit	Description	Source	Corresponding Certification
501	Video compilation containing a timeline of the joint session of Congress to certify the 2020 Presidential Election on January 6, 2021	Senate Recording Studio Footage; House Recording Studio Footage; U.S. Capitol Closed Circuit Television Footage	Attachments A and B
901	Email to Safeway employees re: early closure of Washington, D.C. area Safeway stores on January 6, 2021 (redacted)	Safeway Inc.	Attachment C
902	Safeway Mid-Atlantic Daily Sales Reports, January 5, 2021 to January 7, 2021	Safeway Inc.	Attachment C
903	Record of shipments from Lancaster, PA to Washington D.C. stores from January 3, 2021 to January 9, 2021	Safeway Inc.	Attachment C
1000 Series	Exhibits from Facebook and Instagram accounts belonging to Isaac Sturgeon	Facebook, Inc.	Attachments D, E, and F

Rule 902(11) provides that:

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted ... [t]he original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)-(C), as shown by certification of the custodian or another qualified person that complies with a federal statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record – and must make the record and certification available for inspection – so that the party has a fair opportunity to challenge them.

Fed. R. Evid. 902(11). The attached certifications attest to the foundational requirements set forth by these rules. Therefore, the above exhibits are admissible in evidence in this case pursuant to Rule 902(11).

Respectfully submitted,

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