

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

UNITED STATES OF AMERICA

v.

JOSHUA CHRISTOPHER DOOLIN,

Defendant.

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Case No. 21-cr-447 (CJN)

**GOVERNMENT’S REPLY TO DEFENDANT’S COMBINED RESPONSE TO
GOVERNMENT’S MOTIONS IN LIMINE TO LIMIT CROSS-EXAMINATION OF
SECRET SERVICE AGENCY WITNESSES AND LOCATIONS OF
U.S. CAPITOL POLICE SURVEILLANCE CAMERAS**

The United States submits this reply to Defendant’s combined response (ECF No. 133) to Government’s Motions in Limine to Limit Cross-Examination of Secret Service Agency Witnesses (ECF No. 124) and Locations of U.S. Capitol Police Surveillance Cameras (ECF No. 123).

Defendant misapprehends the evidence that the government intends to offer to meet its burden of proof and the scope of the orders in limine the government seeks limiting cross-examination to protect national security. To prove Counts Twenty Two and Twenty Four, the government must prove beyond a reasonable doubt that, on January 6, 2021, the Capitol building and grounds were “restricted” for the purposes of 18 U.S.C. § 1752(c). To do that, the government need only establish that the area was “posted, cordoned off, or otherwise restricted” and that it was an area “where a person protected by the Secret Service is or will be temporarily visiting.” 18 U.S.C. § 1752(c)(1)(B). It is for this limited purpose that the government will offer testimony by a United States Secret Service (USSS) representative. It is not necessary for that USSS witness to have been physically present within the restricted area in order to testify that it was restricted, nor is it required for a protectee to have been physically present in the restricted area at any specific point in time. *See id.* (an area may be restricted “where a person protected by the Secret Service

was or will be visiting” (emphasis added)).¹ It is therefore not relevant to any material issue “that the Agents were actually at the locations they alleged with the protected persons allegedly there,” which is the line of inquiry that Defendant seeks to pursue. (*See* ECF No. 133 at 2.) More specifically, it is not relevant *where* either the USSS witness or any protectee was within the restricted area at any point in time for purposes of establishing that the area was restricted under 18 U.S.C. § 1752(c).

Moreover, to the extent that the USSS witness testifies on direct examination either about their location or the location of a protectee on January 6—which would allow Defendant to cross-examine the witness on those topics—those facts are not within the scope of the order in limine that the government seeks limiting cross-examination of the USSS witness. The government seeks an order limiting cross-examination as to Secret Service protocols and the nature of Secret Service protective details, (*see* ECF No. 124 at 2, 4-5) neither of which are relevant to whether the Capitol or its grounds were restricted on January 6 or to the credibility of the USSS witness within the scope of his or her testimony.

Similarly, the position of U.S. Capitol Police surveillance cameras is not relevant to whether the Capitol or its grounds were restricted on January 6. However, the government only seeks an order in limine limiting cross-examination as to the *exact* locations of surveillance cameras and prohibiting Defendant from introducing maps which show the cameras’ locations. The government’s motion in limine specifically states that the defense should be allowed to

¹ The Government expects to show, as it has in other trials, that protectees were physically present in the restricted area on January 6, but it is not necessary for the purpose of meeting the government’s burden of proof that either the USSS witness or a protected person were physically present in the restricted area at any specific point in time. A USSS witness will testify that the protected persons who were or would be visiting the Capitol building on January 6, 2021, included Vice President Mike Pence and his immediate family.

question witnesses about what the surveillance footage shows and does not show, or about the general location of surveillance cameras—“A general description, and the footage from the camera itself, will make clear what the camera recorded and what it did not.” (ECF No. 123 at 4.) Nor will the defendant “be forced to take Agents at their word without any means and methods of effectively challenging their testimony” regarding particular locations in the Capitol. (ECF No. 133 at 4.) To be clear, maps showing the location of each USCP camera have been provided to the defendant in discovery. (*See* ECF No. 123 at 1-2.) He is free to use those maps to determine which cameras may cover particular locations and review any footage he chooses. To the extent Defendant seeks to question any witness about “locations in the Capitol,” or what footage from a particular camera does or does not depict, the order in limine that the government seeks should not prevent him from doing that.

For the reasons stated herein and in the Government's Motions in Limine, the United States respectfully requests that the Court grant its Motions in Limine to Limit Cross-Examination of Secret Service Agency Witnesses (ECF No. 124) and Locations of U.S. Capitol Police Surveillance Cameras (ECF No. 123).

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Benet J. Kearney
Benet J. Kearney
New York Bar No. 4774048
Assistant United States Attorney
1 Saint Andrew's Plaza
New York, New York 10007
Benet.Kearney@usdoj.gov
(212) 637 2260

/s/ Matthew Moeder
Matthew Moeder
Assistant United States Attorney
Missouri Bar No. 64036
400 East 9th Street
Room 5510
Kansas City, Missouri 64106
Matthew.Moeder@usdoj.gov
(816) 426-4103

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2022, I caused a copy of the foregoing motion to be served on attorney of record via email and the Court's electronic filing system.

/s/ Matthew Moeder

Matthew Moeder

Assistant United States Attorney