

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

UNITED STATES OF AMERICA

v.

EMANUEL JACKSON,

Defendant.

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No. 21-mj-115 (RMM)

**GOVERNMENT’S RESPONSE TO COURT’S FEBRUARY 26, 2021
MINUTE ORDER AND REQUEST TO LATE FILE THIS RESPONSE**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this response to the Court’s February 26, 2021 minute order requesting “the parties to provide, by March 5, 2021, their positions regarding the release of the government’s Exhibits 1-5,” which the government provided to the Court and defense counsel as part of the government’s opposition to the Defendant’s Motion for Review and Revocation of a Detention Order.¹ The government also requests that it be permitted to late file this response. In support, the government relies on the following:

1. On January 18, 2021, the defendant was charged by complaint with: 1) Assaulting an Officer of the United States, in violation of 18 U.S.C. § 111(a); 2) Assaulting an Officer of the United States with a Deadly or Dangerous Weapon, in violation of 18 U.S.C. § 111(a) and (b); 3) Obstruction of an Official Proceeding, in violation of 18 U.S.C. § 1512(c)(2); 4) Unlawful Entry

¹ The exhibits were also provided to Magistrate Judge Harvey on January 21, 2021 in advance of the detention hearing on January 22, 2021. ECF Doc. 4, footnote 1. The exhibits were played during the detention hearing as well. ECF Doc. 9.

and Physical Violence on Restricted Building or Grounds, in violation of 18 U.S.C. § 1752 (a) and (b); and, 5) Violent Entry and Disorderly Conduct on Capitol Grounds, in violation of 40 U.S.C. § 5104(e)(2).

2. On February 22, 2021, the defendant filed a Motion for Review and Revocation of a Detention Order (ECF Doc. 10), and the government filed a memorandum in opposition, (ECF Doc. 14). As part of the government's submission, the government provided the Court and defense counsel with five video clips marked Exhibits 1 through 5. The exhibits were not made part of the government's filing on ECF because videos cannot be physically submitted on the ECF docket.

3. On February 26, 2021, NBC News filed a request with the Court seeking a copy of Exhibits 1 through 5.

4. On March 5, 2021, defense counsel filed a response to NBC News' request. Defense counsel states the exhibits "are part of a potential grand jury investigation . . . in which [the defendant] has a constitutionally protected interest ('Fundamental Fairness')." ECF Doc. 19 at 1-2.

5. The government does not agree with defense counsel's conclusion that that the exhibits are grand jury material or that the defendant has a constitutionally protected interest. However, the government would submit to the Court's discretion regarding providing the exhibits to NBC News.

