

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

UNITED STATES OF AMERICA

v.

BRUNO JOSEPH CUA

Criminal Action No. 21-00107 (RDM)

Honorable Randolph D. Moss

Trial: February 13, 2023

**DEFENDANT BRUNO CUA'S NOTICE PURSUANT TO FEDERAL RULES OF
CRIMINAL PROCEDURE 12.2(B)(1) AND 16(B)(1)(C)**

Bruno Joseph Cua, by and through undersigned counsel, and pursuant to the scheduling order in this case, notices his intent under Federal Rules of Criminal Procedure 12.2(b)(1) and 16(b)(1)(C) to introduce expert testimony at trial in the above-captioned case scheduled to commence on February 13, 2023.

Mr. Cua may call as a witness at trial Dr. Daniel Murrie, a licensed clinical psychologist who specializes in forensic mental health assessments. His curriculum vitae is attached as Exhibit 1. Dr. Murrie is Director of the University of Virginia's Forensic Clinic; Associate Director of the University of Virginia's Institute of Law, Psychiatry & Public Policy (ILPPP); and Professor of Psychiatry and Neurobehavioral Science at the University of Virginia School of Medicine. As Director of the University of Virginia's Forensic Clinic, Dr. Murrie performs forensic mental health evaluations, trains and supervises forensic clinicians, and provides consultations to courts and other parts of the justice system. Dr. Murrie also directs Virginia's state-sponsored training program for clinicians to become eligible to conduct court-ordered forensic mental health evaluations. He also provides trainings to judges and attorneys addressing forensic health evaluations, including violence risk assessments.

Dr. Murrie has approximately 20 years of experience as a Ph.D. psychologist performing forensic mental health evaluations. He has performed numerous mental health evaluations of adults and juveniles for state, federal, and military jurisdictions, upon court order and at the request of the prosecution and defense. Dr. Murrie has provided consultations addressing threat assessment and threat management for schools, universities, and businesses addressing threats of violence by students, employees, and others. He has co-authored a leading professional text on violence risk assessment—*Forensic Assessment of Violence Risk*—as well as book chapters and peer-reviewed studies on the topic. Dr. Murrie has also delivered trainings to judges, attorneys, psychologists, and psychiatrists addressing mental health evaluations, including violence risk assessment, addressing juveniles and adults.

Dr. Murrie will be asked to explain his education, training, and experience, the nature of the examinations and analysis he has conducted for this case, the methods and tools he used for such examinations and analysis, and conclusions and opinions he has reached based on this work.

Dr. Murrie will also testify regarding his specialized knowledge of psychology, including the development of the human brain and differences in cognitive functioning and decision-making between adolescents and young adults, on the one hand, and older adults, on the other, due to differences in brain function and development, and how such differences manifest themselves in the behavior of persons at different ages and stages of development. Such differences are well-documented in the scientific literature. In a report that Dr. Murrie previously disclosed in this case, he explained:

Developmental immaturity is a hallmark feature of adolescence, the period of rapid growth and maturation that spans from puberty through the early twenties, which is when neuroscientific research suggests that brain development—particularly the frontal regions responsible for planning and impulse control—tends to reach

maturation. In short, a robust body of research demonstrates that, compared to adults, adolescents demonstrate much greater impulsivity, the tendency toward quick, unplanned reactions to events without considering negative consequences.

ECF No. 85, Ex. 1 (sealed) at 18 (emphasis added).

This testimony is highly relevant here due to the fact that Mr. Cua was 18 years old at the time of the alleged offenses and, to undersigned counsel's knowledge, the youngest defendant charged in connection with the "J6" cases. Several of the offenses with which Mr. Cua is charged, e.g., 18 U.S.C. § 1512(c)(2) and 18 U.S.C. § 231(a)(3), require that a jury find that the defendant acted with specific intent, and section 1512(c)(2) requires the additional element that the defendant have acted "corruptly." *See United States v. Rodriguez*, Crim. No. 21-0246 (ABJ), 2022 WL 3910580, at *11 (D.D.C. Aug. 31, 2022) (citing cases recognizing that acting "corruptly" under section 1512(c)(2) requires specific intent to do so); *United States v. Bingert*, No. 1:21-cr-91-RCL, 2022 WL 1659163, at *12 (D.D.C. May 25, 2022) (recognizing that 18 U.S.C. § 231(a)(3) requires specific intent). Dr. Murrie's anticipated testimony regarding brain development will be probative of Mr. Cua's intent and helpful to the finder of fact in its consideration of those alleged offenses.

Dr. Murrie will also testify about his forensic evaluation of Mr. Cua with respect to the events of January 6, 2021, and his resulting conclusions about Mr. Cua's mental state that day and during the surrounding time period. Such testimony bears on Mr. Cua's guilt, including his intent to commit the offenses with which he has been charged. *See* ECF No. 85, Exhibit 1, incorporated here by reference. In addition to the subject matter addressed in Dr. Murrie's prior report, Dr. Murrie may testify regarding his further observations and conclusions based on further forensic interviews and his evaluation of Mr. Cua, collateral interviews of Mr. Cua's family and others, and review of additional evidence in this case, since his report was completed. Such additional evidence may include, but is not limited to, videos and photos of the events on

January 6, 2021, and Mr. Cua's posts and messages on social media, which the defense expects the government will seek to admit during its case on the issue of Mr. Cua's allegedly felonious intent.

Respectfully submitted,

DATED: December 5, 2022

/s/ William E. Zapf

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December 2022, I filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system and served a copy of it by electronic mail on counsel for the United States, Assistant United States Attorneys Kaitlin Klamann, Carolina Nevin, and Kimberly Paschall.

Dated: December 5, 2022

/s/ William E. Zapf
William E. Zapf