

LET IT BE FILED
Randy A. Man
11/5/21

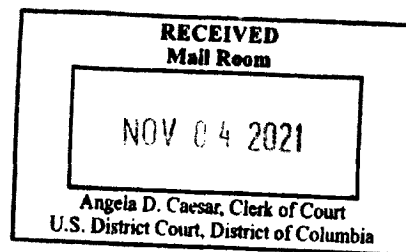
**UNITED STATES DISTRICT COURT
for the DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,
Alleging Injured Party Status

V.

Eric Bochene,
Alleged To Be The Injuring Party

- : **CASE NO. 1:21-cr-00418-RDM**
- : **VIOLATIONS:**
- : **18 U.S.C. § 1752(a)(1)**
- : **(Entering and Remaining in a Restricted Building)**
- : **18 U.S.C. § 1752(a)(2)**
- : **(Disorderly and Disruptive Conduct in a Restricted Building)**
- : **40 U.S.C. § 5104(e)(2)(D)**
- : **(Violent Entry and Disorderly Conduct and Parading, Demonstrating, or Picketing in a Capitol Building)**
- : **40 U.S.C. § 5104(e)(2)(G)**
- : **(Parading, Demonstrating, or Picketing in a Capitol Building)**



MOTION FOR CHANGE OF VENUE

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2
3 In the present social climate and tension of the event that transpired on January 6th of 2021, I Eric
4 Bochene find that a jury procured from Washington DC would impair my constitutionally
5 protected right to a fair trial by my peers as outlined in the 6th Amendment.¹
6

7 According to the rules set forth in the Federal District of Columbia's website under the
8 Frequently Asked Questions section of jury selection, the first section labeled "*How am I*
9 *Selected for Jury Duty?*" explains that jurors will be pulled from local residents of District of
10 Columbia (DC) according to the local services provided by the local agencies there.²
11

12 The residents of DC who are Federal Employees, have a vested interest in supporting their
13 employer are at a scale of 1/3 of the overall population of DC.³ Therefore and for example, you
14 should not pull a jury to determine a case from a neighborhood that surrounds a large corporation
15 when the inhabitants are mostly – if not entirely – employed to that corporation or receiving
16 direct benefits from that said corporation. The incentive is considerably bias.
17

18 In addition to this complaint, the financial stress and time constraints upon the myself (the
19 alleged injuring party) would cause un-necessary suffrage to me given fuel costs, travel times
20 and accommodations and preparation for trial hearings since I do not get paid to litigate.
21

22 The best option is for the case to proceed in the U.S. Northern District of New York. By
23 regulation, the Federal Government must adhere to the provisions set forth in Title 28 United
24 States Code (USC) subsection 1391 Venue Generally, (b), which states, “ “venue” refers to the
25 geographic specification of the proper court or courts for the litigation... etc.”.

¹ <https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-amendment-vi>

² <https://www.dcd.uscourts.gov/sites/dcd/files/FrequAskedQuest3.pdf>

³ https://www.washingtonpost.com/graphics/2018/politics/federal-workers/#:~:text=Only%20about%201%20in%206%20of%20the%201.87,West%20Virginia.%20The%20rest%20work%20around%20the%20country.,https://en.wikipedia.org/wiki/Washington,_D.C.

26 Since the action under review is Federal in nature, then the boundaries of a juror pool is that of
27 United States (US) citizens and it should encompass the boundaries of the United States, not just
28 the limited scope of DC.

29
30 Now had this been matter involving a resident of DC, it would be rational and logical to have it
31 remain local. But the claimed injured party in this case is the enormous Federal Government and
32 shouldn't be constricted to one judicial district since there are plenty of Federal Agencies in New
33 York that could handle the case load.

34
35 Participants of the event in question were from all over the United States so it isn't necessarily
36 burdensome on witness participation. Unfortunately, Title 28 of the United States Code doesn't
37 give any direction on changing venue for criminal actions probably because normally you want
38 the trial to be within close proximity of where the action in question took place.

39
40 This is a special circumstance as opinions on the event in question were publicly broadcasted on
41 large networks all over the country so, the public by large has just as much understanding of
42 what transpired as the residents of DC.

43
44 Further guidance is provided from the Department of Justice, where their website states:

45 "One of, if not the most important factors to be considered, is that of convenience of the
46 witnesses. In this regard, the inquiry is directed not at the numbers, but rather at the
47 nature and quality of the witnesses' testimony and the question of whether they can be
48 compelled to testify. See *Hotel Constructors, Inc. v. Seagrave Corp.*, 543 F. Supp. 1048,
49 1051 (N.D. III. 1982); *Schmidt v. Leader Dogs for the Blind, Inc.*, 544 F. Supp. 42, 48
50 (E.D. Pa. 1982); *Capitol Cabinet Corp. v. Interior Dynamics, Ltd.*, 541 F. Supp. 588, 591
51 (S.D.N.Y. 1982)."⁴

52

⁴ <https://www.justice.gov/jm/civil-resource-manual-42-change-venue#:~:text=Change%20Of%20Venue%20Section%201404%20%28a%29%20of%20Title.a%20transfer%20under%2028%20U.S.C.%20%2C%2A7%201404%20%28a%29>.

53 If this motion is granted by the court, the prosecution will not lose jurisdiction. There is little to
54 no reason found as to why it cannot be moved. In fact, as the other very important factor
55 mentioned this move would only help facilitate the “interest of justice”.

56

57 In local State Law we can find an example of this proper resolution. From the State of
58 California’s rules and procedures: “In criminal cases a change of venue is permitted if, for
59 example, the court believes the defendant cannot receive a fair trial in a given county. Reasons
60 for changes of venue include pretrial publicity, bias, political atmosphere, and any other
61 circumstance that the parties believe would prevent them from obtaining a fair trial in the county
62 in which the case was originally filed.”⁵

63

64 I, Eric Bochene, have found clear guidance and rational remedy and therefore implore the court
65 to grant this motion otherwise, the trial will be regarded as unfair and unjust.

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I certify that a copy of this motion was sent to the Clerk of the
Court and opposing counsel via FedEx and/or U.S. mail on
the 3rd day of November 2021.

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72

73

74

Signed by:  ©
Eric Bochene®, a man
With All Rights Reserved, Always & Without Prejudice

75

On this 3rd day of November 2021.

76

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<https://www.courts.ca.gov/documents/chgofven.pdf#:~:text=Change%20of%20venue%20is%20the%20transfer%20of%20a.county%20in%20which%20the%20case%20was%20originally%20filed.>