

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES MCGREW,

Defendant.

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Case No. 21-cr-398-BAH

RESPONSE TO THE COURT'S OCTOBER 25, 2021 ORDER

On October 25, 2021, the Court ordered the government to submit a report as to the length and source(s) of the video evidence described in the defendant's motion and the government's opposition. The following are the videos the government intends to submit. The government has no objection to making all the evidence described herein publicly available without restriction.

The government has provided all the video described herein to the Court and to defense counsel by way of USAfx.

1. **Video 1** – 40-minute CCTV video depicting the defendant's entrance into the U.S. Capitol from the Upper West Terrace Doors. The defendant appears in the video at 2:45:36 PM, or approximately 25:36 minutes into the video.
2. **Video 2** – 40-minute CCTV video depicting the defendant's entrance into the U.S. Capitol from the inside of the Upper West Terrace Doors.¹ The defendant appears in the video at 2:45:42 PM, or approximately 25:42 minutes into the video.

¹ This video is another view of the Upper West Terrace doors. Videos 1 and 2 depict both sides of the doors, in response to the defendant's statement on page 7 of his motion that the videos "show[] Mr. McGREW entering through doors opened by Capitol Police who motioned protestors to come inside the building."

3. **Video 3** – 3 minute and 20 second BWC video depicting the events which are the basis for the government’s 18 U.S.C. §§ 111(a)(1) and 231(a)(3) charges. The defendant appears throughout the video.
4. **Video 4** – 7 minute and 5 second BWC video which the defendant alleges depicts him “picking up a police baton off the floor” and “handing it back to the Officer.” The defendant appears first at 15:03:47, or approximately 1:17 minutes into the video, and then again at 15:07:09, or approximately 4:40 minutes into the video, for the rest of the video.
5. **Video 5** – 4 minute and 55 second CCTV video of the defendant at the Lower West Terrace tunnel. The defendant appears throughout the video. The conduct for which the defendant was charged with 18 U.S.C. §§ 111(a)(1) and (b) begins at approximately 3:10 minutes into the video.
6. **Video 6** – 5 minute and 30 second CCTV video of the defendant at the Lower West Terrace tunnel. The defendant appears throughout the video and is a continuation of Video 5. The video depicts the pushing into the tunnel described in the government’s opposition on pages 13-14.
7. **Video 7** – 2 minute 25 second BWC video from the Lower West Terrace tunnel. The defendant appears throughout the video. The conduct for which the defendant was charged with 18 U.S.C. §§ 111(a)(1) and (b) is the first 30 seconds of the video.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Lucy Sun—

Lucy Sun

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Detailer – Federal Major Crimes

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