

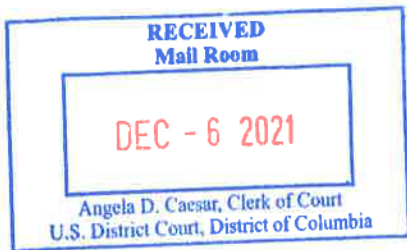
LET IT BE FILED  
Kendall Hoss  
USDC  
12/10/21

UNITED STATES DISTRICT COURT  
for the DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,  
Alleging Injured Party Status, Accuser,  
Presenter, Plaintiff in error

v.

Eric Bochene,  
Alleged To Be The Injuring Party, Accused,  
Presentee, Defendant in error; Named in error;  
"ERIC BOCHENE", "ERIC J. BOCHENE"



- : 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)

REPLY TO  
PROSECUTION'S OPPOSITION TO DEFENDANT'S  
MOTION TO CHANGE OF VENUE

Within the "Background and Procedural History" paragraph of the Prosecution's response on page one **defamatory words** are already being used. Such as, "forced entry / rioters / without authority / engaged in property destruction / violent acts against law enforcement officers". These items have yet to be discussed and argued in court and **lack the denotation of being alleged**. On page 2, this continues and labels the event as an "attack". This is the **same words chosen by large media outlets which demonstrates the media's powerful impression on the prosecution and the prosecution's intent to use the media's very language to sway the court while also trying to deny the media's influence on this trial**. The continued use of the term "unlawful" seems to refer only to the charges brought forth, taken from the U.S. Code without mentioning it's 1<sup>st</sup> Amendment counterpart that can argue to make these very actions alleged to in fact be determined as lawful. **The only time the word "alleges" is used is on page 2** and is only referring to the proposed place that these actions in question happened. In the 3<sup>rd</sup> and final paragraph of page 2 the respondent states that the motion "lacks reference to a legal basis"

even though the Department of Justice was quoted and cited with case law on pages 2 and 3 of the original motion without response or objection from the Prosecutor. Besides the listing of the charges within the beginning section of the response, **the background listed mostly opinion and not facts** to set up the response properly.

Richard Baris is a Top US Pollster and Statistician, and the Managing Director of Big Data Poll (BDP) [www.bigdatapoll.com/](http://www.bigdatapoll.com/) An organization that offers services such as: Political Surveys, Focus Groups, Confidence Surveys, Market Research and Jury Selection. Baris and BDP found that in the District of Columbia, **over 90% of potential Jurors, have already presumed all the Defendants are guilty and believe they have committed crimes of "insurrection" and "sedition"** which none have even been accused of and which **the FBI has already made clear that was never the case**. If this does not show how literally impossible this "jury pool" is, then what would precisely?

On page 3, under the "Legal Standard" heading, the Prosecutor mentions the term "district" cited within the U. S. Constitution. This, at the time it was written, only applied to the original 13 districts created by the 1789 Judiciary Act<sup>1</sup>. None of which are the District of Columbia. This is also stated in the Federal Judicial Center's report on the creation of the Federal Court system. See page 5 of this report.<sup>2</sup> This area was first made solely Federal land by the Residence Act of 1790. Then the Act of 1871 authorized the creation of the city "District of Columbia". Both historical timelines of the E. Barrett Prettyman Federal Courthouse<sup>3</sup> and the local non-federal courthouse of DC concur that the Federal Judicial District wasn't established until around 1936-1948. Any reference to District of Columbia before this time period only refers to the local, non-federal municipality or the land and not the Federal Judicial District there today. That's not to say that it wasn't allowed to exist, but its creation needs to be put into perspective that is harmonious with the other Federal Judicial Districts. With respect to the maps provided in the FJC report, the lower the population equals a larger district so it can create a jury from a larger pool. The U.S. District of Columbia doesn't seem to follow these same standards and without an explicit reason as to why we are left to presume that the intention for the Federal Courts, besides the Supreme Court was to facilitate cases that carry-over from the local courts of DC. In this example then the jury of peers standard is easily met by residential and employment proximity. This is

<sup>1</sup> <https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=196>

<sup>2</sup> <https://www.fjc.gov/content/creating-federal-judicial-system-third-edition-0>

<sup>3</sup> <https://www.dcd.uscourts.gov/courthouse-history>

much more difficult for large congregations of out of state travelers to be prosecuted within such a confined jury pool of non-peers.

### **Inappropriate Application of Judicial Quotes**

From the same case file, *United States v Cores*, 356 U.S. 405,407, the paragraph above the quoted citation from the Prosecutor of this case reads:

“The Judge permitted withdrawal of the guilty plea and dismissed the case. He cited an earlier decision of the same court holding that § 252(c) did not define a continuing crime, *United States v. Tavares*, No. 9407 Crim., May 6, 1957, and indicated that the information was brought in an improper district, since appellee was not in Connecticut at the time his permit expired.” So, when the prosecution in Connecticut District tried to maintain venue because they believed the action initiated there it was denied because it would cause an undue hardship to the appellee who wasn’t even a U.S. Citizen. In paragraph 407 of the same case, it states: “The Constitution makes it clear that determination of proper venue in a criminal case requires determination of whether the crime was committed”. This has yet to be argued or plead in my case.

From the case file, *United States v Levy Auto Parts 787*, the decision cites a case for guidance: In *United States v. Gilboe*, 684 F.2d 235, 239 (2d Cir. 1982), cert. denied, 459 U.S. 1201, 103 S. Ct. 1185, 75 L. Ed. 2d 432 (1983). This case explains: “Contrary to the dictum in *Gilboe*, the Fifth Circuit has held that venue may properly be laid under Sec. 3238 (Title 18 U.S.C.) in the district of arrest, notwithstanding the fact that substantial activity in furtherance of the conspiracy took place in another district. *United States v. Erwin*, 602 F.2d 1183, 1185 (5th Cir. 1979), cert. denied, 444 U.S. 1071, 100 S. Ct. 1014, 62 L. Ed. 2d 752 (1980); *United States v. Williams*, 589 F.2d 210, 213 (5th Cir. 1979), adopted in pertinent part, 617 F.2d 1063, 1071 (5th Cir. 1980) (en banc).” I cannot find the quote cited by the prosecutor of my case, but the U.S. Constitution was already quoted and cited multiple times, so it seems redundant. This particular case is drawing their decision from a case where the crime was committed at sea and not in a Federal District, so it approved venue at place of arrest. By that distinction the *Levy* case was ruled where there were many actions occurring in Districts, but the location of arrest or indictment was ultimately proper venue for the case. I, Eric Bochene implore the court to authorize my venue change request on these same principals.

From the case file, United States v. Thomas Anderson Bowdoin (CR-10-320 ) they are using the Crime Victims' Rights Act to ascertain a venue at DC Federal Court and it states from the US Attorney's office for the District of Columbia: "the term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense in the District of Columbia...." **There is no victim in my case**, so venue by way of location of victim is irrelevant to this case.

Under the Caldwell case mentioned in the reply, there wasn't a visible request to transfer the case to another district that I found. The Haldeman case is the Watergate scandal and DC is a proper venue because the parties are employed directly in that area, work and live there. How could I even see what the voir dire questions were to see if a considerable effort was put in by the defense to filter the jury? The prosecutor for my case has further argued that publicity will not ruin the chances at a fair trial even though all the cases cited by her were not won by the defendants so that's a confusing distinction and impossible to prove. Would've made for sense if the defendant won. Anita keeps pressing in the reply that an extensive voir dire will suffice to ensure the defendant has a fair trial. Again, **where's the proof? No cases cited have went in the favor of the defendant** even if they got an "extensive" voir dire. Another variable to this matter is that I Eric Bochene, am representing myself. None of these cases cited had to deal with the defendant themselves performing the voir dire where I will have to take time off work again for a long extensive voir dire and pay for all my travel expenses without a break. Which is why under the authority of Federal Rule of Criminal Procedure 21(b) and the standard set forth in Platt, the ten factors used for transfer decision sway heavily in my favor;

1. Location of defendant: New York
2. Location of possible witnesses: all over the United States, to include New York
3. Location of events likely to be in issue: Washington D.C.
4. Location of documents and records likely to be involved: New York (most of the evidence came from the FBI field office located there)
5. Disruption of defendant's business: Yes, means of living come to a halt for voir dire and trial, defendant cannot afford this expense which is a major factor as to why he represents himself.
6. Expense to the parties: One side is the United States government employees, tax funded, travel and income paid. My guess is little-to-no out of pocket expense plus less distance to travel to have trial in New York then the defendant's travel (see attached map). All expenses

for travel, lodging, food, gas, etc.. and since the distance for travel is greater there is a larger risk of breakdown that could cause delay which is even worst when there is a jury waiting. The U.S. government is going to end up paying more to ship Mr. Jon to D.C. then Anita to New York.

7. Location of Counsel: only one of the Attorneys is located in a district of interest for venue and that is Jon in New York.
8. Relative accessibility of the place of trial: In New York both the defendant and his standby counsel wouldn't need hotels necessarily and are well traveled through the area surrounding the New York Northern District Court. New York is more easily accessible to at least the majority of the parties and counsel involved in this case. Anita's experience with New York and possible resources she has there are unknown at this time.
9. Docket condition of each district: From the Federal Judicial Caseload Statistics at [www.uscourts.gov](http://www.uscourts.gov)<sup>5</sup>, the table reflects that at March 31, 2021 for criminal filings, the District of Columbia has 1343 cases pending which is a 199 case increase from the year 2020. Currently as reported the caseload is now at least 600 cases larger pending. New York North District as of March 31, 2021, criminal pending is 924 which is an increase of 124 from the year 2020 even though the 2021 filings were 60 less than 2020 filings. Which demonstrates that the New York venue is comfortable taking on more cases than usual unlike DC.
10. Other special elements which might affect the transfer: Recently with major trials such as Rittenhouse, Ahmaud Arbery, Chauvin, etc... **a pattern has emerged of violence being conducted at some of these courthouses when it is heavily publicized and politically polarized especially more against one side of the politics than the other. I, Eric Bochene am not politically driven, but the media has labeled everyone at the event I am accused of as being right-wing / Republican / Trump fanatic.** These are the individuals that usually get attacked and knowing that security is not a guarantee at any courthouse at least if I were attacked in New York, I can run away for help more easily as I know that area way better than the District of Columbia. I never hurt any member of the D.C. security and I wish for them to not be hurt at my trial. I think they have been through enough trauma and shouldn't be burdened with security of 600 cases pending on top of the normal case load. For everyone's security I implore this court resume at the Northern District of New York.

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<sup>4</sup> <https://www.uscourts.gov/statistics/table/d/federal-judicial-caseload-statistics/2021/03/31>

<sup>5</sup> <https://www.uscourts.gov/statistics/table/d/federal-judicial-caseload-statistics/2021/03/31>

In accordance with Anita's recommendation on page 5 of her Reply where she informs this Court that it's very own Judge Howell states "courts have imposed a heavy burden on those who seek transfer and court will not order transfer unless the balance [of the Platt factors] is strongly in favor of the defendant" **I, Eric Bochene have shown how I easily have 9/10 factors in my favor. This justifies my transfer request** under the authority of Federal Criminal Procedure 21(b).

In response to the denial based on Rule 21(a) made by the prosecutor, to the motion being premature **I respond where is the empirical proof that voir dire must be conducted first?** There is no statistics from the court cited nor Federal Rule or Statute and calling something a longstanding precedent doesn't make it definite. Perhaps a proper argument hasn't been made yet in support of transfer first until mine. As stated earlier, how many of these cases are done with a paid attorney traveling to conduct voir dire and how many are done by pro se defendants? The cost factor is heavily weighed against the non-paid litigator who must travel while trying to change districts so that the litigator doesn't have to make such costly travels. The prosecutor is claiming that there is an overwhelming majority of cases that support her opinion and yet doesn't cite the information that is drawing her to these conclusions. I consider this claim to be baseless void any government confirmed statistical chart, graph, or report that reflects which cases had counsel and which did not.

Pages 6 and 7 of the Reply are arguing about pretrial publicity not affecting a jury pool and wondering why I have not cited any cases to defy that. The reason is because I wasn't trying to make that claim in the original motion. I was emphasizing that the people in New York have just as much information on the event as the people in D.C. because it was so heavily publicized. So, NY residents can easily provide Jury. I will remind this court however that if the publicity hasn't put restraints and a pre-determined opinion against the accused than why is the prosecutor using the same defamatory language in the beginning of her reply. Seems contradictory. The argument using the Oklahoma Courthouse for the case of the Oklahoma City Bombing would have substantial difference in the quality and quantity of that jury pool compared to one in D.C. as I will show later in this motion. Also the reference to the Southern District NY case of Awadallah states that a voir dire was able to ensure an impartial jury which is great that is why I recommend this court transfer to NY into its much larger and more diverse jury pool.

Pages 9 and 10 of the Reply are still arguing about pretrial publicity not causing extreme prejudice redundantly. This is still not a point of contention. I am under the presumption that whoever created this response was using a template to respond to many people's request and probably didn't read through my request well. In the final sentence carrying from page 10 to 11, the Skilling case is referenced as having a sufficient jury because of a "large and diverse pool of potential jurors", what the author fails to mention is that this is in a Texas District that encompasses Houston not Washington D.C.

At the end of page 12 the author compares a jury pool from DC to a Louisiana Parish (county) as if only size matters. The distinction I'm trying to make is repercussions of jurors from a ruling for a party that is against the juror's employer/ contractor. The employee to population ratio is extremely different and I would argue excessively prejudicial in comparison from DC district to any county, parrish, other district or state. Page 13 continues with pretrial publicity, again. At the end of page 13 the author says that my claim to the federal employment numbers would cause prejudice as being "unsubstantiated" even though I clearly cited the numbers on the 3<sup>rd</sup> footnote referenced. It's obviously rational to believe that ruling against your employer has a large potential of making you fearful that you may get relieved of your job, passed up for promotion or may create a hostile work environment. The federal government besides the military is almost completely political and tracks news feeds and public opinion. If one were to think that there is no way this could happen is lying to themselves. This is like saying there is no prejudice or racism in the world if it's not spoken out loud. Jurors and judges have reported getting death threats in many court cases. To think that animosity doesn't spill into the workforce is pure ignorance. As cited in the original motion, the federal employees listed in the DC area are 1/6 of the entire civilian Federal employee workforce for the country putting it at 311,666 according to the Washington Post article I cited. Here's more info from the local news there in the Metro DC area: "While Uncle Sam is the largest single employer in the region, D.C. is a very white-collar town, with "professional, business and other services" the largest employer by industry. All told, 960,500 area jobs fall into that category."<sup>6</sup> This is why I put so much emphasis on that the DC district is designed to hold cases for DC residents and not large-scale cases like the January 6 committee which is shown as they are hiring attorneys from other districts to prosecute. The case load for DC for just this event is more than the usual case load for an entire year for DC district and they are very back logged already. See footnote

<sup>6</sup> <https://wtop.com/business-finance/2018/02/exactly-many-washingtonians-work-federal-government/#:~:text=WASHINGTON%E2%80%94The%20federal%20government%20remains%20the%20largest,directly%20employed%20364%2C000%20people%20in%20the%20D.C.%20area.>

5. In addition, I will compare these findings with the next highest federal employer in the Union and that is California with around 172,553 employees as of March 20, 2020<sup>7</sup> to its population of 39,512,223. This federal employee to population gives us a jury saturation of 0.4% chance. In DC the Federal employees 311,666 to its population of 705,749<sup>8</sup> gives us a jury saturation of 44%. Both estimates are not taking into account the number of children, but the ratios won't change much. It is 100 times more probable than the next highest federal employer.

On page 14, the author uses the Watergate case as to show how politics wasn't a factor because most of DC residents are of the same political affiliation as the defendant which was Democratic. The event on January 6 was held to be mostly responsible by claimed Republicans to which all of us attendants have been labeled by the media. Though I've never claimed such political affiliations its hard to believe that the jury can separate the notion that people in attendance could be neutrally aligned to politics. So, the author is arguing that even though the jury will be mostly democrat and federally employed it is still just as fair as anywhere else in the country. This thought is wildly neglectful.

This term "extensive voir dire", what makes it extensive as opposed to other voir dieres? Does that imply that the parties will be able to construct the questionnaire and conduct it to the jury pool to use follow on questions for clarity as outlined in examples from law agencies across the country? Example: "What do you do when a potentially favorable juror gives you an equivocal answer?"

Many lawyers try to shove an unequivocal answer down the juror's throat by "rehabilitating" the jurors. (I've been guilty of this in the past). Here's a typical scenario:

**Lawyer:** Ms. Jones, can you be fair in this case?

**Juror:** Um, I think I can.

**Lawyer:** Ms. Jones, in the courtroom, the law isn't really set up to deal with "I think I can" type answers. We like to have more definite answers. Just imagine getting on a plane and the pilot says, "I think I can land this plane safely." Obviously, you'd have some concerns about whether

<sup>7</sup> <https://news.clearancejobs.com/2020/03/20/where-most-federal-government-employees-work/#:~:text=1%20California%20%E2%80%93%20172%2C553%20%20Virginia%20%E2%80%93%20155%2C682,9%20Washington%20%E2%80%93%2060%2C250%2010%20Ohio%20%E2%80%93%2054%2C483>

<sup>8</sup> <https://www.census.gov/quickfacts/DC>



or not you should fly with him. You'd want a definite answer. Can you give me a more definite answer, Ms. Jones? Can you be fair in this case?

**Juror:** Yes, I can be fair.

The danger in this type of "rehabilitation" is that the court may still have a doubt about the juror's ability to be fair. If the judge thinks that the witness's "Yes" response was merely coerced by your questioning, the witness will still be stricken for cause.

Instead, you need to follow up and let the record reflect how the juror truly feels. One of the best ways to do this is by following up with an open-ended question asking the juror to elaborate on her answer. Here are two examples:

Sample 1:

**Lawyer:** Ms. Jones, can you be fair in this case?

**Juror:** Um, I think I can.

**Lawyer:** Ms. Jones, can you think of any reason why you couldn't be fair in this case?

**Juror:** No, there's no reason I wouldn't be fair.

Sample 2:

**Lawyer:** Ms. Jones, can you be fair in this case?

**Juror:** Um, I think I can.

**Lawyer:** Ms. Jones, what concerns do you have about your ability to be fair in this case?

**Juror:** I can't think of any reason why I wouldn't be fair.

By asking the follow-up question, you can save this juror from being improperly stricken for cause, forcing your opponent to use one of her limited peremptory strikes. In the courtroom, you only get one chance to hear from the people who will ultimately decide your client's fate. Hopefully this tip will help you make the most of it!<sup>9</sup> "Here, due to the juror's concealment of material information regarding her job application, which also demonstrated a predisposition in favor of the prosecution, defendant was deprived of an impartial jury comprised of 12 jurors whom he had selected and approved through voir dire. In fact, defendant was tried by only 11 jurors whom he truly selected and approved; this violated his constitutional right to a jury of 12 of his own choice in a criminal case... He was also deprived of exercising the various safeguards put into place by our legislature. As defense counsel testified, had the juror timely disclosed this information he would have moved to strike her for cause, and if unsuccessful would have exercised a peremptory challenge against her ... While we recognize

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<sup>9</sup> <http://trialtheater.com/jury-selection/double-your-jury-selection-challenges.htmw>

that there is no rule requiring automatic reversal in these situations..., since the verdict was not returned by a fair and impartial jury and we find the juror would have been subject to removal for cause, we agree with defendant that he was denied a fair trial on the ground that he was not tried by a jury of his own choice. We thus remand for a new trial. Critically, the juror remaining on the jury was prejudicial to defendant because he was ultimately convicted by the jury. *People v Southall*, 2017 NY Slip Op 08344, First Dept 11-28-17<sup>10</sup>. “For both prosecution and defense lawyers, voir dire can work to identify jurors who can be fair and impartial, rather than unfair and biased.”. “...That analysis involves three main components:

**Backgrounds.** What backgrounds do jurors have (e.g., their occupations...)<sup>11</sup>. If the clerk of the court and or judge are the only characters involved in the voir dire and question construction, then the parties are at a tremendous loss of opportunity to create an “extensive voir dire” and are at the mercy of the court pre-selecting jurors before the parties get to strike. I’m not sure if that is how DC plans to allow the litigation to process but pre-emptively, I’d like to address this concern now.

The financial argument on page 18 is contradictory to the claim the author makes. How does moving an Assistant United States Attorney, a paralegal and it’s supposed witnesses who still have yet to appear legally cost more than the Defense’s U.S. attorney, his paralegal and the defenses possible witnesses to include the defendant himself? Where is the author’s projected costs to compare these not so apparent unbarring costs to the government? I have character witnesses I may call from New York, Michigan and China if the prosecution chooses to base their legal argument on assassinating my character which is about at least 50% of the evidence submitted. Stating that I drove there for the event doesn’t mean I can forever afford to travel there. Even if I were granted funding by the U.S. Marshals office which wasn’t ever told to me but my standby counsel, I don’t know what all that could cover and what about all the potential witnesses? Is the prosecution’s potential witness from DC or elsewhere? Is it easier for them to travel to NY or is the prosecution withholding this crucial information that is causing a deliberate hinderance to proper judicial procedure? The author is claiming that I didn’t show how an added expense will warrant a transfer of the case. This is in the Platt factors that the author is claiming to be the standard for decision and agrees that the court recognizes that I am already financially burdened by the financial paperwork I already filed with this case. The author is confusing and bouncing back and forth on what they understand has happened thus far and why. If the author is truly claiming that it’s witnesses are within close proximity of the court in DC then is that because the government is paying for their travel and that they are actually legally resided somewhere else which is what the Platt factors were designed to determine. Not how much government funding has already went into moving potential witnesses to a close location in order to obtain jurisdiction. This needs to be determined before that excuse can be used by the author. Physical, tangible evidence was not procured from DC, evidence was taken from me at my house in NY and processed there. Since we didn’t have an evidentiary hearing, none of the evidence got to go through legal scrutiny during pretrial so it shouldn’t even be a point of argument because I am not allowed to challenge it yet. On page 19, the author says there is no evidence to support that by having a trial I will not be paid income. I am not paid salary, therefore if I am not present at work then I don’t get paid. I don’t have paid time off for this. I don’t have to submit evidence to prove a non-existence.

<sup>10</sup> <https://www.newyorkappellatedigest.com/2017/11/28/juror-not-reveal-voir-dire-applied-job-district-attorneys-office-two-days-defendant-deprived-impartial-jury-new-trial-ordered-first-dept/?print=pdf>

<sup>11</sup> <https://www.americanbar.org/news/abanews/publications/youraba/2019/march-2019/11-tips-for-effectively-conducting-voir-dire/>

Now on one hand, the Government has ordered me to stay out of Washington D.C. through its "Pretrial Services / Probation Officer" and "the Agreement" I signed Under Duress and Coercion due to its belief that I posed some sort of "security risk". Yet on the other hand, it wants to demand and dictate all trials take place in D.C.? Does Anita have any specific details that illustrate exactly what specifications and parameters magically converts my status as a "threat to D.C." into now one of a "non-threat"?

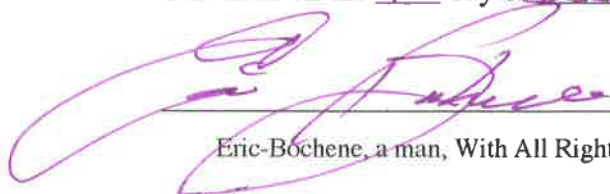

Here, and in addendum, I'd like to reiterate that unlike seemingly all other "January 6<sup>th</sup> Defendants", I, Eric Bochene, have not reached out to any media or groups that could be considered "Right-Leaning", "conservative", "MAGA/patriot" "Trump worshipping" for "support" or "funding". Ultimately, I trust, believe, and would want to be associated with them about as much as I would any so-called "leftist / liberal" media or "group". Albeit I did give a brief statement over the phone a Syracuse newspaper which I discovered only serves as a mouthpiece for prosecutors.

The objective reality and thus truth is, **I have never been, nor would I ever be, a "proud supporter" of any man or woman who is a politician.** This includes the Actor Donald J. Trump just as much as it does Joe Biden or anyone else past, present, or future. In essence, I state that to "run into the arms" of the "conservate / right wing" media and groups would "victimize" me and I am no victim. Also, in my empirical knowledge, all it would do is perpetuate the vile lie of the "Left v. Right" paradigm that the Social Engineers sell the masses by their use of the Hegelian Dialect. I, Eric Bochene not only reject that whole ideology, but detest that narrative.

While the previous few paragraphs above reflect a lot of my personal values and convictions, as a grown man of sound mind and body, I did agree – under duress– to follow the rules of the court to the best of my ability and utilize the laws as they are set-forth constitutionally. Thus, taking responsibility to settle the matters at hand and in the most amicable way.

In closing, I am confident that I have demonstrated statistics, full-filled the standard of Platt factors, and met the requirements for the court to grant the change of venue to the Northern District of New York by the authority under Fed. R. Crim. P. 21(a)(b). If this brief was not enough to award the motion, then what was omitted that would have granted the cause exactly? If these questions go unanswered, then I implore the court to award the Change of Venue.

I certify that a copy of this brief was sent to opposing counsel via  
U.S. mail on the 1<sup>st</sup> day of December, 2021.

  
Eric-Bochene, a man, With All Rights Reserved, Always & Without Prejudice ©  


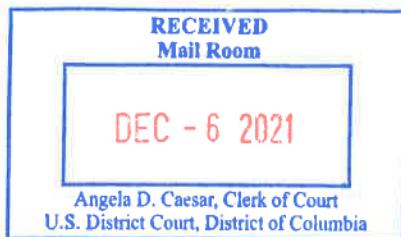
**UNITED STATES DISTRICT COURT  
for the DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA,**  
Alleging Injured Party Status, Accuser,  
Presenter, Plaintiff in error

**V.**

**Eric Bochene,**  
Alleged To Be The Injuring Party,  
Accused, Presentee, Defendant in error;  
Named in error;  
"ERIC BOCHENE", "ERIC J. BOCHENE"

: **CRIMINAL NO.**  
: **MAGISTRATE NO. 21-MJ-397**  
:  
: **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)**



## AFFIDAVIT OF FACTS

I, Eric-Bochene, a man, in this Court of Record, after having first personally and duly affirmed according to law, state, I am “your Affiant”, and that as “your Affiant”, I have first-hand, Personal Knowledge of the Subject Matter and Jurisdictional Facts herein, that I, as a man, am competent to testify in these matters, and these facts are true, correct and admissible as evidence in this matter.

I, Eric-Bochene, have NOT relinquished ANY of my universal, inherent, eternal, immutable NATURAL (God-given) and inalienable rights EVER, to PERSONS doing business as THE UNITED STATES, UNITED STATES OF AMERICA, UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA GOVERNMENT, GOVERNMENT OF DISTRICT OF COLUMBIA.

Pursuant to 28 U.S. Code § 1746(1)

GOVERNMENT OF DISTRICT OF COLUMBIA  
441 4<sup>th</sup> St NW  
Washington, DC, 20001-2714  
United States  
+1 (202) 727-0252  
D-U-N-S number: 058592122

## INTRODUCTION:

1. I, Eric Bochene, am a Conscious Observer in this realm existing as a living-breathing man and am **NOT the property of any other man, woman, government, state, institution, or corporation.**
2. I, Eric-Bochene have first-hand knowledge of the facts in this “case” and the info. set forth in the “Plaintiff’s” (Accuser’s) “Statement of Facts”. And I state for the record, and as fact, that it is not only **missing context**, but it contains **false, inaccurate, misleading and heresay material.**
3. The Government’s “Statement of Facts” contains 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> (hand) **heresay presented as first-hand, “Personal Knowledge”** (“evidence”) presented by: SA Mason Hughes, a man (with the FBI) and Gerald DeRuby, a man (with the FBI)
4. The Government’s “Statement of Facts” is in direct violation and contrary to the “Federal Rules of Evidence, **Rule 602**” (“Need for Personal Knowledge”) and must be ruled inadmissible.

Rule 602: *“A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.”*

*“[T]he rule requiring that a witness who testifies to a fact which can be perceived by the senses **must have had an opportunity to observe, and must have actually observed the fact**” is a “most pervasive manifestation” of the common law insistence upon “the most reliable sources of information.” McCormick §10, p. 19*

5. It is a fact that for far prior to the dates of matter, I never uttered, or laid claim that I was, or had, any “intent”, to be a *“Member of the Public”*. It is a fact that **I am not a member of any group, organization, movement, political party**, “team”, initiative, etc. All claims to the contrary are ludicrous as that type of behavior and belief-system would go against my world-view, my comprehension of objective (as opposed to subjective) morality.
6. In terms of me “picketing” and/or “parading”, that is also a reckless and fraudulent claim. Again, it would be literally impossible for me to do so. For, it is well known fact that through my entire adult life I have been **vehemently opposed to all forms of collectivism** (group-think / mob mentality), meaning: **ALL forms of flag worship** (U.S. flag, C.C.P. flag, Thai flag, BLM flag, Anti-Fa flag, Communist flag, etc.). Hence, it should be self-evident that my opposition to all forms of flag worship would also extend into carrying picket signs or banners of any political or religious ideology, political or religious slogans, (sports) team banners, etc.
7. It should be noted here that in relation to the above statement, over the years my world-view and adherence to objective morality has often brought the wrath of individual men, women and groups that self-proclaim themselves as “Conservatives”, “Patriots”, “Nationalists”, Royalists, Traditionalists, Republicans, and such. It has consisted of vile words against me publicly and face-to-face. At some times, it has even consisted of threats of and even actual physical violence against me. This has not only emanated from random people in the public, but my circle of peers, friends and family. And sadly, **this is not a pattern I have experienced only in America**, but in my adopted home of Shanghai, China (上海,中国), and around the world.

8. As an adherent to the Non-Aggression Principal (or “axiom”), and **holding always, no ill will or malintent to any man, woman, PERSON, PERSONS, AGENT, AGENCY, GOVERNMENT, BODY of GOVERNMENT, POLITICAL PARTY**, on the 05<sup>th</sup> and 06<sup>th</sup> of January 2021, in Washington D.C., I acted and performed in my Private Capacity, as an “*Independent Journalist*” a “*Recorder*” of an Historical Event of Mankind and a perpetual Student of Human Behavior.
9. Therefore, it is factual that was my one and only “intent”. Pursuant to The Constitution of The United States; 1<sup>st</sup> Amendment.

### **TIMELINE:**

10. It is an undisputable fact that I, Eric-Bochene, **traveled alone in my Private Capacity**, in my private automobile from New Hartford, New York to Washington D.C. on the 05<sup>th</sup> of January 2021. Pursuant to: The Constitution of The United States, Article IV.
11. However, the government’s “evidence”, it is attempting via fraud, to suggest that it only has proof of me arriving on the 06<sup>th</sup> of January 2021. However, it is a fact that I have credit card statements from a hotel to prove I was in D.C. on the 05<sup>th</sup>.
12. It is a fact that on the “Dates of Matter, in Washington D.C., I exercised Natural (God-given), Inalienable, Inherent Rights of: Freedom of Speech, Freedom of the Press pursuant to The Constitution of The United States; 1<sup>st</sup> Amendment.
13. This is essentially, the same thing I did in New York City (and many other places over the decades the world over) on the 31<sup>st</sup> of May 2020 during a “BLM / Anti-Fa / Liberal / Leftist / Urbanite” protest that was for the most part, people acting “peaceful”. Yet, **just like on the 06<sup>th</sup> of January, I witnessed “Agent Provocateurs”** and a component of violent thugs who destroying and stealing property and were simply paid agitators and likely even police officers.

14. **I have no political allegiance** to any “Candidate” or “Political Party” that has gone against the U.S. Constitution or the inherent and inalienable rights of me and/or “we the people” of this Nation and world in general and thus **have no interest in such matters**. This includes the ritual of “elections”. Therefore, **I was not motivated nor, had any intent to “impede” or, “disrupt”** any business, proceedings, or functions of government. In relation, it is demonstrable and commonly known FACT – not only in my current and immediate geographical location, but across America and around the world with men and women in nations such as China, Thailand, Cambodia, Viet Nam, Italia, Argentina (all places I’ve extensively worked with people in.) – that I, Eric Bochene, in fact state publicly and have for decades now, that I consider “*voting as violence*”, that, “*if voting made a difference it would be illegal*”, “*voting is the suggestion box of slaves*”, etc.
15. On the **evening of the 05<sup>th</sup> of January 2021**, I, Eric Bochene visited the area called “BLM Plaza” in order to observe and converse with members of the public of various “sides” and ideologies. However, the police separating the [small] “BLM / Anti-Fa” crowd from the [large] “MAGA / Trump Supporters” would not allow me to access the BLM side even though I was there alone as an Independent Journalist / Researcher / Recorder, and I was not dressed in Trump or “patriotic” gear.
16. I also **witnessed the known Agent Provocateur** whose alleged name is “**Ray Epps**” and witnessed him stating that “*Trump Supporters needed to go into the Capitol the next day*”. I also witnessed many in the crowd saying “**no**” and calling him a “**Fed**”.
17. On the **06<sup>th</sup> of January 2021**, in Washington D.C., I witnessed no signs or postings on the exterior of the Capitol Building, stating: “No Trespassing” or “Private Property” or that it was closed, closed to the public, restricted, etc.
18. **Outside the Building** and prior to entering the People’s Building that receives “grants” and funding through tax revenue, in my opinion and experience, I witnessed what are historically referred to as “*Agent Provocateurs*”. It is well documented that *Provocateurs* are often “police” and / or other law enforcement personnel (such as FBI), they can also be “Professional and Partisan Actors” as well as Professional “Activists” and even political hacks that call themselves. “journalists”.



19. Soon after I witnessed said *“Agent Provocateurs”* changing clothing and gear to appear as *“authentic Trump Supporters”* and *“Patriots”*. And I witnessed them engage in rhetoric aimed at agitating the crowd. Also, their speech patterns and behaviors were indicative of a *“professional activists” / “protesters”*.
  
20. On the Western side of the Capitol where I was, the sea of people began moving closer to the Capitol Building. I began noticing police come out onto the steps and upper tier. However, in my opinion, the contingent was extremely paltry given the sheer numbers of people in the crowd.
  
21. As the Capitol Police began tossing flash bangs into the massive crowd, they also began deploying tear gas. In my opinion and experience, this **tear gas was extremely diluted** or *“watered down”* and did not seem to be strong enough to truly disperse the crowd. I’d also add that the volume (canisters) deployed was not very much and to me, this provided for a better environment for photojournalism.
  
22. During this time, I, as well as numerous others, witnessed (evidenced by numerous videos) the **“Agent Provocateurs” and the Capitol Police (Public Servants) break down and remove the “temporary barriers”**. **“Agent Provocateurs” as well as Capitol Police begin to motion, waive-in and direct the people into the grounds of the Capitol Building.**
  
23. I then began to witness a small number of unidentified (to me) INDIVIDUALS and/or PERSONS engage in the breaking of windows and doors. I also observed other men and women attempting to stop such individuals from engaging in this behavior.
  
24. While having identified these Agent Provocateurs engaging in destruction of property, assault, and rabble rousing, I decided **it was in my interest as an independent and real investigative journalist**, as well as **my civic duty to document them** and their actions further and engaged in pursuit to further track their behavior and rhetoric.

25. While in pursuit of the Provocateurs, I also took note of several other individuals that appeared to be “Photojournalists” rather than “Trump Supporters” as they were holding recording devices and not dressed in Trump Gear or carrying flags or signs – just like myself.
26. With a mass of people behind me, and upon reaching the doors of the Capitol Building, I continued to witness members of the “Capitol Police” waiving/ushering men, women, and PERSONS into the Building. To me, they overarchingly appeared to behave as if they were under no duress or threat.
27. At this time, I accepted the Capitol Police’s “offer” to enter and never at any time did I use use violent force to enter.
28. While walking through the hallways, I always maintained a peaceful manner and respectfully followed the instructions given by the “Capitol Police”.
29. At this point, I briefly lost track of the Agent Provocateurs I was attempting to track but was “fortunate” enough to stumble upon a group of them in a hallway.
30. In this hallway, I soon observed and captured on video, what appeared to me a “strange situation” involving several “Capitol Police”, approximately half a dozen “Photojournalists” (MOST of which like me bore no Identification or “Press Pass”), and several Boisterous “Protesters”.
31. Continuing, after a few minutes of observing and recording this (ALWAYS from the “sidelines” as I was not associated with, nor part of the “Boisterous Protesters”) and while still recording, **I calmly and peacefully approached the police to have a mutually respectful conversation.** Also, **my video evidence illustrates me consoling certain police** – namely a female – that appeared nervous. And to convey the fact that if the Provocateurs became violent, I would have been on the police side.

32. Upon conclusion of the conversation with the “Capitol Police”, I asked; “where and how I could exit the building”. They respectfully gave me clear instructions and I then proceeded to exit the building through the north end with no objection, resistance, protest, or hesitancy. I believe this was approximately after being in the building for 15-20 minutes.
33. Upon exiting, I proceeded to my private automobile. Upon arriving, I noticed my wallet had been stolen. So, I began to travel back to my Private Property located on 19 Pinecrest Road in New Hartford New York.
34. The fact that I was not only out of the metro D.C. area long before the end of the day, illustrates my intent to simply observe and record a historical event perfectly. That said, I arrived back at my Private Property roughly in the very early morning on the date of 07<sup>th</sup> January.

## IN CONCLUSION:

Having worked in multimedia, film, TV and print in New York City, Shanghai China (中国,上海), Cambodia, Thailand and other places around the world, **I immediately recognized the “Theatrics” of the entire situation.** Meaning, I identified tell-tale signs of “Actors” and “scripted / rehearsed lines” as opposed to organic modes of body language and speaking. I observed “props” and a very low-grade “Stylist” at work. I also took note that **the “smokiness” in the hallway was not in any way teargas,** but rather more theatrics as no one was coughing or tearing.

Now while some (people like prosecutors and government agents) might demand to see my CV (resume) and suggest it must be “long”, the FACT is, a prosecutor would have zero evidence let alone parameters that could quantify what “long” constitutes. Let alone, prove “long” is an element of anything pertaining to objective reality. **I Eric Bochene, am not “One-Dimensional”.** Nor am I or have I ever been a “Careerist”. Careerism is simply Propaganda of a Post-Modernist and Social Engineering ideology that I have never, in my entire adult life, “bought into” – **ever**.

On the "Dates of Matter", I committed no "trespass" upon, caused no physical harm, theft or, damage to any man, woman, PERSONS or PROPERTY (Private, Public or Governmental). Therefore, there is no victim and/or witness with first-hand Personal Knowledge and/or Subject Matter Jurisdiction. I can only perceive that the Plaintiff / Prosecutor and Court has erred as it has NOT brought forth any man, woman, or "witness" with Firsthand Knowledge.

I, Eric-Bochene, a man, have video evidence that illustrates my above-described demeanor, behavior, and the events I witnessed to be truthful and factual.

**Affirmations:** Reserving ALL my Natural and Unalienable Rights, Waiving None, Ever;

Pursuant to: 28 U.S. Code § 1746(1). I declare and will testify viva voce, ONLY, in open court, under penalty of perjury that all herein be true. Executed on this 1<sup>st</sup> day, of the 12<sup>th</sup> month, two thousand and twenty-one.



Eric-Bochene, a man, With All Rights Reserved, Always & Without Prejudice ©

**Notary:** used without prejudice to my rights:

BE IT REMEMBERED, that on this 1<sup>st</sup> day of the 12<sup>th</sup> month, two thousand twenty-one, personally appeared before me, the Subscriber, a Notary Public for the State of New York, Eric-Bochene, party to this Document, known to me personally to be such, and he acknowledged this Document to be his act and deed. Given under my hand and seal of office, the day, month, and year aforesaid.



Notary Public Sitting in, and for, The State of New York

