

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

UNITED STATES OF AMERICA

v.

CHRISTOPHER W. ORTIZ,

Defendant.

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Case No. 1:22-cr-00082 (JMC)

GOVERNMENT’S NOTICE OF FILING OF EXHIBITS
PURUSANT TO LOCAL CRIMINAL RULE 49

The United States of America, through the undersigned, hereby gives this notice pursuant to Local Criminal Rule 49, of the following exhibits that were provided to the Court and defense counsel on July 26, 2022, via USAfx, in support of the government’s Sentencing Memorandum in this case. Because the exhibits are video clips, they are not in a format that readily permits electronic filing on CM/ECF.

The exhibits are as follows:

1. Government Exhibit 1 is a video approximately 3 minutes 14 seconds in length that was posted as an Instagram “story” on the defendant’s Instagram account on January 6, 2021. The video splices together video segments that the defendant recorded at the Capitol on January 6, 2021.

2. Government Exhibit 2 is a video approximately 4 minute in length that portrays the hall connecting the Rotunda Doors to the Rotunda. The events depicted in the exhibit occurred in the afternoon of January 6, 2021, starting at approximately 3:22 p.m. Starting at approximately 3:23:45 p.m., the video captures the defendant as he walks in the direction of the Rotunda, joins a

large group of rioters, and pushes against some of the rioters in front of him as law enforcement officers are attempting to clear the area.

3. Government Exhibit 3 is a video approximately 5 minutes in length that portrays the interior space of the Capitol near the Rotunda Doors. The events depicted in the exhibit occurred in the afternoon of January 6, 2021, starting at approximately 3:21 p.m. Starting at approximately 3:22:48 p.m., the video captures the defendant as he walks into the Capitol through the Rotunda doors, joins a large group of rioters, pushes against some of the rioters in front of him as law enforcement officers are attempting to clear the area, and then turns around and exits the Capitol through the Rotunda Doors.

4. Government Exhibit 4 is a video approximately 11 seconds in length that was recorded on the Lower West Terrace near the tunnel leading to the West Front of the Capitol and uploaded to the defendant's Instagram account. The events depicted in the exhibit occurred in the afternoon of January 6, 2021. The video captures rioters as they violently attack law enforcement officers as the officers seek to protect the Lower West Terrace tunnel from being overrun by the mob of rioters.

5. Government Exhibit 5 is an open-source video approximately 3 minutes and 53 seconds in length that was recorded near the Lower West Terrace tunnel. The events depicted in the exhibit occurred in the afternoon of January 6, 2021. In the period between time marker 0:06 and time marker 1:55, the video captures, among other things, the defendant repeatedly shining a strobe flashlight in the direction of law enforcement officers as they seek to respond to the attacks of the rioters at the entrance of the Lower West Terrace tunnel.

6. Government Exhibit 6 is an open-source video approximately 1 minute and 23 seconds in length that was recorded near the entrance to the Lower West Terrace tunnel. The

events depicted in the exhibit occurred in the afternoon of January 6, 2021. Starting at time marker 0:25, the video captures, among other things, the defendant repeatedly shining a strobe flashlight in the direction of the tunnel, where law enforcement officers were responding to the attacks of the rioters near the entrance of the Lower West Terrace tunnel.

7. Government Exhibit 7 is a video approximately 9 minutes in length that portrays the exterior of the Lower West Terrace, through the tunnel that connected the West Front of the Capitol to the Lower West Terrace. The events depicted in the exhibit occurred in the afternoon of January 6, 2021, starting at approximately 4:45 p.m. The video captures, among other things, (i) law enforcement officers as they attempt to hold the line against the attacks of the rioters near the entrance of the Lower West Terrace tunnel; and (ii) the blinding effect of the defendant's strobe flashlight as he pointed it in the direction of the officers.

If the Court accepts these proposed video exhibits into evidence, the United States takes the position that the entered exhibits should be released to the public.

July 26, 2022

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

By: /s/ Francesco Valentini
Francesco Valentini
D.C. Bar No. 986769
Trial Attorney
United States Department of Justice, Criminal Division
Detailed to the D.C. United States Attorney's Office
601 D Street NW
Washington, D.C. 20530
(202) 598-2337
francesco.valentini@usdoj.gov