

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

UNITED STATES OF AMERICA :
 :
 :
 v. : **Case No. 1:21-cr-747 (JEB)**
 :
EMILY HERNANDEZ, :
 :
 :
 Defendant. :

NOTICE OF FILING REGARDING SENTENCING EXHIBITS

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the government has provided the below exhibits, which were cited in the government’s Sentencing Memorandum, to the Court in advance of the sentencing hearing in the above-captioned matter. These exhibits have been provided to the defense as well.

- Exhibit 1 (“IMG_5270”) – a video recorded by Paul Westover, depicting the advance of Westover, the defendant Emily Hernandez, and William Merry (the “trio”) past a dismantled police barricade near the Peace Circle on Capitol grounds;
- Exhibit 2 (“FB video at barricades”) – a video recorded by Westover and posted to his Facebook account depicting rioters forcibly removing a bike rack barricade just below the northwest scaffolding set up for the presidential inauguration at the Capitol;
- Exhibit 3 (“IMG_5273”) – a video recorded by Westover showing law enforcement’s efforts to disperse the crowd gathered at the Capitol, including through the use of munitions;
- Exhibit 4 (“IMG_5282”) – a video recorded by Westover from the foot of the northwest scaffolding featuring Hernandez in which Westover states they were “tear gassed”;

- Exhibit 5 (“IMG_5283”) – a video recorded by Westover in which the trio climbs the stairwell beneath the northwest scaffolding;
- Exhibit 6 (“IMG_5284”) – a video recorded by Westover in which the trio ascends the steps to the Upper West Plaza of the Capitol;
- Exhibit 7 (“IMG_5287”) – a video recorded by Westover depicting the trio’s initial breach of the Capitol through the Senate Wing Door;
- Exhibit 8 (“IMG_0849”) – a video recorded by William Merry depicting the moment rioters smashed Speaker Pelosi’s office sign as well as the trio’s time in the Rotunda of the Capitol;
- Exhibit 9 (“9d7de52208ae7577d9e67f47ea88ab40”)¹ – a video recorded by an individual present in the Capitol depicting Hernandez picking up a shard of the Speaker’s broken sign;
- Exhibit 10 (“ITV News Inside US Capitol”) – a clip from an ITV News broadcast depicting Hernandez and Merry holding up the shard of Speaker Pelosi’s sign;
- Exhibit 11 (“Parler video (Jrvuhv6m0dkt)”) – open source footage taken from the Parler account of an individual present in the Capitol, which depicts the trio walking through the Rotunda;
- Exhibit 12 (“Snapchat video-1610564060”) – a video recorded by Hernandez depicting her stealing a sign from the foot of a statue in the Capitol; and

¹ The government initially provided to the Court a lengthier version of the video clips comprising Exhibits 9 and 10 but has since provided corrected, shortened clips that are relevant to these proceedings.

- Exhibit 13 (“Hernandez interview (audio)”) – a video recovered from Hernandez’s cell phone depicting a woman asking Hernandez to display the stolen shard of the Speaker’s sign on Capitol grounds.

Respectfully submitted,

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