

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

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case Number: 21-cr-00195-TFH
	:	
DEBORAH SANDOVAL,	:	
	:	
Defendant.	:	
_____	:	

**MOTION IN LIMINE**

(Testimony, Videos, Photos, Emails, Text Messages)

COMES NOW, DEBORAH SANDOVAL, through her court appointed counsel and moves pursuant to *Fed.R.Evid.401*; *Fed.R.Evid.403* and *Fed.R.Evid.404(b)*, to preclude the introduction of certain evidence for reasons set forth below.

***Procedural Posture***

Ms. Sandoval was initially charged by Criminal Complaint filed on February 18<sup>th</sup>, 2021. (ECF 1) Subsequent to that filing she was formally charged by Indictment on March 9<sup>th</sup>, 2021 (ECF 19), with Obstruction of an Official Proceeding and Aiding and Abetting, in violation of Title 18, United States Code, Sections 1512(c)(2); Entering and Remaining in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(1)); (Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of Title 18, United States Code, Section 1752(a)(2)); (Disorderly Conduct in a Capitol

Building, in violation of Title 40, United States Code, Section 5104(e)(2)(D)); and (Parading, Demonstrating, or Picketing in a Capitol Building, in violation of Title 40, United States Code, Section 5104(e)(2)(G)). She was subsequently charged by a Superseding Indictment on December 17<sup>th</sup>, 2021, (ECF 38) with violating the same Sections with the exception of Section 1512(c)(2). A status hearing is scheduled for March 23<sup>rd</sup>, 2022. A Scheduling Order has not issued, as of the date of this filing.

### ***Background Information***

Ms. Sandoval is one of hundreds, who have been charged with offenses related to the January 6<sup>th</sup>, 2021 storming of the Capitol Building. She came to the Washington Metropolitan Area on or about January 5<sup>th</sup>, 2021 by vehicle with two friends. She did not come to Washington, DC with the intent to go to the Capitol Building. Instead, she came to Washington DC to attend a political rally at the invitation and urging of the Former President. That rally was held at the Ellipse; a 52-acre park, located on the South Side of the White House. Following the rally at the Ellipse, Ms. Sandoval, along with her companions, proceeded to the Capitol at the invitation and urging of the Former President, who told the crowd he would be walking with them.

Although Ms. Sandoval is related to her co-defendant, they do not live together. They do not share telephone, computer or email addresses. Moreover, they do not share bank or credit card accounts. Most important to this filing, is the fact that they do not coordinate daily activities. To that point, it is undisputed that Salvador Sandoval came to the Washington Metropolitan Area on an unknown date by separate vehicle from Deborah Sandoval. He was accompanied by persons who did not storm the Capitol or assault law enforcement. Neither of his companions

have been charged with an offense; suggesting that his decision to enter the Capitol Building was spontaneous, neither coordinated or planned.

To date, there is no discovery material in the way of phone calls, text messages or e-mails, showing any coordination between the Sandovals, during their travel or during the protests outside the Capitol.<sup>1</sup> In fact, the discovery material shows them entering the Capitol on different sides of the building. Furthermore, unlike Deborah Sandoval, Salvador Sandoval is charged with felonies that include assault on law enforcement personnel. A fact that presents an unavoidable spillover effect at the time of trial, should the two be tried together. More worrisome than the evidence against Salvador Sandoval, is the tsunami of information in the way of daily commentary by political pundits. Those comments are often accompanied by broadcasts of videos showing violence committed by throngs of unknown perpetrators; none of whom have anything to do with Ms. Sandoval. It is anticipated that the government intends to present these same videos as evidence.

### *Applicable Rules of Evidence*

Federal Rule Evidence 401 states:

Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

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<sup>1</sup> To the extent that counsel is later proven wrong on that point, he is certain there will be no evidence of a plan to storm, let alone enter the Capitol Building by violence.

Federal Rule Evidence 403 states:

**(b) Other Crimes, Wrongs, or Acts.**

(1) *Prohibited Uses.* Evidence of any other crime, wrong, or act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) *Permitted Uses.* This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

(3) *Notice in a Criminal Case.* In a criminal case, the prosecutor must:

(A) provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it;

***Argument***

***A. The Jury Would be Misled, if the Court Permitted the Use and/or Introduction of Certain Photos and Videos Depicting Violence.***

It is worth repeating that the videos and photos depicting violence of the storming of the Capitol, has nothing to do with Ms. Sandoval. Unfortunately, there is at least one photo of Ms. Sandoval posing with members of the *Proud Boys* on an occasion before January 6<sup>th</sup>, 2021. It is believed that the government may try to introduce some of these photos as well as videos of the storming of the Capitol Building, during Opening Statement or in it's case in chief. In so doing, they would be creating a false impression, that Ms. Sandoval participated in or coordinated the planning of riotous behavior. If the Court were to sanction that effort, it would result in Ms. Sandoval being denied a fair and impartial jury.

*B. Any Probative Value of Videos of Violence; Group Chats; E-mails or Text Messages by Persons other than Ms. Sandoval is Outweighed by their Prejudicial Effect.*

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence. *United States v. McGill*, 815 F.3d 846, 880 (D.C. Cir. 2016). Federal Rule of Evidence 403 separately requires the district court to balance the probativeness of the evidence against the resulting prejudice. *See United States v. Lavelle*, 751 F.2d 1266, 1279 (D.C.Cir.1985) (requiring a district court "to make an on-the-record determination" of whether the probative value of other-bad-acts evidence outweighs its prejudicial impact).

### ***Conclusion***

Evidence which includes videos and photos of violence allegedly committed by Salvadore Sandoval or others, has no place in Deborah Sandoval's trial. The same is true of text messages and e-mails within a "Group Chat" or other community application. The most effective way to prevent the prejudicial spillover effect is to disallow any attempt by the government to introduce evidence that is arguably irrelevant and certainly outweighed by its prejudicial effect.

### ***Prayer***

Wherefore, Deborah Sandoval prays this Honorable Court will grant her earlier filed motion for severance as well as this application for relief. She also requests the issuance of a Scheduling Order for trial and suspense dates for the further production of discovery material.

Respectfully submitted,  
ANTHONY D. MARTIN, PC

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Motion to Sever Defendants was sent by e-mail to the following name and address appearing below on the date appearing below my signature line:

Louis Manzo; Trial Attorney  
Department of Justice  
1400 New York Ave NW  
Washington, DC 20002

/S/  
Anthony D. Martin, 362-537

Monday, January 31, 2022