

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No: 21-CR-403 (RC)
	:	
NICOLE PRADO,	:	
Defendant.	:	

**DEFENDANT’S NOTICE OF FILING EXHIBITS PURSUANT TO LOCAL CRIMINAL
RULE 49 AND STANDING ORDER 21-28**

Comes Now, Nicole Prado, by counsel, and gives notice, pursuant to Local Criminal Rule 49 and Standing Order 21-28, of the following exhibits to be provided to the Court and opposing counsel¹ for use and reference at the sentencing hearing in this matter.

1. Filename “12 - 0912USCS01 Upper West Terrace Door”: This is a 20 minute video clip of CCTV footage from inside the Capitol that shows the doorway where Ms. Prado entered. The first 13 minutes are uneventful. At minute 13:43, a protestor opens the door as he exits the building. At minute 15:34, Ms. Prado (dressed in red ball cap, wearing glasses and carrying a small handheld flag) enters the building. This clip will be referenced as Defense Exhibit 14

2. Filename "5 - 0251 USCH 02 Main Door Hall Near H208": This is a 34 second video clip from CCTV footage inside the Capitol. Around 0:13 seconds, Ms. Prado becomes noticeable on screen, walking near the wall on the right side of the screen. It will be referenced as Defense Exhibit 15.

¹ Each of the exhibits were provided by the government to the defense in discovery. The video exhibits are currently loaded onto USAfx.

3. Filename “3 - 0259 USCH 02 Statuary Hall Connector”: This is a 66 second video clip of CCTV footage from inside the Capitol. Ms. Prado first comes into view on the left side of the screen at approximately 0:47 seconds. It will be referenced as Defense Exhibit 16
4. Filename “6 - 0126USCS01 UpperWestTerrace”: This is a 20 second video clip from CCTV footage inside the portion of the Capitol where Ms. Prado entered the building. She comes into view at :02. This will be referenced as Defense Exhibit 17.
5. Filename “2b - 0262 USCH 02 Statuary Hall”: This is a 45 second video clip of CCTV footage from inside the Capitol. Ms. Prado comes into view at the beginning of the video, from the left side of the screen. This will be referenced as Defense Exhibit 18.
6. Filename “1b - 0960USC02RotundaNorth”: This is a 1 minute video clip of CCTV footage from inside the Capitol Rotunda. At :02 seconds, Ms. Prado enters the screen at the bottom center. This will be referenced as Defense Exhibit 19.
7. Filename “4 - 0250 USCH 02 East Stairs near H208”: This is a 13 second video clip of CCTV footage from inside the Capitol Rotunda. At :02 seconds, Ms. Prado enters the screen. This will be referenced as Defense Exhibit 20.
8. Filename “1a - 0959 USC 02 Rotunda South”: This is a 55 second video clip from inside of CCTV footage from inside the Capitol Rotunda. Ms. Prado is most visible at 0:40 seconds, holding her flag and taking a photograph with her phone at the bottom left corner of the screen. At the beginning of the video, she enters the room

- through the North doors at the top of the screen. She then makes her way down to the bottom of the screen. This will be referenced as Defense Exhibit 21.
9. Filename "2a - 0964 USCH 02 Statuary Hall West": This is a 15 second video clip of CCTV footage from inside the Capitol. It will be referenced as Defense Exhibit 22.
 10. Filename "11 - 0960USC02RotundaNorth": This is a 32 second video clip of CCTV footage from inside the Capitol. Ms. Prado is most noticeable beginning at 0:12 seconds when she is located at the far right side of the screen. At the end of the video, she exits the screen at the bottom. This will be referenced as Defense Exhibit 22.
 11. Filename "10 - 0361 USCH 03 House Gallery NW near H323": This is a 46 second video clip of CCTV footage from inside the Capitol. Ms. Prado comes into view at approximately 0:34 as she walks down the hallway. This will be referenced as Defense Exhibit 23.
 12. Filename "9 - 0351 USCH 03 House Gallery NE near H311": This is a 35 second video clip of CCTV footage from inside the Capitol. Ms. Prado (identifiable by her backpack) comes into view at approximately 0:05 as she walks down the hallway. This will be referenced as Defense Exhibit 24.
 13. Filename "8 - 0350 USCH 03 House Gallery East near H311": This is a 46 second video clip of CCTV footage from inside the Capitol. Ms. Prado comes into view at approximately 0:02. This will be referenced as Defense Exhibit 25.
 14. Filename "7 - 0181USCH01SouthDoorVestibule": This is a 10 second video clip of CCTV footage from inside the Capitol. At :07 seconds Ms. Prado exits the building. This will be referenced as Defense Exhibit 26.

15. Defense Exhibit 27 is the entire 3 minute video clip, taken from Ms. Prado's phone, of her encounter with police. Government Exhibit 3, a shortened version of this same video, only depicts the first 48 seconds of this encounter and omits the portion where Ms. Prado cautions another female protestor to heed the officers instructions to "hold." For point of reference, the woman speaking at the beginning of the video is the other female protestor, not Ms. Prado.

Respectfully submitted,

/s/

Joan C. Robin
Virginia Bar No. 44502
Law Office of Joni C. Robin, PLLC
114 North Alfred Street
Alexandria, Virginia 22314
Ph: 703-349-1111
Fax: 571-279-6851
joni@jonirobinlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 2022, I will electronically file the foregoing Motion to Continue with the Clerk of Court using the CM/ECF system, which will then send a notification of said filing (NEF) to counsel of record.

/s/
Joan Robin