

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

United States)	
)	
v.)	NO. 1:21cr140
)	
Larry Brock)	
)	
)	
<u>Defendant.</u>)	

**MOTION TO ADOPT MOTION OF OTHER JANUARY 6TH DEFENDANT AND
FOR CHANGE OF VENUE**

BACKGROUND

Mr. Brock is charged in a six-count indictment. He is alleged to have attended the January 6th protest in support of President Trump and entered the Capitol. He is not alleged to have engaged in property destruction or violence.

ARGUMENT

I. Motion to Adopt Motion of for Change of Venue in *United States v. McHugh*

The defendant in *United States v. McHugh* has asked this Court for a change of venue in another January 6th prosecution. ECF 55. 1:21-cr-453-JBD. This Court heard argument on the motion on May 5, 2022 and denied it without prejudice. ECF 05/04/2022 (Minute Entry).

In support of his request for change of venue, Mr. McHugh argued that the District of Columbia jury pool is relatively small with extensive connections to the federal government and congress (*Id.* at 3-6); that many District residents have direct personal experiences of January 6th and its aftermath (*Id.* at 6-8); that over 92% of district

residents voted for Joseph Bident (*Id.* at 8-10); that media coverage of January 6th has a greater impact on the local level (*Id.* at 10-16); that the passage of time had not lessened the prejudice (*Id.* at 16-18).

All of these factors with the possible of except of the passage of time apply equally to Mr. Brock as to defendant McHugh. Mr. Brock addresses the time factor below.

II. Additional Factors in Support of Change of Venue

Mr. McHugh filed his motion on March 15, 2022 and this Court heard argument on it on May. The Court's decision to deny it without prejudice seems to recognize the possibility that further developments could add strength to Mr. McHugh's venue claim.

Such developments have occurred. Since this heard argument on May 5, the Select the Committee to Investigate the January 6th Attack on the United States Capitol ("the January 6 Committee") reignited coverage of that event with a series of expertly produced hearings. The Committee has held hearings on June 9, June 13, June 16th, June 21st, June 23d and June 28.

The most recent hearing of June 28 featured testimony from a former White House staffer that President Trump allegedly knew many January 6th attendees were armed and nonetheless engaged in a literal altercation with his own secret service in a failed attempt to lead an armed march on the capital.¹ These and similar sensational allegations can be reasonably expected to further inflame the public atmosphere surrounding January 6th between now and Mr. Brock's trial.

Since the filing of Mr. McHugh's venue motion, there has been a further demonstration that the extraordinarily partisan makeup of the District of Columbia

¹ <https://www.washingtonpost.com/politics/2022/06/28/cassidy-hutchinsons-explosive-damning-jan-6-testimony/>

continues in force. On June 21, DC residents voted in the 2022 mayoral primary. According to news reports, 123,962 DC residents chose to vote in the Democratic primary.² 2,368 residents voted in the republican primary.³

These factors further support the request for change of venue.

CONCLUSION

For the foregoing reasons, the defendant moves to adopt the defendant's motion and for change of venue.

Respectfully Submitted,

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² <https://www.nytimes.com/interactive/2022/06/21/us/elections/results-district-of-columbia-mayor.html>

³ https://electionresults.dcboe.org/election_results/2022-Primary-Election

CERTIFICATE OF SERVICE

I have served this filing on the government through the ecf system.

Respectfully Submitted,

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