

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

UNITED STATES OF AMERICA,

v.

JARED ADAMS,

Defendant.

Case No.: 1:21-cr-00212 ABJ-1

**MOTION TO DISMISS
INFORMATION**

COMES NOW, Jared Adams, through counsel Joseph R. Conte, to respectfully request this honorable court to dismiss the information pending against him as violative of his First Amendment rights. As grounds for this motion counsel would state:

BACKGROUND

The defendant is charged by information with:

Entering and Remaining in a Restricted Building in violation of 18 U.S.C. §1752(a)(1)

Disorderly and Disruptive Conduct in a Restricted Building in violation of 18 U.S.C. §1752(a)(2)

Violent Entry and Disorderly Conduct in a Capitol building in violation of 40 U.S.C. §5104(e)(2)(D) and,

Parading, Demonstrating, or Picketing in a Capitol Building in violation of 40 U.S.C. §5104(e)(2)(G).

On January 6, 2021, Mr. Adams drove to Washington, D.C. to attend the Trump rally. While in the bowl area of the United States Capitol he heard that the United States Capitol Police were attacking people. He also heard that members of ANTIFA were attacking people and then heard that ANTIFA members were fighting with Trump supporters. When Mr. Adams got close to the United States Capitol, he could already see people there. There were agitators up front and people with megaphones giving directions. Mr. Adams entered the United States Capitol to film illegal activity. While in the Capitol Mr. Adams did not enter any offices, he did not commit any acts of violence and he did not destroy or steal anything. Mr. Adams took photos and videos inside the Capitol.

ARGUMENT

It is well established that a person has the right to record police officers in public. In *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011) Simon Glik was arrested by police after he attempted to record officers interaction with a young African-American male on the Boston Commons. After the charges were dismissed, Glik sued, alleging a violation of his First Amendment rights. The 1st U.S. Circuit Court of Appeals held that Glik had a clearly established right to film police officers in public. The appeals court explained: “Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental

affairs.” The 1st Circuit said the act of filming police officers was part and parcel of a corollary First Amendment principle — that the public has a right to receive information and ideas.

The 7th U.S. Circuit reached a similar conclusion in *ACLU v. Alvarez*, 679 F.3d 583 (7th Cir. 2012). The ACLU of Illinois filed a challenge, seeking an injunction against the government enforcing a wiretapping law that would prohibit the recording of police officers in their official duties. The ACLU contended that the First Amendment protected the right to film and record. The appeals court agreed, explaining that “[c]riminalizing all nonconsensual audio recording necessarily limits the information that might later be published or broadcast — whether to the general public or to a single family member or friend — and thus burdens First Amendment rights.”

Mr. Adams went to the Capitol because he heard that the Capitol Police were attacking people and that members of ANTIFA were attacking Trump supports. He entered the Capitol to record what was happening and not for any other reason.

WHEREFORE counsel respectfully requests that the court dismiss the information.

Dated: October 28, 2022

Respectfully submitted,

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