

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

UNITED STATES OF AMERICA,

v.

ETHAN NORDEAN, et al.,

Defendants.

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Case No. 1:21-cr-175

Judge Timothy J. Kelly

**DEFENDANT NORDEAN’S NOTICE OF EVIDENCE RECEIVED ON APRIL 7
RELEVANT TO DETENTION HEARING**

Defendant Ethan Nordean, through his counsel, files this notice of evidence submitted to the Court and government on April 8, with the Bates number “NORDEANPROD_00000002.3gp.” The evidence is an audio file of Nordean, recorded on February 1, 2021. It is pertinent to the government’s assertion that Nordean presents an ongoing danger to the community under the Bail Reform Act.

Separately, additional new evidence was reported following the Court’s detention hearing on April 6. Later that day, it was reported that various individuals and their counsel have come forward with evidence that Capitol protestor defendants have been subjected to violence, threats and verbal harassment from guards in the D.C. jail where the protestors are being held in pretrial confinement. *Capitol riot defendant alleges beating by jail guards*, Politico, Apr. 6, 2021, available at: <https://www.politico.com/news/2021/04/06/capitol-riot-defendant-alleges-beating-by-jail-guards-479413>. Specifically, Judge Friedrich was advised that a Capitol protestor defendant “was severely beaten by correctional officers, [is now] blind in one eye, has a skull fracture and detached retina.” *Id.* A lawyer for another Capitol defendant noted “a pattern of

abuse and targeting of the defendants who are being held pursuant to what happened on Jan. 6. It is targeted, it is ruthless, it is nonstop.” *Id.*

Undersigned counsel can add that these reports are consistent with what they have personally learned in connection with another Capitol protester defendant, who is not even included in the above reporting. This defendant advised counsel that, during his pretrial detention at the D.C. facility, guards would flash lights in his eyes at night so that he could not sleep; that when he was held in solitary confinement for the duration of his stay, he was not given a shower and placed in a cell with a broken toilet; that when he asked for a shower, was handed baby wipes; that he was verbally threatened by guards on multiple occasions; and that guards would snap photographs of the defendant with their phones without his consent, which they appeared to be sharing with other parties through their phones.

Dated: April 8, 2021

Respectfully submitted.
DAVID B. SMITH, PLLC

/s/ David B. Smith

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Certificate of Service

I hereby certify that on the 8th day of April, 2021, I filed the foregoing notice with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s):

Jim Nelson
Assistant United States Attorney
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And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

/s/ David B. Smith
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