UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
v.	)	
JARED HUNTER ADAMS,	)	Crim. Action No. 21-0212 (ABJ)
Defendant.	)	

ORDER

Defendant Jared Hunter Adams, who is charged in a four-count information for his actions at the United States Capitol on January 6, 2021, *see* Superseding Information [Dkt. # 44], has moved to transfer venue from this district to the United States District Court for the Southern District of Ohio. Def.'s Mot. for Transfer of the Case to S.D. Ohio with Incorporated Mem. of P. & A. [Dkt. # 49] ("Mot."). He argues that the Court will be unable to seat the impartial jury guaranteed by the Fifth and Sixth Amendments to the United States Constitution, and that a presumption of juror prejudice should attach in the venire. *See* Mot. at 3–15. In support of his motion, defendant submitted a survey of "jury-eligible citizens," which was commissioned by the Office of the Federal Public Defender for the District of Columbia, Ex. 1 to Mot. [Dkt. # 49-1] ("Hickman Survey"). The defendant states that the survey endeavored to "assess the federal jury pool in the District of Columbia," but beyond that, he does not point to any facts or conclusions contained in the survey or explain its findings in any way.[1] *See* Mot. at 1 n.1.

1 Because the defendant has taken no efforts to contextualize the Hickman Survey and explain its applicability to his case in particular, the Court refers defendant to its analysis of this same survey in *United States v. Garcia* and *United States v. Williams*, which it also adopts here. *See Garcia*, No. 21-cr-0129 (ABJ), 2022 WL 2904352 (D.D.C. July 22, 2022); Order, *Williams*, No. 21-cr-618 (ABJ) (D.D.C. Aug. 12, 2022) [Dkt. # 63].

Neither this Court, nor any other court in this district has granted a motion to transfer a January 6 defendant's trial to another venue in advance of voir dire, even when the motion was supported by the Hickman Survey. *See* Order, *United States v. Samsel*, No. 21-cr-537 (JMC), at 3–8 (D.D.C. Dec. 14, 2022) [Dkt. # 227] (analyzing Hickman Survey); *United States v. Ballenger*, No. 21-cr-719 (JEB), 2022 WL 16533872, at *2–*4 (D.D.C. Oct. 28, 2022) (same); *United States v. Nassif*, No. 21-cr-421 (JDB), 2022 WL 4130841, at *9–*10 (D.D.C. Sept. 12, 2022) (same); *United States v. Brock*, No. 21-cr-140 (JDB), 2022 WL 3910549, at *7 (D.D.C. Aug. 31, 2022) (same); Order (Aug. 12, 2022), *Williams*, No. 21-cr-618 (same); Op. and Order, *United States v. Strand*, No. 21-cr-85 (CRC), at 2–3 (D.D.C. Aug. 17, 2022) [Dkt. # 89] (same); *Garcia*, 2022 WL 2904352, at *1, *3–*5, *11, *14 (same); *United States v. Rhodes*, No. 22-cr-15 (APM), 2022 WL 2315554, at *20–*22 (D.D.C. June 28, 2022) (same); Order, *United States v. Webster*, No. 21-cr-208 (APM), at 2 (D.D.C. Apr. 18, 2022) [Dkt. # 78] (same); *see also United States v. Eicher*, No. 22-cr-38 (CKK), 2022 WL 11737926, at *4 (D.D.C. Oct. 20, 2022); Min. Order, *United States v. Parks*, No. 21-cr-411 (APM) (D.D.C. Aug. 5, 2022); Min. Entry, *United States v. McHugh*, No. 21-cr-453 (JDB) (D.D.C. May 4, 2022); Order, *United States v. Alford*, No. 21-cr-263 (TSC), at 6, 8–12 (D.D.C. Apr. 18, 2022) [Dkt. # 46]; Min. Entry, *United States v. Williams*, No. 21-cr-377 (BAH) (D.D.C. June 10, 2022); Mem. Op. and Order, *United States v. Brooks*, No. 21-cr-503 (RCL) (D.D.C. Jan. 24, 2022) [Dkt. # 31]; *United States v. Bochene*, 579 F. Supp. 3d 177, 180–82 (D.D.C. 2022); Min. Order, *United States v. Fitzsimons*, No. 21-cr-158 (RC) (D.D.C. Dec. 14, 2021); Min. Order, *United States v. Reffitt*, No. 21-cr-32 (DLF) (D.D.C. Oct. 15, 2021); Omnibus Order, *United States v. Crowl*, No. 21-cr-28 (AMP), at 10–11 (D.D.C. Sept. 14, 2021) [Dkt. # 415].

The Court is bound by authority that instructs that voir dire is the proper means to determine whether it will be possible for a fair and impartial jury to be selected. Since the defendant has not raised concerns that cannot be addressed through voir dire, the motion to transfer venue is **DENIED**.

BACKGROUND

Jared Hunter Adams has been charged in a four-count information with the following offenses:

> Count I – entering and remaining in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(1);
>
> Count II – disorderly and disruptive conduct in a restricted building or grounds, in violation of 18 U.S.C. § 1752(a)(2);
>
> Count III – violent entry and disorderly conduct in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(D); and
>
> Count IV – parading, demonstrating, or picketing in a Capitol building, in violation of 40 U.S.C. § 5104(e)(2)(G).

Superseding Information. The government alleges that the defendant drove to Washington, D.C. from his home in Plain City, Ohio on January 6, 2021. Gov't.'s Opp. to Def.'s Mot. [Dkt. # 53] ("Opp.") at 2. According to the government, he marched to the U.S. Capitol building and passed through the scaffolding on the west side of the Capitol. *Id.* There, he encountered a line of police and said, "I hope DHS brought enough bullets." *Id.* Defendant is alleged to have entered the Capitol building at approximately 2:53 p.m., and to have stayed for approximately ten minutes. Statement of Facts, Criminal Compl. [Dkt. # 1] at 2–3; Opp. at 2. Once Adams left the building,

he remained on the Capitol grounds and yelled at the police that "next time we won't leave our guns at home." Opp. at 2. Adams returned to his home in Ohio that evening. *Id.*[2]

The defendant was arrested on March 9, 2021, in the Southern District of Ohio, which he posits – without explanation – would be an appropriate alternate venue for his case. Mot. at 1, 15. He maintains that the District of Columbia is a constitutionally impermissible venue for his trial because of: (1) the size and characteristics of the jury pool in this district, *id.* at 3–9; (2) the pervasive pretrial publicity in the District of Columbia surrounding the events on January 6, *id.* at 9–14; and (3) the timing of his trial proceedings, *id.* at 14–15.

LEGAL STANDARD

The Sixth Amendment guarantees criminal defendants the right to a trial "by an impartial jury of the State and district wherein the crime [was allegedly] committed," U.S. Const. amend. VI, and Article III specifies that "such Trial shall be held in the State where the said Crimes [were allegedly] committed." U.S. Const. art. III, § 2, cl. 3; *see also id.* ("[W]hen not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.").

Federal Rule of Criminal Procedure 21 authorizes the transfer of a case to another district, though, for prejudice or for convenience. A court has the discretion to transfer "for the convenience of the parties, any victim, and the witnesses, and in the interest of justice" under Rule 21(b), but Rule 21(a) requires that upon the defendant's motion, "the court *must* transfer the proceeding against that defendant to another district if the court is satisfied that so great a prejudice

2 Defendant's motion states that he "also stands accused of assaulting police officers," Mot. at 13, but this assertion is unsupported by the information or any other filing on the docket. *See generally* Superseding Information. Even if he was charged with this conduct, it would not change the Court's analysis in any way.

against the defendant exists in the transferring district that the defendant cannot obtain a fair and impartial trial there." Fed. R. Crim. P. 21(a) (emphasis added). The Supreme Court reiterated this principle in *Skilling v. United States*, 561 U.S. 358, 378 (2010), and it recognized that transfer of the proceeding to a different district "if extraordinary local prejudice will prevent a fair trial" is a "basic requirement of due process."

The question now is whether that level of prejudice has been shown at this early stage in the proceedings. The Supreme Court went on to explain in *Skilling* that a "presumption of prejudice . . . attends only the extreme case." 561 U.S. at 381. It reviewed the cases in which it had concluded that juror prejudice could be presumed – *Rideau v. Louisiana*, 373 U.S. 723 (1963), *Estes v. Texas*, 381 U.S. 532 (1965), and *Sheppard v. Maxwell*, 384 U.S. 333 (1966) – and noted that in each, it had "overturned a conviction obtained in a trial atmosphere that [was] utterly corrupted by press coverage." 561 U.S. at 380 (internal quotation marks omitted). It took pains to caution that those "decisions . . . 'cannot be made to stand for the proposition that juror exposure to . . . news accounts of the crime . . . alone presumptively deprives the defendant of due process.'" *Id.*, quoting *Murphy v. Florida*, 421 U.S. 794, 798–99 (1975).

> Prominence does not necessarily produce prejudice, and juror *impartiality*, we have reiterated, does not require *ignorance*.

Skilling, 561 U.S. at 381 (emphasis in original).

Furthermore, the D.C. Circuit has instructed that it is preferable to conduct voir dire in the first instance to determine whether it will be possible for a fair and impartial jury to be selected. *See United States v. Haldeman*, 559 F.2d 31, 62–63 (D.C. Cir. 1976) (en banc) (per curiam) (counseling against a "pre-voir dire conclusion" that "a fair jury cannot be selected"). That is because "pretrial publicity, even if pervasive and concentrated, cannot be regarded as leading

automatically and in every kind of criminal case to an unfair trial." *Neb. Press Ass'n v. Stuart*, 427 U.S. 539, 565 (1976). Instead, a "thorough examination of jurors on voir dire" is the most important tool for ensuring that a defendant receives a fair and unbiased jury. *Id.* at 554–55; *see also Haldeman*, 559 F.2d at 63 ("[I]f an impartial jury actually cannot be selected, that fact should become evident at the voir dire.").

ANALYSIS

I. Voir dire is the appropriate way to assess potential juror prejudice and bias.

Adams argues that "voir dire is simply not a cure for significant and substantiated Due Process concerns about the jury pool," Mot. at 3, relying upon the Supreme Court's decision in *Skilling v. United States*. *See* Mot. at 2–3. *Skilling* was a case brought in the wake of the Enron bankruptcy, in which Jeffrey Skilling, Enron's former Chief Executive Officer, was charged in a scheme to deceive investors by overstating the company's financial health. 561 U.S. at 367–69.

But in *Skilling*, the Supreme Court *rejected* the notion that a change of venue should have been granted, even though the local publicity after the Enron collapse had been relentless. 561 U.S. at 381–85. Moreover, the impact of the alleged fraud was felt particularly keenly in Houston, where Enron was located, and many residents had lost their jobs or hard-earned pensions heavily invested in Enron stock. *Id.* at 375–76. Skilling argued that the trial court erred in refusing to move the trial to a different venue based on a presumption of prejudice given "the community passion aroused by Enron's collapse and the vitriolic media treatment aimed at him." 561 U.S. at 377 (internal quotation marks omitted); *see also id.* at 369 (Skilling maintained that "hostility toward him in Houston, coupled with extensive pretrial publicity, had poisoned potential jurors").

But the Supreme Court found that the "sheer number of victims" was not enough to trigger a presumption of prejudice; "[a]lthough the widespread community impact necessitated careful identification and inspection of prospective jurors' connections to Enron, the extensive screening questionnaire and followup *voir dire* were well suited to that task." *Id.* at 384.

If it was appropriate to proceed to voir dire and attempt to seat a jury in that case, the *Skilling* decision does not do much to mandate a change of venue in this one, where (1) both the alleged objective of the charged offenses and the effects felt were largely national; (2) the media coverage of the event as a whole – while substantial – has been largely national as well; and (3) importantly, the media coverage has related to over 900 defendants and those who may have organized or inspired them, and is not personally focused on the defendant as it was in *Skilling*.

In *Skilling*, the Supreme Court differentiated the case before it from those where juror prejudice had been presumed, and it highlighted three relevant factors: (1) "the size and characteristics of the community in which the crime occurred"; (2) whether pretrial publicity "contained [a] confession or other blatantly prejudicial information of the type readers or viewers could not reasonably be expected to shut from sight"; and (3) the amount of time that had elapsed since the alleged crime and whether the passage of time had led to "diminished" media attention. 561 U.S. at 382–84.[3] Defendant maintains that each of the *Skilling* factors is a pressing concern in this case. Mot. at 3.

But the *Skilling* decision does not mandate a change of venue here because (1) the community is large enough to include D.C. residents who do not follow the January 6 cases, and

3 A fourth factor relevant to the post-conviction review in *Skilling* that does not bear on this motion was whether the jury's verdict reflected an absence of prejudice, and the Court took note of the fact that Skilling had been acquitted on some counts. 561 U.S. at 383–84.

no other characteristic demonstrates the existence of extraordinary local prejudice; (2) the media coverage of the event as a whole – while substantial – has been largely national; and (3) the coverage has not been personally focused on the defendant himself.

a. *Size and Characteristics of the Community*

The first factor does not support a change in venue. Washington, D.C. has approximately 700,000 residents, and about 426,000 of those residents may be in the jury pool in this case.[4] It is not a particularly large community, but it is not a small or insular one, either. *See Skilling*, 561 U.S. at 382 (differentiating between communities with 150,000 residents and larger communities with venires of approximately 600,000 individuals), comparing *Gentile v. State Bar of Nev.*, 501 U.S. 1030, 1044 (1991) (plurality opinion) and *Rideau*, 373 U.S. at 724. The Master list of available jurors is large enough to include individuals who have paid little or no attention to the January 6 cases.[5] It includes several hundred thousand District residents who may not be involved in policy or politics or the operation of the federal government at all, in addition to, as the defendant put it, "a huge proportion of District of Columbia residents [who] either work for the federal government or have friends or family who do." Mot. at 4. While there is no dispute that many who live in the nation's capital are employed by one of the branches of the federal

---

4 The Jury Office reported that the Master Jury Wheel was comprised of 426,277 citizens as of December 16, 2022. Jury Office for the U.S. District Court for the District of Columbia, Master Jury Wheel (2022) (accessed Dec. 16, 2022) (on file with Jury Office). The 2020 United States census estimated the District's population at 689,545. *The District of Columbia Gained More Than 87,000 People in 10 Years*, United States Census Bureau (Aug. 25, 2021), https://www.census.gov/library/stories/state-by-state/district-of-columbia-population-change-between-census-decade.html.

5 This conclusion is strengthened by the Hickman Survey, which indicates that only 33% of D.C. residents surveyed had seen or read "a lot" about the January 6 cases, while 25% had seen or heard "some," and 13% had seen or heard "not much" or "none at all." Hickman Survey at 14.

government, that does not mean that those employees can be presumed to be biased based on that fact alone.[6] The Master list includes people who travel to and from work or school without coming near the Capitol, and who may have never heard of the defendant. In sum, while it is not the largest district in the country, the size of the Washington, D.C. jury pool weighs against transfer in this instance.

As for the characteristics of the community, defendant makes the sweeping assertion that it is typical for potential jurors in this district who "have no direct connection to the government [to] report[] feeling deeply traumatized by the events that took place so close to where they live and work," pointing to the "state of emergency, . . . city-wide curfew, restricted access to particular roads and bridges, . . . request[] that residents not attend [the] inauguration," and the deployment in D.C. neighborhoods of the "Metropolitan Police and over 25,000 military personnel in the weeks that followed." Mot. at 5–6. For one thing, the curfew was only in place for one single night. *See* Nick Boykin, Matt Pusatory & Jonathan Franklin, *DC Lifts Curfew After Riots at the Capitol, Public Emergency Extended for 15 Days*, WUSA9 (Jan. 7, 2021), https://www.wusa9.com/article/news/local/dc/washington-dc-curfew-amid-unrest-at-capitol-building/65-becf9868-3413-4cf8-a930-cbb8f2813f2b. And the road closures around the Capitol did not profoundly affect the bulk of area residents; the attack on the Capitol took place during the pandemic, when most government and downtown offices were closed, and all but essential employees were working remotely. Public gatherings were already discouraged in Washington, D.C. at this time, *see* Mayor's Order 2020-127, Gov't of the Dist. of Columbia (Dec. 18, 2020), https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/May

6 Further, it cannot be assumed that all federal government employees who work in the District of Columbia – even those who work on Capitol Hill – also reside there.

or%27s%20Order%20127%2012-18-2020.pdf (extending public emergency and public health emergency through March 31, 2021, and imposing the following through January 15, 2021: "Restaurants shall return to having no indoor dining"; "Non-essential businesses are required to telework, except in person staff needed to support minimum business operations"), and all Americans were instead encouraged to virtually participate in the inauguration. Joint Statement from Bowser, Hogan & Northam on Planning for the 59th Presidential Inauguration (Jan. 11, 2021), https://mayor.dc.gov/release/joint-statement-bowser-hogan-and-northam-planning-59th-presidential-inauguration. Also, the temporary disruption in travel was short-lived and centered around the Capitol building itself, and the motion ignores the fact that a substantial portion of D.C. residents do not live or work or go to school on Capitol Hill and seldom even need to drive by the area. For these same reasons, the deployment of the Metropolitan Police and military personnel around the Capitol building did not affect most residents. Moreover, this Court has been provided with no basis to assume that District residents would be so annoyed by a narrow set of street closures that they would be unable to serve as fair-minded jurors nearly two years after the restrictions were lifted.

Another "characteristic" the defendant points to is the District's voting patterns. *See* Mot. at 7–9 ("[A]n overwhelming number of District of Columbia residents – over 92 percent – voted for President Biden."). Defendant posits that a jury will believe that he and other January 6 defendants "did what they did in order to prevent Joseph Biden from becoming President notwithstanding his share of the electoral and popular vote," and "were seeking to nullify the votes of an overwhelming majority of District residents." *Id.* at 7–8. Defendant takes this theory a step further, arguing that "[g]iven the electoral makeup of the District, it would be impossible to empanel a jury that was not full of people that the government charges were the targets of Mr.

Adams's alleged offenses." *Id.* at 8. The D.C. Circuit has already established that "a community's voting patterns are [not] at all pertinent to venue." *Haldeman*, 559 F.2d at 64, n.43. Defendant's assumption, presumably, is that those who voted against Trump feel personally targeted by his actions and are unable to fairly assess whether the government has produced sufficient evidence to prove a particular January 6 offense beyond a reasonable doubt. But defendant's statistics do not account for the substantial numbers of individuals who did not vote at all, General Election 2020 – Certified Results Dist. of Columbia Bd. of Elections, https://electionresults.dcboe.org/election_results/2020-General-Election (reporting 344,356 votes for president out of 517,890 registered voters), and in any event, that sort of bias must be shown through voir dire. Leaping to conclusions will not suffice.

Therefore, the size of the Washington, D.C. jury pool weighs against transfer in this case, and other community characteristics – including the community's voting patterns, which do not factor into the venue analysis at all – do not weigh in favor of a transfer of venue.

b. *Pretrial Publicity*

Defendant also argues that the nature and volume of national and local media coverage point to a finding that there is a presumption of prejudice at the local level in this district. Mot. at 9–14. The January 6 cases have undoubtedly attracted nationwide media attention, but they are not unique in this regard. For example, in *Haldeman*, a grand jury indicted three high-level officials in the Nixon administration for "a wide-ranging conspiracy designed to impede a grand jury investigation into the break-in at the Democratic National Committee [] headquarters in the Watergate Office Building," charging what was, at the time, "an unprecedented scandal at the highest levels of government." *Haldeman*, 559 F.2d at 51–52. And yet, even though the case received "extraordinarily heavy coverage in both national and local news media," *id.* at 59, juries

were successfully seated; the D.C. Circuit declined to find that the defendants' due process rights were violated by the district court's refusal to grant a change of venue. *See id.* at 62–64. This is not a unique situation; the government points to a number of high profile cases where publicity alone did not warrant a transfer:

> In the half century since *Rideau*[, 373 U.S. 723, 724 (1963), a case where defendant's "interrogation by the sheriff and admissions by Rideau that he had perpetrated the bank robbery, kidnapping, and murder" was broadcast to approximately 100,000 people over three days in a parish with a population of about 150,000], the Supreme Court has never presumed prejudice based on pretrial publicity. . . . In fact, courts have declined to transfer venue in some of the most high-profile prosecutions in recent American history. *See In re Tsarnaev*, 780 F.3d 14, 15 (1st Cir. 2015) (per curiam) (capital prosecution of Boston Marathon bomber); *Skilling*, 561 U.S. at 399 (fraud trial of CEO of Enron Corporation); *United States v. Yousef*, 327 F.3d 56, 155 (2d Cir. 2003) (trial of participant in 1993 World Trade Center bombing); *United States v. Moussaoui*, 43 F. App'x 612, 613 (4th Cir. 2002) (per curiam) (unpublished) (terrorism prosecution for conspirator in September 11, 2001 attacks); *Haldeman*, 559 F.2d at 70 (Watergate prosecution of former Attorney General John Mitchell and other Nixon aides).

Opp. at 19.

In those instances, the safeguard against a biased jury has been an "extensive voir dire" with a "detailed inquiry into the sources and intensity of the [] exposure to [pretrial] publicity." *Haldeman*, 559 F.2d at 69; *see also id.* at 64 n.43 ("It is our judgment that in determining whether a fair and impartial jury could be empanelled the trial court did not err in relying less heavily on a poll taken in private by private pollsters and paid for by one side than on a recorded, comprehensive voir dire examination conducted by the judge in the presence of all parties and their counsel pursuant to procedures, practices and principles developed by the common law since the reign of Henry II"); *Tsarnaev*, 780 F.3d at 17 ("[C]oncerns about jurors who have fixed opinions or emotional connections to events, or who are vulnerable to improper influence from media

coverage, are legitimate concerns. The court and the parties are diligently addressing them through the voir dire process.") (brackets omitted); *Skilling*, 561 U.S. at 389 ("Inspection of the questionnaires and *voir dire* of the individuals who actually served as jurors satisfies us that . . . the selection process successfully secured jurors who were largely untouched by Enron's collapse."); *Yousef*, 327 F.3d at 155 ("[T]he District Court conducted an extensive voir dire and the jurors that were picked had either never heard of Yousef or could not remember any of the details of his alleged involvement in the World Trade Center bombing."). Here too, voir dire will allay defendant's concerns that "his presence at the Capitol that day will necessarily cause prospective jurors to link his conduct to the January 6 reporting generally." Mot. at 13.

The media coverage of the events of January 6, while substantial, has been largely focused on the event as a whole, as defendant acknowledges. *See* Mot. at 13 ("[S]ome in the jury pool may not have heard of Mr. Adams specifically . . . ."). It has related to the over 900 defendants generally and particularly, those who may have organized or inspired them. Adams does not cite to any local or Washington-based national news outlets that have named him personally or reported on his role in the events; nor has the Court been able locate any such articles.[7] But even if there were, as in any case where there has been any coverage of an individual, voir dire will explore whether

---

7 There are, though, numerous articles about the defendant that have been published in Ohio-based news outlets. *See, e.g.*, Jake Zuckerman, *Hitting Cops, Roaming the Senate, Smoking Pot: DOJ Says Ohioans Were Everywhere Jan. 6*, ABC News 5 Cleveland (Jan. 6, 2022), https://www.news5cleveland.com/news/state/hitting-cops-roaming-the-senate-smoking-pot-doj-says-ohioans-were-everywhere-jan-6; *One Year Later: Ohioans Charged in Breach on U.S. Capitol*, Fox 8 News (Jan. 6, 2022), https://fox8.com/news/one-year-later-ohioans-charged-in-breach-on-u-s-capitol/; *Here Are The 38 Ohioans Charged So Far in the January 6 Capitol Riot*, Cincinnati Enquirer (Jan. 4, 2022), https://www.cincinnati.com/story/news/2022/01/05/capitol-riot-38-ohioans-charged-six-pleaded-guilty-five-sentenced/8971840002; John Caniglia, *36 Ohioans Charged in Jan. 6 Attack on U.S. Capitol; Only One Held in Custody Pending Trial*, Cleveland.com (Dec. 30, 2021), https://www.cleveland.com/court-justice/2021/12/36-ohioans-charged-in-jan-6-attack-on-us-capitol-only-one-held-in-custody-pending-trial.html.

any juror has read or heard or seen anything about the defendant, and whether the juror has formed an opinion as a result.

Defendant next tries to argue that "the media has widely reported comments of U.S. District Court Judges regarding the events of January 6," including comments that "everyone participating in the mob contributed to the January 6 violence" and "members of a mob who breach barriers and push back officers to disrupt the joint session of Congress are not trespassers, they are criminals." Mot. at 13 (alterations omitted). These comments, defendant contends, were "legal conclusions about every January 6 defendant who will go before a jury in this District." *Id.* at 13–14. But none of these statements have been specific to the defendant himself, and he also acknowledges that "the media coverage of these comments, among others, may not create disparate prejudice between the District jury pool and other jury pools by nature of its national broadcast." *Id.* at 14. In any event, voir dire remains the appropriate safeguard to explore whether any juror has biases arising from the sentencings of other January 6 defendants or has received any information about Adams.

Because there has been no particularly prejudicial information specific to this defendant publicized in the local media, the second *Skilling* factor does not necessitate a change in venue.

c. *Amount of Time Elapsed Since January 6, 2021*

The third factor is the amount of time that has passed since January 6, 2021, and whether the passage of time has led to "diminished" media attention. *Skilling*, 561 U.S. at 383. Although almost two years have elapsed since January 6, 2021, there has recently been renewed attention on the events of that day because of the widespread coverage of the congressional hearings conducted by the Select Committee to Investigate the January 6th Attack on the United States Capitol. However, the congressional hearings and the media coverage have related primarily to the events of January 6 in general and the role that public officials and their advisors and campaigns may

have played in bringing them about, not the particular activities of any individual defendant who entered the Capitol.[8] After the first hearing, which did include footage of the attack on the Capitol and the outnumbered law enforcement officers trying to protect it,[9] the focus has switched to legal and political machinations behind the scenes to substitute electors or overturn the results of the elections in other ways, and there has been little mention of the rioters themselves.[10] Unsurprisingly, the defendant has not been named or singled out in any of the presentations.

The defendant has also not been mentioned in any of the "other high-profile January 6th trials (and sentencings) occurring in this Courthouse," Mot. at 15, or in any other newly-released footage documenting that day. So while the Court recognizes that the events of January 6 are receiving substantial attention in the media in recent weeks, and a rigorous voir dire will be needed to ferret out potential biases, this particular case has not been the subject of attention, and this factor also does not weigh in favor of transferring the case.

Finally, the Court's assessment that presuming prejudice would be unwarranted in this case under the *Skilling* factors has been borne out by the actual experience of other courts in this district. Courts have qualified enough jurors to empanel juries, with the requisite number of alternates, in

---

8 *See, e.g.*, Caroline Linton, Kathryn Watson, Stefan Becket, Caitlin Yilek & Melissa Quinn, *House Jan. 6 Committee Votes to Refer Criminal Charges for Trump*, CBS News (Dec. 19, 2022), https://www.cbsnews.com/live-updates/house-january-6-committee-final-hearing-watch-live-stream-today-2022-12-19/.

9 *See, e.g.*, Domenico Montanaro, *New Revelations and 3 Other Takeaways from the First Jan. 6 Committee Hearing*, NPR (June 10, 2022), https://www.npr.org/2022/06/10/1104103404/new-revelations-and-other-takeaways-from-first-jan-6-committee-hearing (the hearing revealed "[n]ot previously publicly seen video footage from police body cameras, Capitol hallway and office footage, as well as police radio communication").

10 *See, e.g.*, Alan Feuer, *Key Findings From the Jan. 6 Committee's Report, Annotated*, N.Y. Times (Dec. 19, 2022), https://www.nytimes.com/2022/12/19/us/politics/jan-6-committee-key-findings.html.

all January 6 cases to date. *See* Min. Entries (Nov. 7–8, 2022), *Williams*, No. 21-cr-618; Min. Entries (Sept. 28–29, 2022), *Alford*, No. 21-cr-263; Min. Entries (Sept. 27–29, 2022), *Rhodes*, No. 22-cr-15 (as to defendants Rhodes, Meggs, Harrelson, Watkins, and Caldwell); Min. Entries (Sept. 19–20, 2022), *Strand*, No. 21-cr-85 ; Min. Entry, *United States v. Bledsoe*, No. 21-cr-204 (1) (BAH) (D.D.C. July 18, 2022); Min. Entry (June 27, 2022), *Williams*, No. 21-cr-377; Min. Entry, *United States v. Hale-Cusanelli*, No. 21-cr-37 (TNM) (D.D.C. May 23–24, 2022); Min. Entry (Apr. 25, 2022), *Webster*, No. 21-cr-208; Min. Entry, *United States v. Thompson*, No. 21-cr-161 (RBW) (D.D.C. Apr. 11, 2022); Min. Entry, *United States v. Robertson*, No. 21-cr-34 (CRC) (D.D.C. Apr. 5, 2022); Min. Entries (Feb. 28, 2022; Mar. 1, 2022), *Reffitt*, No. 21-cr-32.

There has been no indication in any January 6 trial in this courthouse that prejudice is so widespread in the venire that the ordinary voir dire process will be insufficient to guarantee a fair jury, and so there is no reason to transfer this case without first trying to select a jury here.

CONCLUSION

For all of these reasons, defendant's motion to transfer venue is **DENIED**.

SO ORDERED.

Amy B Jackson

AMY BERMAN JACKSON
United States District Judge

DATE: January 24, 2023