

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 21-CR-127 (ABJ)
	:	
JOSHUA BLACK,	:	
	:	
<i>Defendant.</i>	:	

**JOINT PRETRIAL STATEMENT OF THE PARTIES**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendant Joshua Black, by and through his counsel, respectfully submit this Joint Pretrial Statement, pursuant to the Court’s August 8, 2022, Scheduling Order (ECF 52).

**A. Joint Statement of the Case**

The parties have agreed that the following is an appropriate statement of the case:

This is a criminal case. The government has charged the defendant, Joshua Black, with violating six separate federal criminal laws based on his presence and conduct on the grounds of and inside the United States Capitol in Washington, D.C., on January 6, 2021.

Count One charges the defendant with obstructing an official proceeding—specifically, Congress’s meeting at the United States Capitol on January 6, 2021, to certify the Electoral College vote for president—or aiding and abetting others in obstructing that proceeding.

Count Two charges the defendant with unlawfully and knowingly entering or remaining in a restricted area within the United States Capitol while carrying a deadly and dangerous weapon, that is, a knife.

Count Three charges the defendant with engaging in disorderly or disruptive conduct in and within such proximity to a restricted area within the United States Capitol while carrying a deadly and dangerous weapon, that is, a knife.

Count Four charges the defendant with carrying a dangerous weapon, that is, a knife with a blade over three inches long, on the United States Capitol Grounds and in the Capitol.

Count Five charges the defendant with willfully and knowingly entering or remaining on the floor of a House of Congress without authorization to do so.

Count Six charges the defendant with willfully and knowingly engaging in disorderly conduct in the Capitol.

Mr. Black denies each and every charge.

**B. Estimated Length of Trial**

The government expects its case-in-chief to last approximately four days.

The defense expects any presentation it makes to last no more than one additional day.

**C. Motions in Limine and Other Matters**

The government has filed the following outstanding motions *in limine*:

1. Motion to Admit Certain Categories of Multimedia
2. Motion to Admit Certain Provisions of the Constitution, Federal Statutes, and the Congressional Records.
3. Motion to Preclude the Defendant's Introduction of His Own Out-of-Court Statements as Inadmissible Hearsay.

The defense has not filed any motions *in limine*. The defense may seek leave to file an opposition to the government's third motion *in limine*, indicated above.

At the request of Mr. Black, the defense may also file a motion to change venue. The government would oppose that motion.

**D. Proposed Voir Dire Questions**

The parties' proposed voir dire questions are attached as Attachment A.

The defense has proposed an alternative to question #23 (displayed in red text) and has proposed question #29 (also displayed in red text).

The government believes its proposed question #23 is clearer and the defense's proposed #23(b) is duplicative of the jointly proposed question #28.

The government objects to the defense's proposed question #29 because it is irrelevant to the facts of this case and therefore confusing.

**E. Proposed Jury Instructions**

The proposed jury instructions are attached to this pleading as Attachment B. Objections are in red text.

**F. List of Witnesses or Potential Witnesses**

*Government Witnesses*

The government expects to or may call the following witnesses:

United States Capitol Police

1. Officer Marc Carrion
2. Officer Mark Gazelle
3. Officer Wayne Gibson
4. Inspector Thomas Loyd
5. Officer Keith Robishaw

Federal Bureau of Investigation

1. Special Agent Frank Langdon
2. Special Agent Jeffrey Weeks

United States Secret Service

1. Inspector Lanelle "Lani" Hawa

*Defense Witnesses*

1. Judy Ables
2. Ronnie Black
3. Rachel Crowley
4. U.S. Capitol Police Officer Michael Witherspoon

**G. List of Expert Witnesses**

Neither the government nor the defense plan to call any expert witnesses.

**H. List of Prior Convictions**

The government is unaware of Mr. Black having any prior criminal convictions.

**I. List of Exhibits**

At this time, the government has identified the exhibits it intends to introduce at trial in the exhibit list attached to this pleading as Attachment C. This exhibit list was compiled in a good-faith effort to identify all trial evidence that is known or identified at this time. The government reserves the right to supplement this list or to remove items from the list, as it develops additional evidence throughout trial preparations and to streamline the presentation of its case. The government also reserves the right to introduce any evidence produced to the defense in discovery.

The defense notes objections to the following exhibits:

<b>Exhibit No.</b>	<b>Basis for Objection</b>
1.A through 1.I	Federal Rule of Evidence (“FRE”) 106 (completeness)
2.A and 2.B	FRE 106 (completeness)
8	FRE 403 (more prejudicial than probative)
100.A through 100.H	FRE 106 (completeness)
101.A through 101.I	FRE 106 (completeness)
204	FRE 403 (cumulative)
306	FRE 403 (more prejudicial than probative)
1001	FRE 401 (relevance); 403 (more prejudicial than probative)

The defense has not identified any exhibits it plans to admit but it reserves the right to seek admission of any of the exhibits on the government's list. The defense may also supplement any additional objections it has to the government's exhibits by seeking leave to file an addendum to this pretrial statement. The government reserves the right to object to the defense seeking admission of any of the exhibits on the government's list.

**J. Stipulations**

The parties have agreed to stipulations which are attached to this pleading as Attachment D.

**K. Matters of Which the Parties Seek the Court to Take Judicial Notice**

The parties are not asking the Court to take judicial notice of any matter.

**L. Proposed Verdict Form**

The parties have not agreed upon the format of a proposed verdict form. The government's proposed verdict form is attached to this document as Attachment E. The defense's proposed verdict form is attached to this document as Attachment F.

**FOR THE DEFENDANT:**

JOSHUA BLACK  
Defendant

/s/ Clark U. Fleckinger II  
CLARK U. FLECKINGER II  
Counsel for Joshua Black  
District of Columbia Bar No. 362393

**FOR THE UNITED STATES:**

MATTHEW M. GRAVES  
United States Attorney  
District of Columbia Bar No. 481052

/s/ Seth Adam Meinero  
SETH ADAM MEINERO  
Trial Attorney (Detailee)  
District of Columbia Bar No. 967587

/s/ Emily Allen  
EMILY ALLEN  
Assistant United States Attorney  
California Bar No. 234961

/s/ Eric Boylan  
ERIC BOYLAN  
Assistant United States Attorney  
Texas Bar No. 24105519

United States Attorney's Office  
for the District of Columbia  
United States Department of Justice

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 9, 2022, I served a copy of this pleading on all parties to this matter as indicated in the Court's electronic case files system.

/s/ Seth Adam Meinero  
SETH ADAM MEINERO  
Trial Attorney (Detailee)