

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

UNITED STATES OF AMERICA,

v.

Case No. 1:21-cr-175-TJK-2

JOSEPH BIGGS, et al.,

Defendants.

**BIGGS, NORDEAN AND TARRIO MOTION TO JOIN PEZZOLA MOTION
FOR SIX ADDITIONAL PEREMPTORY STRIKES TO OBTAIN A FAIR JURY**

Defendant Biggs respectfully moves this Court that he be permitted to join codefendant Dominic Pezzola's December 22, 2022 motion for six additional peremptory strikes (ECF 598). Defendants Nordean and Tarrío also join in Biggs's motion for joinder. Jury selection during the first week of this trial -- December 19 through 23, 2022 -- has shown so far that meeting the standard of seating fair and impartial or "indifferent" jurors (*see, Irvin v. Dowd*, 366 U.S. 717, 722, (1961)) in the District of Columbia to hear and decide charges of seditious conspiracy and obstruction of an official proceeding in this January 6-related trial of all five Proud Boys will be problematic, to say the least. "Indifferent" has been difficult threshold for much of the District of Columbia venire examined so far. Too many of the potential jurors harbor deep-seated and oftentimes strident prejudices, dislike and even hatred of the Proud Boys organization, and several jurors have been qualified to be seated over objections of most (and usually all) defense counsel. That bias and prejudice of Proud Boys was apparent during the first three days of *voir dire* (December 19-21) upon which Pezzola's motion was based. It was apparent as well on December 22 and the Court's more abbreviated court day of December 23. The media, too, has started to comment on the difficulty of seating a jury in the District of

Columbia in this case. *See* R. Weiner & S. Hsu, “Seating jury of DC residents presents a challenge in Proud Boys trial,” THE WASHINGTON POST, Jan. 1, 2023. Moreover, the prejudice would appear to present once again in the newer, additional juror questionnaires recently provided to the parties. Therefore, for good cause shown, defendants Biggs, Nordean and Tarrío ask to join in all respects Pezzola’s motion at ECF 598 to for six additional peremptory strikes to be exercised by defense counsel to obtain a fair jury in this case.

Respectfully submitted,

COUNSEL FOR JOSEPH R. BIGGS

Dated: January 2, 2023

By: /s/ J. Daniel Hull
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CERTIFICATE OF SERVICE

The undersigned certifies that on January 2, 2023 the foregoing Motion to Join ECF 598 as served upon all counsel of record via the Electronic Case Filing (ECF) system.

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