

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA            )  
  )  
                  v.                            )     Case No. 1:21-cr-00263-TSC  
  )  
RUSSELL DEAN ALFORD                )

**RESPONSE TO GOVERNMENT’S MOTION IN LIMINE  
REGARDING EVIDENCE OF SPECIFIC LOCATIONS OF  
U.S. CAPITOL POLICE SURVEILLANCE CAMERAS**

The Defendant, Russell Dean Alford, hereby replies to the government’s motion in limine to exclude “evidence regarding the specific position of U.S. Capitol Police surveillance cameras,” Doc. 51. For the reasons discussed below, Mr. Alford does not oppose this motion because he relies in good faith on the government’s assurance that it will take affirmative steps to ensure that the defense is not prejudiced by the exclusion of such evidence.

Mr. Alford would present evidence of surveillance cameras’ locations for only one purpose: to contextualize video exhibits for jurors, so they may understand what areas of the Capitol Building and its grounds are depicted. His counsel expects that government witnesses will testify authoritatively about the locations of cameras, or the areas shown, in government video exhibits. If those witnesses could then claim ignorance of the locations depicted in defense video exhibits, then Mr. Alford’s ability to meaningfully cross-examine them would be hindered, and barring him from showing those locations on a map would prejudice his defense.

Mr. Alford's counsel has informally discussed these concerns with counsel for the government and received assurances that government witnesses who testify about surveillance video on direct will also be prepared to identify the locations shown in surveillance videos included in the defendant's exhibit list. The government also has agreed that to the extent a witness cannot identify the location shown in a video, the government will not oppose the use of a map of camera locations, without publication, to refresh the witness's recollection of a given camera's location.

Mr. Alford reserves the right to argue that witness testimony or government conduct inconsistent with the above-described assurances has opened the door to evidence of cameras' locations. At this stage, though, in light of government counsel's representations to Mr. Alford's counsel, he does not oppose this motion.

Respectfully submitted,

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Northern District of Alabama

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2022, I electronically filed the foregoing via this Court's CM/ECF system, which will send notice of such filing to all counsel of record.

Respectfully submitted,

**/s/ Tobie J. Smith**

TOBIE J. SMITH

Research & Writing Attorney