IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

V.

JOHN MARON NASSIF,

DEFENDANT.

CASE NO. 1:21-CR-00421-JDB

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DEFENDANT'S TRIAL BRIEF

The Defendant, by and through his undersigned attorney, respectfully submits his trial brief in the above case.

1.   SUMMARY OF FACTS

On January 5, 2021, John Nassif drove from Florida to Washington D.C. with two friends to attend the peaceful rally at the Ellipse scheduled for early the next morning. They traveled without weapons, helmets or body armor. They arrived in Washington on the evening of January 5th and were joined by another friend who had flown into Washington that day. Nassif and his friends stayed in the Renaissance Hotel.

On the morning of January 6th, Nassif and his friends attended the rally at the Ellipse and heard former President Trump speak. Later, Nassif and his friends walked towards the Capitol, but turned around and headed back to the hotel after reaching Union Square. After nearing the hotel, Nassif decided to turn around and walked back towards the Capitol. His friends went back to the hotel.

CCTV footage captured Nassif walking towards the Capitol, travelling by himself, and climbing the steps on the East front entrance of the Capitol. He was not armed and did not possess any items that could be used as a weapon. As the stipulation indicates, Nassif was inside the Capitol building for approximately ten minutes. During his time in the Capitol building, Nassif did not push or struggle with police. He also did not physically resist the police at any time while in the Capitol building. Additionally, before entering the Capitol building, Nassif did not push or struggle with police, nor did he physically resist the police. After being inside the building for approximately ten minutes, Nassif left the building, went down the stairs and eventually returned to his hotel room. Nassif drove back to Florida the next day with his friends.

2.   **CHARGES**

As the Court is aware, the Defendant is charged, by Information, with violating 18 U.S.C. §§ 1752(a)(1) and 1752(a)(2) and 40 U.S.C. §§ 5104(e)(2)(D) and 5014(e)(2)(G).

3.   **STIPULATED EXHIBITS**

As stated in the Government's trial brief, the parties have met and conferred and entered into a number of stipulations. Most of the exhibits that will be used by the Government will also be used by the Defense as well. The undersigned would agree that the parties are focused on resolving objections before the trial. The defense will not object to the fact that the Defendant was in the Capitol building for approximately ten minutes. The defense will also not object to the location or the

movement of the Vice President while in the Capitol that day.

<center>CONCLUSION</center>

The Defendant was not part of a "mob" that entered the United States Capitol on January 6, 2021, as the government's trial brief suggests. Instead, he traveled to Washington D.C., with friends, to attend a peaceful rally where the former President spoke. After the rally, he walked to the Capitol, by himself, without any weapons or items that could be used as weapons. He was in the Capitol for approximately ten minutes. During the time he was inside the Capitol, he did not physically struggle with officers and he also did not resist the officers. Once outside the Capitol, he went to his hotel room and left Washington D.C. the next day. At trial, the evidence will not establish proof beyond a reasonable doubt on any of the charged counts.

Respectfully submitted,

A. Fitzgerald Hall
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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 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.

/s/ James T. Skuthan
James T. Skuthan, Esq.
Attorney for Defendant