

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

LUKE RUSSELL COFFEE

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§

CAUSE NO. 1:21-CR-327-RC-1

DEFENDANT’S MOTION IN LIMINE

Defendant LUKE COFFEE is charged with ten counts alleging obstruction and assault at the Capital on January 6, 2021.¹ This case is set for jury trial on February 27, 2023.²

The defense reasonably believes that the Government may try to introduce evidence at trial of various matters having low to no probative value while at the same time possessing a high potential for unfair prejudice which no instruction could cure, as described below, and accordingly moves to exclude such evidence. References to rule numbers refer to the Federal Rules of Evidence.

I. Evidence of other people’s bad acts.

The Government has produced in discovery an enormous amount of evidence involving many bad acts and events committed and related to people who are not Mr. Coffee. Many of the police reports alleging assault involve individuals who are not the Defendant and who are not charged in the indictment in this case.³ Nearly all of the video produced by the Government depicts extremely violent and prejudicial conduct by individuals who are not the Defendant, far too copious to include here.

The defense objects to the introduction of any such evidence during Mr. Coffee’s trial, because it is irrelevant, cumulative, unfairly prejudicial and causes confusion under Rules §§ 401-403. Such evidence violates Mr. Coffee’s right to be presumed innocent under the Fifth Amendment

¹ Superseding Indictment (Dkt. No. 50).

² (Dkt. No. 59.)

³ See, e.g., “Police report about suspect David Blajr,” attached as Exhibit 1; “FBI report about assault committed by suspect Joseph Padilla,” attached as Exhibit 2.

of the Constitution. “The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law.”⁴ It would violate this axiomatic presumption to use the inflammatory actions of other people to convict Mr. Coffee here.

The case against Mr. Coffee should not be a political show trial designed to highlight the events of January 6 and the violent acts of persons other than Mr. Coffee. Rather, the trial should be directed at Mr. Coffee’s conduct and the offenses with which he is charged. Mr. Coffee is not charged with conspiracy nor are there any co-defendants in his case.

The defense therefore asks the Court to exclude the introduction of any documents, photographs, video records, audio records, and law enforcement reports that do not relate specifically to Mr. Coffee’s personal actions and conduct on January 6, 2021 and exclude any witness testimony of the same. The Government should be required to approach the bench and obtain a ruling before placing any such evidence, not particularly depicting Mr. Coffee, before the jury.

II. Prejudicial terminology and irrelevant references.

A. Prejudicial terms

In accordance with the presumption of innocence, the right to a fair trial, and Rules §§ 401-403, Mr. Coffee requests that the Court exclude the use of terms that are prejudicial, conclusory, inflammatory and which invade the province of the jury to determine whether Mr. Coffee’s actions satisfy the elements of the offenses alleged while fulfilling its duty to remain impartial.

The defense asks the Court to preclude the Government and its witnesses from (1) describing the officers alleging assault as “victims”; (2) describing the events of January 6 as a “mob”; “insurrection”; act of “terrorism”; “domestic terrorism”; “riot”; “attack”; “coup;” and (3) describing

⁴ *Taylor v. Kentucky*, 436 U.S. 478, 483 (1978) (quoting *Coffin v. United States*, 156 U.S. 432, 453 (1895)).

Mr. Coffee as an “insurrectionist”; “terrorist”; “domestic terrorist”; “rioter”; or any similarly inflammatory term presuming his guilt or the criminal nature of his actions.

These terms, and any similar terms the Court might identify, are prejudicial, conclusory, and reach ultimate issues. The jury ultimately must decide whether Mr. Coffee’s specific actions constituted a violation of the crimes charged and whether the officers he is alleged to have assaulted were “victims.” Testimony, argument, or evidence that uses those term invades the province of the jury and should be excluded.⁵ Competent witnesses may testify as to what they saw and describe those events using plain language. But they should not, nor should counsel, substitute themselves for the jury, by offering opinion testimony as to whether that conduct satisfies the elements of the charged offense.⁶

While law enforcement and the Government may have reached the conclusion that the accusers are “victims,” and Mr. Coffee’s actions constituted an “insurrection”/“attack”/“coup”/act of “terrorism”/“mob” action, those opinions are unhelpful to the jury. Such characterization will condition the jury to think of the alleged incident as assault or illegal violence, and the officers alleging assault as victims. A trial infused with prejudicial terms that assume Mr. Coffee’s guilt before the jury renders its verdict will no doubt render the jury’s task to remain impartial as it weighs the evidence at trial unduly difficult and increase the risk of a conviction based on bias. The helpfulness of this type of term is far outweighed by the unfair prejudice caused to Mr. Coffee under Rule 403.

⁵ See Rules 701, 704.

⁶ See, e.g., *United States v. Rodriguez-Adorno*, 695 F.3d 32, 39 (1st Cir. 2012) (holding agent’s characterization of event as “carjacking” during carjacking prosecution was inadmissible lay opinion testimony as to the ultimate issue of defendant’s culpability); *United States v. Espino*, 32 F.3d 253, 257 (7th Cir. 1994) (holding that defendant should not have been asked to testify as to whether conduct constituted “conspiracy” because it called for improper opinion testimony by a lay witness about a legal term of art).

Accordingly, Mr. Coffee requests that the Court order the Government to refrain from using and instruct its witnesses to refrain from using these prejudicial conclusive terms.

B. Irrelevant prejudicial references

There is no allegation in this case that Mr. Coffee is a member of Q'anon or other group promoting conspiracy theories. Nevertheless, just this week, the Government provided more irrelevant and inflammatory discovery regarding Q'anon to the defense.

Because such references unfairly prejudice the jury against Mr. Coffee and are irrelevant to the *actual accusations against Mr. Coffee in this case*, the defense asks that the Court order the Government to refrain from using and instruct its witnesses to refrain from using these irrelevant and unfairly prejudicial references under Rules §§ 401-403.

III. Undisclosed statements, reports, documents, experts and exhibits.

A. Evidence not timely provided in discovery

The Government filed its Complaint in this case on February 16, 2021⁷ and its Indictment on April 28, 2021.⁸ The Court issued its Pretrial Order on August 29, 2022.⁹ The trial begins on February 27, 2023.¹⁰

The defense objects to any attempt by the Government to introduce evidence at trial not timely provided to defense counsel in discovery under Rule 16 and *Brady*.

B. Undisclosed expert testimony

In the event that the Government intends to introduce expert opinions during its case-in-chief, the defense objects to the extent that (1) the Government does not disclose that before January 17, 2023, in compliance with the Court's Pretrial Order¹¹ and (2) the Government does not comply with

⁷ (Dkt. #1.)

⁸ (Dkt. # 25.)

⁹ (Dkt.# 59.)

¹⁰ *Id.*

¹¹ (Dkt. #59.)

the disclosure requirements under Rule 16(a)(1)(G). This limine includes the opinion testimony of a witness that relates to technical expertise outside common knowledge as such testimony would be expert, not lay, testimony.¹²

C. Undisclosed exhibits

In the event that the Government seeks to introduce exhibits not disclosed to the defense before January 17, 2023, in compliance with the Court's Pretrial Order,¹³ the defense moves that the Court exclude any such exhibits in the interest of fairness.

IV. Requested relief and procedural matters.

Mr. Coffee would be unfairly prejudiced by any mention of these matters before the jury, even if an objection is later sustained and an instruction to disregard issued, as they are the sort of thing which no instruction could remove from the jury's minds. Mr. Coffee requests the Court to order the Government and its witnesses not to refer before the jury to any of the above-described matters and to redact any references in documentary evidence to any of the above matters unless the Court has previously ruled it admissible. The Government should be required to approach the bench and obtain a ruling before placing any of such matters before the jury in any way, whether through testimony, argument, objections, *voir dire* examination, or otherwise.

WHEREFORE, PREMISES CONSIDERED, Mr. Coffee prays that this Court order the Government and its witnesses not to allude to any of the above matter without first obtaining the Court's ruling as to admissibility outside the hearing of the jury, and that the Court will exclude such evidence at trial.

¹² See Rule 701 (limiting lay opinion testimony to that which is not based on technical or other specialized knowledge within the scope of Rule 702).

¹³ (Dkt. #59.)

Respectfully submitted.

MAUREEN SCOTT FRANCO
Federal Public Defender

/s/ ANTHONY J. COLTON
Supervisory Assistant Federal Public Defender
Western District of Texas
200 East Wall St., Room 110
Midland, Texas 79701
Tel.: (432) 247-6888
Bar Number: Texas 24064564
Attorney for Defendant

CERTIFICATE OF CONFERENCE

I certify that I conferred with Melanie Alsworth, Assistant United States Attorney, concerning this motion and she has stated the government is opposed to the granting of this motion.

/s/ ANTHONY J. COLTON
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of January 2023, I electronically filed the foregoing Defendant's Motion in Limine with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Melanie Alsworth
Assistant United States Attorney

/s/ ANTHONY J. COLTON
Attorney for Defendant

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

UNITED STATES OF AMERICA

V.

LUKE RUSSELL COFFEE

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CAUSE NO. 1:21-CR-327-RC-1

ORDER

On this date came on to be heard Defendant’s Motion in Limine (Dkt. # ____). After considering the same, the Court enters the following orders:

Defendant’s Motion in Limine is GRANTED as to the following matters:

1. No evidence of other people’s bad acts;
2. No use by the Government or Government’s witnesses of the unfairly prejudicial and conclusory term “victim” to describe the officers alleging assault in this case;
3. No use by the Government or Government’s witnesses of the unfairly prejudicial and conclusory terms “mob”; “insurrection”; act of “terrorism”; “domestic terrorism”; “riot”; “attack”; “coup;” and related terms to describe January 6 acts or to describe Mr. Coffee;
4. No use by the Government or Government witnesses of irrelevant and unfairly prejudicial references to Q’anon or other groups promoting conspiracy theories;
5. No introduction of evidence not produced in discovery;
6. No undisclosed experts;
7. No undisclosed exhibits;

It is ORDERED that the Government shall not introduce, allude to or argue any of the above before the jury until it has first approached the bench and obtained the Court’s ruling on the admissibility of such matters.

It is further ORDERED that the Government shall instruct its witnesses that they are subject to the terms of this Order and are similarly not to allude to or go into such matters until the Court has ruled on their admissibility, outside the presence of the jury.

SO ORDERED on this the _____ day of _____, 20____.

HONORABLE RUDOLPH CONTRERAS
United States District Judge

ATTACHMENT #1

Exhibit 1

Sixth District CDU

1. Incident Name

Mandatory CDU First Amendment

2. Date Prepared

1/6/2021

3. Time Prepared

1230 hours

4. Unit Name/Designators

CDU 63

5. Unit Leader (Name and Position)

Lieutenant Justin Roth

6. Operational Period

1/6/2021 1300-until

7. Personnel Roster Assigned

| Name (<i>Doe, John</i>) | Rank | Badge | CAD | Post | Assignment (Squad) |
|---------------------------|-------------|--------------|-------------|---------------------------|------------------------|
| Nicolau, Narcisa | Sgt. | S0967 | 9992 | Supervision/Relief | CDU 63-1 (6310) |
| Williams, Andre | Ofc. | 2149 | 12032 | | CDU 6311 |
| Roach, Jacky | Ofc. | 5771 | 11727 | | CDU 6312 |
| Gonzalez, Juan | Ofc. | 5641 | 11552 | | CDU 6313 |
| Manzan, Louis | Ofc. | 5697 | 11632 | | CDU 6314 |
| Weber, Kyle | Ofc. | 5339 | 11184 | | CDU 6315 |
| Powell, Dioivanni | Ofc. | 5213 | 12017 | | CDU 6316 |
| D'Avignon, Marc | Ofc. | 3060 | 8277 | | |
| Sterling, Jason | Ofc. | 5837 | 11839 | | CDU 6317 |
| Danho, Elias | Sgt. | S0666 | 8278 | Supervision/Relief | CDU 63-2 (6320) |
| Hawkins, Kendall | Ofc. | 3190 | 10582 | | CDU 6321 |
| Beel, Michael | Ofc. | 5560 | 11971 | | CDU 6322 |
| Cano, Matthew | Ofc. | 5830 | 11826 | | CDU 6323 |
| Murphy, Robert | Ofc. | 5324 | 11179 | | CDU 6324 |
| French, Ian | Ofc. | 5221 | 11121 | | CDU 6325 |
| Toussaint, Claudy | Ofc. | 5858 | 11862 | | CDU 6326 |
| Morris, Lila | Ofc. | 5869 | 11876 | | CDU 6327 |
| Ferrera, Fabian | Sgt. | S0748 | 6946 | Supervision/Relief | CDU 63-3 (6330) |
| Eley, David | Ofc. | 3615 | 9978 | | CDU 6331 |
| Peralta, Kevin | Ofc. | 5768 | 11724 | | CDU 6332 |
| Smith, Aaron | Ofc. | 4079 | 9549 | | CDU 6333 |
| Krumnow, Angelica | Ofc. | 5847 | 11855 | | CDU6334 |
| Laielli, Max | Ofc. | 5848 | 11838 | | CDU 6335 |
| Craig, Terrance | Ofc. | 2823 | 9431 | | CDU 6336 |
| Cephus, Erica | Ofc. | 4425 | 10773 | | CDU 6337 |
| Huff, Isaac | Sgt. | S0672 | 9694 | Supervision/Relief | CDU 63-4 (6340) |
| Smith, Austin | Ofc. | 5895 | 11987 | | CDU 6341 |
| Livezy, Chad | Ofc. | 5165 | 11094 | | CDU 6342 |
| Militar, Josemaria | Ofc. | 5451 | 12127 | | CDU 6343 |
| Thompson, Kyia | Ofc. | 4768 | 10204 | | CDU 6344 |
| Thomas-Bartely, Kenan | Ofc. | 5630 | 11515 | | CDU 6345 |
| Valentin-Aponte, Karen | Ofc. | 5050 | 10944 | | CDU 6346 |
| Hiligh, Bijon | Ofc. | 5842 | 11416 | | CDU 6347 |

9. Prepared by Lieutenant Roth, Justin

10. TOD Information:

Take homes: Sgt. Nicolau, Ofc. Hawkins, Ofc. Craig, Ofc. Powell

ATTACHMENT #2

Arrest #522100422 - D-1 David Alan Blair**CAUTIONS:**

| | | |
|---|---|---|
| ARRESTING OFFICER Alexandria Sims (#07271) | ARREST DATE/TIME Jan 06, 2021 17:50 | ARRESTING ORGANIZATION US Capitol Police |
| ASSISTING OFFICERS (ASSIST TYPE) | | |
| ADVISED OF RIGHTS (OFFICER, DATE/TIME, PLACE) Alexandria Sims (#07271), Jan 07, 2021 03:08, 119 D. Street N.E. | PHONE CALL MADE / NUMBER CALLED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (240) 422-0979 | SPECIAL OPERATIONS |

DEFENDANT

| | | | |
|---|---|---|--------------------|
| NAME (LAST, FIRST MIDDLE) Blair, David Alan | | TRUE NAME DAVID ALAN BLAIR | |
| NICKNAMES | | DATE OF BIRTH / AGE RANGE Aug 04, 1994 | POID # DC750504 |
| SEX Male | RACE / ETHNICITY White Not Hispanic Or Latino | PHONE (202) 607-7210 (Mobile Phone) | SSN # 220415403 |
| HOME ADDRESS (INCLUDE ROOM/APT #) 2195 SUGARLOAF PARKVIEW LANE, CLARKSBURG, MD 20871 | | | |
| DEFENDANT ARMED W/ | | MILITARY SERVICE (BRANCH, START-END) | |
| DEFENDANT IS A JUVENILE / YOUTH DIVISION # <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | NEEDS INTERPRETER / LANGUAGES SPOKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | HEIGHT 6 ft 1 in | WEIGHT 165 lbs |
| CODEFENDANTS | | HAIR Blond, Unknown, Unknown | EYES Blue |
| DEFENDANT'S REMARKS | | SKIN TONE Fair | |
| | | CLOTHING (HAT, JACKET, PANTS, COAT/SUIT, SHIRT/BLOUSE, SKIRT/DRESS) Hat/headwear: N/A, Jacket/coat/sweater: Black, Pants/dress/skirt: Grey | |
| WALES / NCIC CHECK # | | | |

ARREST LOCATION

| | |
|--|---|
| ADDRESS (INCLUDE ROOM/APT #) UNITED STATES SUPREME COURT, 1 1ST STREET NE, WASHINGTON, DC 20543 Type: Government/ Public Building Public/Private: Public PSA: 102 District: First District Description: Lower West Terrace Door | |
| POSITION (BEHIND, FRONT, INSIDE, SIDE, ETC.) | DESCRIPTION OF ARREST LOCATION Lower West Terrace Door |

CHARGES

| | | | |
|--|--|-----------------------------|--|
| COURT DATE / TIME & ROOM NUMBER Jan 07, 2021 07:08 / C-10 | ARREST TYPE Custodial | NOI# | TITLE 16 <input type="checkbox"/> YES <input type="checkbox"/> NO |
| LOCKUP # 61 | LOCKUP LOCATION US CAPITAL POLICE | LOCKUP DATE Jan 07, 2021 | |
| CHARGE-1 Assault On A Police Officer (simple Assault) (22DC405B) | | | CCN # 21002719 |
| DISPOSITION <input type="checkbox"/> CITATION <input type="checkbox"/> BOND <input type="checkbox"/> COLLATERAL <input checked="" type="checkbox"/> LOCKUP <input type="checkbox"/> POST & FORFEIT | DISPOSITION DATE Jan 07, 2021 07:08 | RECEIPT # | AMOUNT PAID (\$) |
| JUVENILE DISPOSITION | | JUVENILE DISPOSITION DATE | |

STATEMENT OF FACTS

On Wednesday, January 6, 2021, at approximately 1750HRS MPD Sergeant FERRERA, F. (S. 748), MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630), MPD Ofc. TOUSSAINT (5858), and MPD Ofc. SMITH, A (4079) were deployed to 1 1st Street NE, to the Lower West Terrace door in response to Civil Disobedience. While in the process of holding a police line at the threshold of the Lower West Terrace Door of the United States Capitol Building, MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) were pushing back the line of protestors when suspect (BLAIR, David) was seen with a "lacrosse type stick hitting officers" (MPD Sergeant FERRERA, F. (S. 748)). According to MPD Sergeant FERRERA, F. (S. 748), Suspect (BLAIR, David) admitted to "having a pole-type object in his hand while on the line". When faced with the suspect (BLAIR, David), MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) began striking with batons. MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) say suspect (BLAIR, David) was never hit in the head. Once to the ground, MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630) took the suspect (BLAIR, David) to the ground to conduct a proper handcuff and arrest procedure. During the event, Suspect (BLAIR, David) sustained injury to the head and was requested medical attention. Capitol Police Ofc. SIMS, A. (7271) and CP Officer PANTOS, S. (7269) were called to take the arrest. Ofc. SIMS, A. (7271) is the arresting officer. While waiting medical arrival, Suspect (BLAIR, David) was then asked by MPD Sergeant FERRERA, F. (S. 748) to recount the events. Suspect (BLAIR, David) noted, "[I was] Being an idiot, pumped up and didn't move back. Accept everything. I'm sorry, I got hit four times, I had a knife in my bag because I was scared of ANTIFA jumping me on the way back." Suspect (BLAIR, David) was transported to GW Hospital by Prince George's County Ambulance 829. Suspect (BLAIR, David) received medical attention and was released the morning of Thursday, January 7, 2021 at approximately 0100HOURS.

PROPERTY & ITEMS

| | |
|---|---|
| REPORTING OFFICER SIGNATURE / DATE Alexandria Sims (#07271) 01/07/2021 (e-signature) | SUPERVISOR SIGNATURE / DATE JOSEPH PITTS (#05694) 01/07/2021 (e-signature) |
| PRINT NAME Alexandria Sims (#07271) | PRINT NAME JOSEPH PITTS (#05694) |

CCN #21002719 - OFFENSE REPORT ARREST TYPE

| | | | |
|---|--|--|---|
| REPORT DATE / TIME Jan 07, 2021 02:34 | DISTRICT / PSA First District / 102 | EVENT START DATE / TIME - EVENT END DATE / TIME Jan 06, 2021 17:45 - Jan 06, 2021 17:50 | INCIDENT STATISTICS |
| RESPONDING OFFICER Alexandria Sims (#07271) - US Capitol Police | | WEATHER | |
| ASSISTING OFFICER (ASSIST TYPE) Stephanie Pantos (#07267) (Assisting Officer) | | | |
| TELETYPE DATE / TIME | TELETYPE # | PERSON NOTIFIED AT TELETYPE | SHOTS FIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| | | | SHOTS EFFECT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| WAS A STOP INVOLVED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | STOP START DATE/TIME - STOP END DATE/TIME Jan 06, 2021 17:45 - Jan 06, 2021 17:50 | REASON FOR THE STOP Individual's actions | |

REPORTING PERSON

| | | | |
|--|--|---|-------|
| NAME (LAST, FIRST MIDDLE) R-1 Blair, David Alan | | DOB / ESTIMATED AGE RANGE Aug 04, 1994 | |
| SEX Male | RACE / ETHNICITY White / Not Hispanic Or Latino | PHONE (202) 607-7210 (Mobile Phone) | EMAIL |
| HOME ADDRESS 2195 SUGARLOAF PARKVIEW LANE, CLARKSBURG, MD 20871 | | | |

OFFENSE #1 - 21002719

| | | | |
|--|--|-----------------|--|
| OFFENSE Assault On A Police Officer (simple Assault) (22DC405B) | OFFENSE COMPLETION <input checked="" type="checkbox"/> COMPLETED <input type="checkbox"/> ATTEMPTED | | |
| OFFENSE CASE STATUS Cleared By Arrest (Jan 07, 2021) | | | |
| OFFENSE LOCATION UNITED STATES SUPREME COURT, 1 1ST STREET NE, WASHINGTON, DC 20543 Type: Government/ Public Building Public/Private: Public PSA: 102 District: First District Description: Lower West Terrace Door | | | |
| LOCATION TYPE Government/ Public Building | POSITION (BEHIND, FRONT, INSIDE, SIDE) Behind | | |
| LOCATION DESCRIPTION Lower West Terrace Door | | | |
| AGGRAVATED ASSAULT FACTORS/HOMICIDE FACTORS | OFFENSE PROPERTIES Victim is Officer (Toussaint, Officer) Victim is Officer (Smith, Officer) | | |
| HATE BIAS/MOTIVATION | | | |
| WEAPON/FORCE INVOLVED Hit During Act | GANG INFORMATION None/unknown, | | |
| CRIMINAL ACTIVITIES | MODUS OPERANDI | | |
| FORCED ENTRY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | # OF PREMISES | SECURITY SYSTEM | CARGO THEFT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| NEGLIGENT MANSLAUGHTER CIRCUMSTANCE | | | BUILDING INHABITED (ARSON) |

SUSPECTS

| | | | | |
|---|--|---|--|---|
| SUSPECT NAME-1 (LAST, FIRST MIDDLE) S-1 Blair, David Alan | | DOB / ESTIMATED AGE RANGE Aug 04, 1994 | SEARCH WAS PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | STATEMENT TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| WAS THIS PERSON STOPPED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | HOURS STOPPED 0 | MINUTES STOPPED 5 | PERSON SEARCHED AS A RESULT OF THE STOP (PRIOR TO ARREST) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | PERSON'S PROPERTY SEARCHED AS A RESULT OF THE STOP (PRIOR TO ARREST) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| SEX Male | RACE / ETHNICITY White / Not Hispanic Or Latino | HEIGHT 6 ft 1 in | WEIGHT 165 lbs | EYES Blue |
| CLOTHING (HAT, JACKET, PANTS, COAT/SUIT, SHIRT/BLOUSE, SKIRT/DRESS) Hat/headwear: N/A, Jacket/coat/sweater: Black, Pants/dress/skirt: Grey | | HAIR Blond, Unknown, Unknown | SKIN TONE Fair | |

| | | |
|-------------------------------|--|----------|
| DESCRIPTION/IDENTIFYING MARKS | SUSPECTED OF: <input type="checkbox"/> CONSUMING ALCOHOL <input type="checkbox"/> USING DRUGS | |
| | TICKET # / FINE AMOUNT | VENDOR # |

VICTIMS

| | | | | |
|---|---|---------------------------|---|--|
| VICTIM NAME (LAST, FIRST MIDDLE) V-1 Toussaint, Officer | | DOB / ESTIMATED AGE RANGE | SEARCH WAS PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | STATEMENT TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| SEX Male | RACE / ETHNICITY Black / Not Hispanic Or Latino | PHONE | EMAIL | DATE DECLARED |

HOME ADDRESS

SIXTH DISTRICT POLICE STATION, 5002 HAYES STREET NE, WASHINGTON, DC 20019 **Type: Government/ Public Building Public/Private: Public PSA: 608 District: Sixth District**

| | | | | |
|--|---|---------------------------|---|--|
| VICTIM NAME (LAST, FIRST MIDDLE) V-2 Hiligh, Bijon | | DOB / ESTIMATED AGE RANGE | SEARCH WAS PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | STATEMENT TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| SEX Male | RACE / ETHNICITY Black / Not Hispanic Or Latino | PHONE | EMAIL | DATE DECLARED |

HOME ADDRESS

| | | | | |
|---|--|---------------------------|---|--|
| VICTIM NAME (LAST, FIRST MIDDLE) V-3 Bartley, OFC K | | DOB / ESTIMATED AGE RANGE | SEARCH WAS PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | STATEMENT TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| SEX Male | RACE / ETHNICITY Unknown / Unknown | PHONE | EMAIL | DATE DECLARED |

HOME ADDRESS

| | | | | |
|---|---|---|---|--|
| VICTIM NAME (LAST, FIRST MIDDLE) V-4 Smith, Officer | | DOB / ESTIMATED AGE RANGE | SEARCH WAS PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | STATEMENT TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| SEX Male | RACE / ETHNICITY Black / Not Hispanic Or Latino | PHONE (202) 698-0880 (Home Phone) | EMAIL | DATE DECLARED |

HOME ADDRESS

WITNESSES**PROPERTY & ITEMS**

| | |
|--|--|
| REPORTING OFFICER SIGNATURE / DATE Alexandria Sims (#07271) 01/07/2021 (e-signature) | SUPERVISOR SIGNATURE / DATE JOSEPH PITTS (#05694) 01/07/2021 (e-signature) |
| PRINT NAME Alexandria Sims (#07271) | PRINT NAME JOSEPH PITTS (#05694) |

Law Enforcement Officers Killed & Assaulted (LEOKA) Addendum

| | | |
|---|---|--------------------------|
| CCN # 21002719 | | |
| VICTIM NAME (LAST, FIRST, MIDDLE) V-1 Toussaint, Officer | DATE OF BIRTH / AGE RANGE 2 - 102 yrs old | OTHER JURISDICTION ORI # |
| LEOKA ACTIVITY Civil Disorder (riot, Mass Disobedience) | LEOKA ASSIGNMENT Other (assisted) - Law Enforcement Officers Serving In Other Capacities (foot Patrol, Off Duty, Etc.) | |
| VICTIM NAME (LAST, FIRST, MIDDLE) V-4 Smith, Officer | DATE OF BIRTH / AGE RANGE 1 - 101 yrs old | OTHER JURISDICTION ORI # |
| LEOKA ACTIVITY Civil Disorder (riot, Mass Disobedience) | LEOKA ASSIGNMENT One-officer Vehicle (assisted) - Uniformed Law Enforcement Officers | |

Offense #1 Searches - S-1 David Alan Blair

| | | |
|--|--|-------------------------------|
| CCN # 21002719 | NAME (LAST, FIRST MIDDLE) Blair, David Alan | DATE OF BIRTH Aug 04, 1994 |
| LOCATION OF STOP UNITED STATES SUPREME COURT, 1 1ST STREET NE, WASHINGTON, DC 20543 Type: Government/ Public Building Public/Private: Public PSA: 102 District: First District | | |

PERSON SEARCHES

| |
|---|
| TYPE OF SEARCH Probable Cause |
| REASON FOR THIS SEARCH Individual's actions, |
| PROPERTY SEIZED None, |

PERSON'S PROPERTY SEARCHES

| |
|---|
| TYPE OF SEARCH Probable Cause |
| REASON FOR THIS SEARCH Individual's actions, |
| OBJECT SEARCHED Bag, |
| PROPERTY SEIZED None, |

CCN #21002719 - PUBLIC NARRATIVE

On 01/06/2021, at approximately 1750HRS, S1 was arrested for APO doing a civil disobedience event at 1 1st Street N.E. S1 hit Ofc 1. with a stick like object crossing a police line. RO was assigned the arrest.

CCN #21002719 - INTERNAL NARRATIVE

On Wednesday, January 6, 2021, at approximately 1750HRS MPD Sergeant FERRERA, F. (S. 748), MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630), MPD Ofc. TOUSSAINT (5858), and MPD Ofc. SMITH, A (4079) were deployed to 1 1st Street NE, to the Lower West Terrace door in response to Civil Disobedience. While in the process of holding a police line at the threshold of the Lower West Terrace Door of the United States Capitol Building, MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) were pushing back the line of protestors when suspect (BLAIR, David) was seen with a "lacrosse type stick hitting officers" (MPD Sergeant FERRERA, F. (S. 748)). According to MPD Sergeant FERRERA, F. (S. 748), Suspect (BLAIR, David) admitted to "having a pole-type object in his hand while on the line". When faced with the suspect (BLAIR, David), MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) began striking with batons. MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) say suspect (BLAIR, David) was never hit in the head. Once to the ground, MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630) took the suspect (BLAIR, David) to the ground to conduct a proper handcuff and arrest procedure. During the event, Suspect (BLAIR, David) sustained injury to the head and was requested medical attention. Capitol Police Ofc. SIMS, A. (7271) and CP Officer PANTOS, S. (7269) were called to take the arrest. Ofc. SIMS, A. (7271) is the arresting officer. While waiting medical arrival, Suspect (BLAIR, David) was then asked by MPD Sergeant FERRERA, F. (S. 748) to recount the events. Suspect (BLAIR, David) noted, "[I was] Being an idiot, pumped up and didn't move back. Accept everything. I'm sorry, I got hit four times, I had a knife in my bag because I was scared of ANTIFA jumping me on the way back." Suspect (BLAIR, David) was transported to GW Hospital by Prince George's County Ambulance 829. Suspect (BLAIR, David) received medical attention and was released the morning of Thursday, January 7, 2021 at approximately 0100HOURS.

REPORTING OFFICER SIGNATURE / DATE

Alexandria Sims (#07271) 01/07/2021 (e-signature)

PRINT NAME

Alexandria Sims (#07271)

SUPERVISOR SIGNATURE / DATE

JOSEPH PITTS (#05694) 01/07/2021 (e-signature)

PRINT NAME

JOSEPH PITTS (#05694)

APPROVAL HISTORY

Report Submitted by PAUL MUSTERER (#05107)

Jan 07, 2021 04:14

Report Completed by PATRICK CERESA JR (#05444)

Jan 07, 2021 04:18

Report Staff Review Rejected by JAMIE TEEL (#05754)

Jan 07, 2021 08:27

Report Returned to Draft by MICHAEL LUKASZEWICZ (#05724)

Jan 07, 2021 08:30

statement of facts

Report Submitted by MICHAEL LUKASZEWICZ (#05724)

Jan 07, 2021 08:33

Report Completed by JOSEPH PITTS (#05694)

Jan 07, 2021 09:01

CCN #21002719 Report Attachments

FILE NAME

BLAIR_NOTES.docx

UPLOAD DATE/TIME

Jan 07, 2021 03:57

UPLOADED BY

PAUL MUSTERER (#05107)

Office of Unified Communications Derived CAD Data

| | |
|--|--|
| CCN # 21002719 | EVENT DATE 01/06/2021 19:27 |
| EVENT TYPE MISCELLANEOUS | |
| AGENCY NAME US Capitol Police | RESPONDING OFFICER US CAPITOL POLICE POLICE |
| EVENT LOCATION 1 1ST ST NW WASHINGTON, DC | |

Officer Officer Toussaint**Officer Toussaint**

TRUE NAME

DATE OF BIRTH / AGE RANGE

2 - 102 yrs old

PDID # / FBI #

CAUTIONS

PROFILE INFO

| | |
|--|--|
| BIRTH INFO | EMAIL |
| SEX Male | PHONES |
| RACE / ETHNICITY Black / Not Hispanic Or Latino | ADDRESS (HOME) SIXTH DISTRICT POLICE STATION, 5002 HAYES STREET NE, WASHINGTON, DC 20019 PSA: 608 District: Sixth District Public Government/ Public Building |
| MAIDEN NAME | ADDRESS (WORK) |
| NEEDS INTERPRETER | EMERGENCY CONTACT |
| LANGUAGES SPOKEN | RESIDENT OF JURIS |
| MARITAL STATUS | MILITARY SERVICES |
| SSN # | EMPLOYMENT |
| DRIVER'S LICENSE | CLOTHING |
| HEIGHT | |
| WEIGHT | |
| SKIN TONE | |
| EYES | |
| HAIR | |
| FACIAL HAIR | |
| VISION | |
| BUILD | |
| PHYSICAL CHAR. | |
| IDENTIFYING MARKS | |
| BEHAVIORAL CHAR. | |
| MOOD | |
| MODUS OPERANDI | |
| SKILLS | |
| PROBATION TYPE | |
| MISC. DESCRIPTION | |

Officer Bijon Hiligh



Bijon Hiligh

TRUE NAME

DATE OF BIRTH / AGE RANGE

2 - 101 yrs old

PDID # / FBI #

CAUTIONS

PROFILE INFO

BIRTH INFO

SEX **Male**
 RACE / ETHNICITY **Black / Not Hispanic Or Latino**

MAIDEN NAME

NEEDS INTERPRETER

LANGUAGES SPOKEN

MARITAL STATUS

SSN #

DRIVER'S LICENSE **11416**

HEIGHT

WEIGHT

SKIN TONE

EYES

HAIR

FACIAL HAIR

VISION

BUILD

PHYSICAL CHAR.

IDENTIFYING MARKS

BEHAVIORAL CHAR.

MOOD

MODUS OPERANDI

SKILLS

PROBATION TYPE

MISC. DESCRIPTION

EMAIL

PHONES

ADDRESS (HOME)

ADDRESS (WORK) **SIXTH DISTRICT POLICE STATION, 5002 HAYES STREET NE, WASHINGTON, DC 20019
 PSA: 608
 District: Sixth District
 Public
 Government/ Public Building**

EMERGENCY CONTACT

RESIDENT OF JURIS

MILITARY SERVICES

EMPLOYMENT

CLOTHING

OFC K Bartley**OFC K Bartley**

TRUE NAME

DATE OF BIRTH / AGE RANGE

11 - 101 yrs old

PDID # / FBI #

CAUTIONS

PROFILE INFO

BIRTH INFO

SEX **Male**
 RACE / ETHNICITY **Unknown / Unknown**

MAIDEN NAME

NEEDS INTERPRETER

LANGUAGES SPOKEN

MARITAL STATUS

SSN #

DRIVER'S LICENSE

HEIGHT

WEIGHT

SKIN TONE

EYES

HAIR

FACIAL HAIR

VISION

BUILD

PHYSICAL CHAR.

IDENTIFYING MARKS

BEHAVIORAL CHAR.

MOOD

MODUS OPERANDI

SKILLS

PROBATION TYPE

MISC. DESCRIPTION

EMAIL

PHONES

ADDRESS (HOME)

ADDRESS (WORK)

SIXTH DISTRICT POLICE STATION, 5002 HAYES
 STREET NE, WASHINGTON, DC 20019
 PSA: 608
 District: Sixth District
 Public
 Government/ Public Building

EMERGENCY CONTACT

RESIDENT OF JURIS

MILITARY SERVICES

EMPLOYMENT

CLOTHING

Officer Smith



Officer Smith

TRUE NAME

DATE OF BIRTH / AGE RANGE

1 - 101 yrs old

PDID # / FBI #

CAUTIONS

PROFILE INFO

BIRTH INFO

SEX **Male**
 RACE / ETHNICITY **Black / Not Hispanic Or Latino**

MAIDEN NAME

NEEDS INTERPRETER

LANGUAGES SPOKEN

MARITAL STATUS

SSN #

DRIVER'S LICENSE

HEIGHT

WEIGHT

SKIN TONE

EYES

HAIR

FACIAL HAIR

VISION

BUILD

PHYSICAL CHAR.

IDENTIFYING MARKS

BEHAVIORAL CHAR.

MOOD

MODUS OPERANDI

SKILLS

PROBATION TYPE

MISC. DESCRIPTION

EMAIL

PHONES **(202) 698-0880 (Home Phone)**

ADDRESS (HOME)

ADDRESS (WORK) **SIXTH DISTRICT POLICE STATION, 5002 HAYES STREET NE, WASHINGTON, DC 20019
 PSA: 608
 District: Sixth District
 Public
 Government/ Public Building**

EMERGENCY CONTACT

RESIDENT OF JURIS

MILITARY SERVICES

EMPLOYMENT

CLOTHING

David Alan Blair**David Alan Blair**

TRUE NAME

DAVID ALAN BLAIR

DATE OF BIRTH / AGE RANGE

Aug 04, 1994

POID # / FBI #

DC750504

CAUTIONS

PROFILE INFO

| | | | |
|-------------------|--|-------------------|--|
| BIRTH INFO | Aug 04, 1994 | EMAIL | |
| SEX | Male | PHONES | (202) 607-7210 (Mobile Phone) |
| RACE / ETHNICITY | White / Not Hispanic Or Latino | ADDRESS (HOME) | 2195 SUGARLOAF PARKVIEW LANE, CLARKSBURG, MD 20871 |
| MAIDEN NAME | | ADDRESS (WORK) | |
| NEEDS INTERPRETER | | EMERGENCY CONTACT | Gayle Blair (Mother) +12404220979 2195 Sugarloaf Parkview Lane, Clarksburg, MD |
| LANGUAGES SPOKEN | | RESIDENT OF JURIS | |
| MARITAL STATUS | | MILITARY SERVICES | |
| SSN # | 220415403 | EMPLOYMENT | |
| DRIVER'S LICENSE | B460135040610 Maryland Any Regular Or Standard Driver's License Issued For The Operation Of Automobiles And Light Trucks By States That Separate These Vehicles From Class "c". Other Class Designation Codes Such As "d", "r" And Others May Be Used By States To Indicate A Regular D Current/ Valid | CLOTHING | Hat/headwear: N/A, Jacket/coat/sweater: Black, Pants/dress/skirt: Grey |
| HEIGHT | 6 ft 1 in | | |
| WEIGHT | 165 lbs | | |
| SKIN TONE | Fair | | |
| EYES | Blue | | |
| HAIR | Blond, Unknown, Unknown | | |
| FACIAL HAIR | Beard, Slight | | |
| VISION | Normal | | |
| BUILD | Thin | | |
| PHYSICAL CHAR. | | | |
| IDENTIFYING MARKS | | | |
| BEHAVIORAL CHAR. | | | |
| MOOD | | | |
| MODUS OPERANDI | | | |
| SKILLS | | | |
| PROBATION TYPE | | | |
| MISC. DESCRIPTION | | | |

CCN #21002719 - Report History

AUTHORS

PAUL MUSTERER (#05107), PATRICK CERESA JR (#05444), MICHAEL LUKASZEWICZ (#05724)

**JOSEPH PITTS (#05694) changed Offense: Assault On A Police Officer (simple Assault)**

Jan 07, 2021 09:01

CLOSURE STATUS CHANGE DATE Jan 07, 2021 04:18 Jan 07, 2021 09:01

**APPROVED by JOSEPH PITTS (#05694)**

Jan 07, 2021 09:01

**MICHAEL LUKASZEWICZ (#05724) submitted the report for approval**

Jan 07, 2021 08:33

REASON FOR CHANGE statement of facts

**MICHAEL LUKASZEWICZ (#05724) changed the link between David Alan Blair and m1.jpg**

Jan 07, 2021 08:31

IMPORTANCE OF ATTACHMENT HIGH

**MICHAEL LUKASZEWICZ (#05724) changed Arrest # 522100422**

Jan 07, 2021 08:31

ARREST NARRATIVE

On ~~01/06~~ Wednesday, January 6, 2021, at approximately 1750HRS MPD Sergeant FERRERA, ~~SA F. was~~ (S. arrested 748), ~~for~~ MPD ~~APD~~ Ofc. ~~doing~~ HILIGH, ~~a~~ B. civil (5842), ~~disobedience~~ MPD ~~event~~ Ofc. ~~at~~ BARTLEY, K. (5630), MPD Ofc. TOUSSAINT (5858), and MPD Ofc. SMITH, A (4079) were deployed to 11st Street NE, to the Lower West Terrace door in response to Civil Disobedience. While in the process of holding a police line at the threshold of the Lower West Terrace Door of the United States Capitol Building, MPD Ofc. ~~SA~~ TOUSSAINT ~~his~~ (5858), MPD Ofc. ~~a~~ SMITH, A (4079) were pushing back the line of protestors when suspect (BLAIR, David) was seen with a "lacrosse type stick like hitting object officers" ~~crossing~~ (MPD Sergeant FERRERA, F. (S. 748)). According to MPD Sergeant FERRERA, F. (S. 748), Suspect (BLAIR, David) admitted to "having a ~~police~~ pole-type object in his hand while on the line". When faced with the suspect (BLAIR, David), MPD Ofc. ~~RO~~ TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) began striking with batons. MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) say suspect (BLAIR, David) was ~~assigned~~ never hit in the head. Once to the ground, MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630) took the suspect (BLAIR, David) to the ground to conduct a proper handcuff and arrest procedure. During the event, Suspect (BLAIR, David) sustained injury to the head and was requested medical attention. Capitol Police Ofc. SIMS, A. (7271) and CP Officer PANTOS, S. (7269) were called to take the arrest. Ofc. SIMS, A. (7271) is the arresting officer. While waiting medical arrival, Suspect (BLAIR, David) was then asked by MPD Sergeant FERRERA, F. (S. 748) to recount the events. Suspect (BLAIR, David) noted, "[I was] Being an idiot, pumped up and didn't move back. Accept everything. I'm sorry, I got hit four times, I had a knife in my bag because I was scared of ANTIFA jumping me on the way back." Suspect (BLAIR, David) was transported to GW Hospital by Prince George's County Ambulance 829. Suspect (BLAIR, David) received medical attention and was released the morning of Thursday, January 7, 2021 at approximately 0100HOURS.

**MICHAEL LUKASZEWICZ (#05724) returned report to draft mode**

Jan 07, 2021 08:30

**JAMIE TEEL (#05754) rejected the report from staff review;**

Jan 07, 2021 08:27

REASON FOR CHANGE corrections needed



LAYARD BANKS (#BAN010) changed the link between **Offense: Assault On A Police Officer (simple Assault)** and **Arrest # 522100422**

Jan 07, 2021 07:09

DISPOSITION DATE Jan 07, 2021 07:08

ARREST DISPOSITION Lockup



LAYARD BANKS (#BAN010) changed **Arrest # 522100422**

Jan 07, 2021 07:09

LOCKUP LOCATION US CAPITAL POLICE

LOCKUP NUMBER 61

DATE AND TIME OF CCB IN Jan 07, 2021 07:09



Interface User (#INTERFACE) added **m1.jpg** to **David Alan Blair** as a(n) **Mugshot**

Jan 07, 2021 04:22



APPROVED by **PATRICK CERESA JR (#05444)**

Jan 07, 2021 04:18



PATRICK CERESA JR (#05444) changed **Offense: Assault On A Police Officer (simple Assault)**

Jan 07, 2021 04:18

OFFENSE STATUS Cleared By Arrest

CLOSURE STATUS CHANGE DATE Jan 07, 2021 04:18



PATRICK CERESA JR (#05444) changed **Arrest # 522100422**

Jan 07, 2021 04:18

ARREST NARRATIVE On 01/06/2021, at approximately 1750HRS, S1 was arrested for ~~AOR~~ APO doing a civil disobedience event at 1 1st Street N.E. S1 hit Ofc 1. with a stick like object crossing a police line. RO was assigned the arrest.



PAUL MUSTERER (#05107) submitted the report for approval

Jan 07, 2021 04:14

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION
UNITED STATES**

VS

BLAIR, DAVID ALAN

CCN #: 21002719

Arrest Number: 522100422

The event occurred on **01/06/2021** at approximately **17:45** at **UNITED STATES SUPREME COURT, 1 1ST STREET NE, WASHINGTON, DC 20543**

On Wednesday, January 6, 2021, at approximately 1750HRS MPD Sergeant FERRERA, F. (S. 748), MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630), MPD Ofc. TOUSSAINT (5858), and MPD Ofc. SMITH, A (4079) were deployed to 1 1st Street NE, to the Lower West Terrace door in response to Civil Disobedience. While in the process of holding a police line at the threshold of the Lower West Terrace Door of the United States Capitol Building, MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) were pushing back the line of protestors when suspect (BLAIR, David) was seen with a "lacrosse type stick hitting officers" (MPD Sergeant FERRERA, F. (S. 748)). According to MPD Sergeant FERRERA, F. (S. 748), Suspect (BLAIR, David) admitted to "having a pole-type object in his hand while on the line". When faced with the suspect (BLAIR, David), MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) began striking with batons. MPD Ofc. TOUSSAINT (5858), MPD Ofc. SMITH, A (4079) say suspect (BLAIR, David) was never hit in the head. Once to the ground, MPD Ofc. HILIGH, B. (5842), MPD Ofc. BARTLEY, K. (5630) took the suspect (BLAIR, David) to the ground to conduct a proper handcuff and arrest procedure. During the event, Suspect (BLAIR, David) sustained injury to the head and was requested medical attention. Capitol Police Ofc. SIMS, A. (7271) and CP Officer PANTOS, S. (7269) were called to take the arrest. Ofc. SIMS, A. (7271) is the arresting officer. While waiting medical arrival, Suspect (BLAIR, David) was then asked by MPD Sergeant FERRERA, F. (S. 748) to recount the events. Suspect (BLAIR, David) noted, "[I was] Being an idiot, pumped up and didn't move back. Accept everything. I'm sorry, I got hit four times, I had a knife in my bag because I was scared of ANTIFA jumping me on the way back." Suspect (BLAIR, David) was transported to GW Hospital by Prince George's County Ambulance 829. Suspect (BLAIR, David) received medical attention and was released the morning of Thursday, January 7, 2021 at approximately 0100HOURS.

The event and acts described above occurred primarily in the District of Columbia and were committed as described by defendant(s) listed in the case caption.

Subscribed and sworn before me this **01/07/2021**

SIMS, ALEXANDRIA / 7271 / 07271 (01/07/2021) E-SIGNATURE

PITTS, JOSEPH / 05694 (01/07/2021) E-SIGNATURE

Police Officer / Badge# / CAD#

Unit

Witness / Deputy Clerk

SIMS, ALEXANDRIA / 7271 / 07271

PITTS, JOSEPH / 05694

Printed Name of Member / Badge# / CAD#

Printed Name of Witness / Deputy Clerk

The foregoing statement was made under penalty of criminal prosecution and punishment for false statements pursuant to D.C. Code 22-2405

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/03/2021

Divonnie Powell, cell phone [REDACTED] e-mail address [REDACTED] [REDACTED] has been employed as an officer of the Metropolitan Police Department (MPD) for 18 months. After being contacted over the telephone by the undersigned agent, she provided the following information:

On January 6, 2021, Powell was assigned to the MPD Civil Disturbance Unit (CDU). Her unit provided assistance that day at the U.S. Capitol. They were initially stationed on the Capitol steps.

Eventually they received a "10-33 call" (meaning emergency assistance was needed) from officers stationed in the archway of a terrace entrance to the building. Powell and other MPD officers reported to that location in order to assist those who were being overwhelmed by rioters.

The undersigned provided Powell with the attached video, which shows JOSEPH PADILLA throwing a metal pole at police officers fighting off rioters in front of a terrace door at the U.S. Capitol. Powell and the undersigned reviewed the video simultaneously while speaking on the phone.

Powell identified herself as standing on the far left side of the terrace door opening just behind officer Lila Morris, who was on the ground. When the pole was thrown, it went over their heads and struck officers behind them. Powell does not know the identity of those officers, but does recall that MPD officer Jason Sterling was also at that location.

Morris sustained injuries to her arm from being struck by rioters, but did not seek medical attention.

Investigation on 01/29/2021 at Manassas, Virginia, United States (Phone)

File # 176-WF-3366759-PADILLA

Date drafted 01/29/2021

by Timothy J. Ervin