

United States District Court for the District of Columbia

United States of America

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v.

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No. 1:21-CR-00032-DLF-1

Guy Wesley Reffitt

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Defendant's Proposed Additional Jury Instructions and Statement of the Case

The parties have different understandings about whether the Court directed the submission of proposed jury instructions, excluding instructions regarding Title 18, United States Code, Section 1512(c)(2) (Min. Ords. Oct. 15 & Nov. 3, 2021); or whether only final instructions were to be submitted. Accordingly, the government has submitted proposed instructions, which the parties agree would be final instructions. Doc. 65.

Based on the understanding that the Court directed the parties to identify all potentially relevant instructions, defendant proposes the following additional instructions from Barbara E. Bergman, Criminal Jury Instructions for the District of Columbia, Fifth Ed., Filed through Release No. 17, Sep. 2019 (the Red Book):

1. 1.102. Preliminary Instruction before Trial.
2. 1.105. Notetaking by Jurors.
3. 1.107. Preliminary Instruction to Jury Where Identity of Alternates Is Not Disclosed.
4. 1.108. A Juror's Recognition of a Witness or Other Party Connected to the Case.
5. 1.201. Cautionary Instruction—Photographs of the Defendant Alternative A Photographs Generally.

6. 1.202. Cautionary Instruction on the Use of the Internet and Publicity.
7. 2.204. Testimony of Immunized Witness.
8. 2.205. Informer's Testimony.
9. 2.211. Effect of Refusal of Witness to Answer Question.
10. 2.212. Invocation of Fifth Amendment Privilege against Self-Incrimination.
11. 2.215. Expert Testimony.
12. 2.216. Evaluation of Prior Inconsistent Statement of a Witness.
13. 2.300. Missing Witness or Other Evidence.
14. 2.305. Statements of the Defendant – Substantive Evidence.
15. 2.600. Court Interaction with Jury During Deliberations—Note.

Defendant also proposes the following statement of the case:

The defendant Mr. Guy Reffitt is charged by Indictment with: two counts of Civil Disorder, in violation of Title 18, United States Code, Section 231(a); two counts of Obstruction, in violation of Title 18, United States Code, Section 1512; and one count of Entering and Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon, in violation of Title 18, United States Code, Section 1752(a)(1).

The United States alleges that this conduct occurred on January 6, 2021, at the Capitol in Washington, D.C., and on January 11, 2021 in Wylie, Texas. The Defendant has pleaded not guilty to all charges.

/s/ William L. Welch, III

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(Appointed by this Court)

Certificate of Service

I hereby certify that on this 24th day of November 2021, a copy of the foregoing Proposed Additional Jury Instructions and Statement of the Case was delivered electronically to Mr. Jeffrey S. Nestler (jeffrey.nestler@usdoj.gov) and Ms. Risa Berkower (risa.berkower@usdoj.gov), Office of the United States Attorney, 555 Fourth Street, NW, Washington, DC 20530.

/s/ William L. Welch, III

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