

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

UNITED STATES OF AMERICA :

v. : **1:21-CR-204-BAH**

ERIC TORRENS :

**DEFENDANT’S POSITION ON PUBLIC DISSEMINATION OF VIDEO DISCOVERY
MATERIAL**

On August 15, 2021, the Court ordered the parties to provide their positions on whether video evidence described in the Statement of Offense and to be provided to the Court may be made publicly available without restriction.

Mr. Torrens herewith provides his position.

1. Mr. Torrens objects to the public availability of the videos without restriction. Mr. Torrens’ objection applies both to alleged “open source” video and to law enforcement CCTV video.
2. Discovery material is not generally accessible to the public unless one of the parties seeks to make the material publicly accessible by attachment to a publicly filed pleading and there are no restrictions limiting such attachment. Neither party has sought to make the videos publicly accessible.
3. No member of the public – individual or media – has sought access to the videos. If a request or motion is made, Mr. Torrens will review the request and its bases and file a detailed response. Full briefing is appropriate prior to full consideration of public access to discovery materials.

4. The videos were not made available as part of the change-of-plea proceeding of one co-defendant and the two other co-defendants remain pending trial. It would be prejudicial to Mr. Torrens to enable public disclosure now as disclosure now would highlight and focus attention on Mr. Torrens. Public disclosure now would also be potentially prejudicial to the two co-defendants who have not initiated change-of-plea proceedings and are pending trial.
5. Mr. Torrens has already been the subject of public attention in the case – including the media’s posting a video and screenshots of Mr. Torrens at the U.S. Capitol. [See Eric Torrens arrested in connection with U.S. Capitol riots | | wsmv.com](#) (Feb. 1, 2021). As a result of that publicity, Mr. Torrens received public opprobrium and lost his job. Specifically, he was placed on unpaid administrative leave from his employment at that time. Mr. Torrens has since acquired new employment. Mr. Torrens accepts responsibility for and is remorseful of his actions on January 6, 2021. There may be value in public embarrassment and shaming, and that is a topic that may be addressed at Mr. Torrens’ sentencing hearing. But it is unnecessarily harmful to highlight Mr. Torrens’ case at the time of his entering a guilty plea– as opposed to that of his co-defendants and others – by publicly releasing video of Mr. Torrens at his change-of-plea hearing.
6. Mr. Torrens respectfully objects to any public dissemination of any of the videos. To the extent that videos are open source, they are already part of the public domain. They need and should not be highlighted with the Court’s imprimatur by a designation and release of public dissemination. To the extent that the videos are

CCTV, they were restricted for legitimate reasons and their release would be prejudicial to Mr. Torrens, co-defendants with pending cases, and the government law-enforcement and public security interests.

/s/ EDWARD J. UNGVARSKY
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