

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

UNITED STATES

:

v.

: Crim. No. 21-CR-291-1 (ABJ)

THOMAS F. SIBICK

:

DEFENDANT THOMAS SIBICK'S RESPONSE TO MINUTE ORDER

Defendant Thomas F. Sibick, through undersigned counsel, Stephen F. Brennwald, and in response to this Court's Minute Order entered on September 22, 2021, states as follows:

The direct answer to this Court's question is that the video the government lists as Exhibit 3 appears to be a 17-second version of the one-minute video recording the defendant was referencing in his motion. The one-minute video the defendant intends to present at an in-person hearing on the motion presents a more complete picture of the scene and of the events involving Officer Michael Fanone, and defendant intends to present that full video at an in-person hearing on this motion.¹ In addition, Mr. Sibick recently saw a more complete version of the body-worn camera footage from Officer Fanone's camera that captured the events at issue in this motion. That video shows, in real-time rather than in still pictures, what the defendant has been contending regarding the rapidity with which the events occurred. In the defense's view, the still photos present a(n unintentionally) misleading impression of these events, such that defendant would like to play the complete, if brief, footage taken from Officer Fanone's body-worn camera.

¹ Defendant asked, at the end of his motion to reopen, for an in-person hearing on the motion. Defendant believes that the Court will grant this request. But because the defendant's parents wish to observe the hearing, and need to make arrangements to travel to Washington, D.C. to attend the hearing in person, defendant hereby asks this Court to inform the parties whether the Court will conduct an in-person hearing, and whether that hearing will take place on September 28, 2021, at 10:00 a.m., as part of the already-scheduled status hearing, or at some other time.

In his motion to reopen the detention hearing, defendant indicated in footnote 11 that the file containing the video he was referencing was too large to send to the Court by email. Thus, he asked this Court for instructions on how the Court wished to receive a copy of that video, and that request still stands. Defendant would normally send such a large file to another person or entity by Dropbox, but counsel is frankly unsure by what means this Court wishes to receive the full one-minute recording (as well as the just-referenced footage from Officer Fanone's body-worn camera).

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by ECF, this 22nd day of September, 2021 to the U.S. Attorney's Office, 555 4th Street, N.W., Washington, D.C. 20530, and to all counsel of record.

/s/

Stephen F. Brennwald