

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

_____)	
UNITED STATES OF AMERICA,)	
)	
v.)	
)	Crim. Action No. 21-0127 (ABJ)
JOSHUA MATTHEW BLACK,)	
)	
Defendant.)	
_____)	

ORDER

Upon review of the controlling authorities, the government’s Motion *in Limine* [Dkt. # 54], and the parties’ Joint Response to the Court’s December 16, 2022 Minute Order [Dkt. # 68], and keeping in mind the requirements of Fed. R. Evid 106, 801(d)(2), and 802, the Court will admit all excerpts of the statements of the defendant proffered by the government, which are designated with yellow highlighting in the Joint Response. The Court will also admit all excerpts proffered by the defendant to which the government does not object, which are outlined in red in the Joint Response. Excerpts withdrawn by the defendant, outlined in black in the Joint Response, will not be admitted. With respect to the disputed excerpts proffered by the defendant, the Court has endeavored to differentiate affirmative statements of fact offered by the defendant, including factual accounts of events not referenced in the government’s excerpts, from statements that in fairness ought to be considered at the same time as statements proffered by the government, and in its discretion, it hereby ORDERS as follows:

Attachment A: Transcript of YouTube Statement Part 1

Page 2, line 21 through Page 3, line 38 will be EXCLUDED as hearsay.

Page 3, line 47 through Page 4, line 56 will be EXCLUDED as hearsay.

Page 5, lines 90 to 91 will be ADMITTED.

Page 10, line 234 to Page 11, line 236 will be ADMITTED.

Page 16, lines 365 to 367 will be ADMITTED.

Page 16, lines 370 to 373 will be ADMITTED except for the portion of line 371 that states, “I didn’t go in, I was pushed in.”

Attachment B: Transcript of YouTube Statement Part 2

Page 2, lines 3 to 11 will be ADMITTED. The Court recognizes that it could be excludable as hearsay, but given the additional evidence consistent with this excerpt, it will be ADMITTED.

Page 2, lines 14 to 19 will be EXCLUDED as hearsay.

Page 4, lines 63 to 65 will be ADMITTED.

Attachment C: Transcript of FBI Interview, January 8, 2021

Page 4, line 49 to Page 5, line 76 will be EXCLUDED as hearsay.

Page 5, lines 77 to 89 will be ADMITTED.

Page 8, lines 191 to 207 will be ADMITTED although potentially excludable as hearsay. In the Court’s view, this is more of an explanation of defendant’s thought processes at the time than a statement of fact offered for the truth of a matter asserted; in fairness, it should be considered alongside the statements of intention offered by the government; and in any event, the Court will be able to accord it such weight as it may deserve.

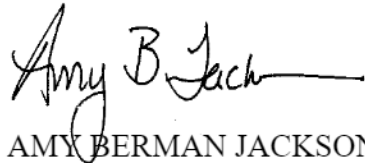
Page 13, lines 398 to 403 will be ADMITTED.

Page 15, line 497 to Page 16, line 505 will be ADMITTED on the same basis as the excerpt on Page 8.

Attachment D: Transcript of FBI Interview, January 14, 2021

No disputed excerpts.

SO ORDERED.

A handwritten signature in black ink that reads "Amy B. Jackson". The signature is written in a cursive style with a horizontal line extending to the right from the end of the name.

AMY BERMAN JACKSON
United States District Judge

DATE: January 3, 2023