

U.S. District Court  
District of Columbia

UNITED STATES

v. 1:21-cr-00175-TJK  
NORDEAN et al

PEZZOLA'S PROPOSED FIRST AMENDMENT INSTRUCTION

COMES NOW Dominic Pezzola, with this proposed 1<sup>st</sup> amendment instruction. Counsel has circulated versions of this proposal to all lawyers in the case for review and comment. This proposed instruction is based on numerous Supreme Court rulings, including *Brandenburg*, *Clairborne Hardware*, *RAV*, *Black*, etc.

**Proposed Instruction No. \_\_**

**First Amendment Rights**

**Every person has the right to petition his or her government, and express ideas and bring their concerns to their legislators. Citizens also have the right to peaceably assemble with others to petition their government. And under the First Amendment, a person has a constitutional right to make violent or anti-government statements and threats and may call upon others to act violently, except in rare circumstances where the speaker knows such violent threats have an immediate likelihood of getting others to immediately carry out such violence and reasonably knows that others have the ability and are likely to carry out such threats.**

**These First Amendment rights apply to every count in the indictment. If you find that the defendant's conduct was First Amendment protected speech, expression, or advocacy, you must find the defendant not guilty.**

**The United States Capitol is one of America's largest public buildings. It is the headquarters of the Legislative Branch of government, where the American people have broad rights to petition, advocate, protest, and meet with members of Congress and staff in order to promote or prevent the advancement of legislation or other congressional acts.**

**RESPECTFULLY SUBMITTED**

**/s/ Roger Roots, esq.**

**Cocounsel for Pezzola**

CERTIFICATE OF SERVICE

I hereby certify and attest that on April 5, 2023, I caused this document to be uploaded into this Court's electronic filing system, thereby serving it upon all parties of record.

/s/ Roger Roots