

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

UNITED STATES OF AMERICA

v.

JOSHUA BLACK,

Defendant.

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Case No.: 21-CR-127 (ABJ)

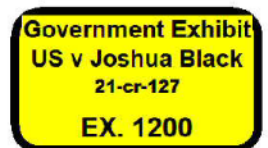
STIPULATIONS OF THE PARTIES

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Joshua Black, with the concurrence of his attorney, agree and stipulate to the following evidentiary issues and facts. Neither party shall be prohibited from calling witnesses to testify about, or introducing evidence to establish, any of the facts listed in these stipulations. These stipulations do not preclude either party from raising objections to the admissibility of evidence on other grounds.

Stipulation #1:

United States Capitol Police Closed Circuit Video Monitoring and Crime-Scene Footage

The United States Capitol Police (“USCP”) operate and maintain closed-circuit video monitoring and recording equipment that captures locations inside and outside the United States Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the date and time at which the footage is captured. The USCP-controlled video equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The footage accurately depicts a portion of the events at the Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video



footage is authentic in that it is what it purports to be. In addition, the compilation of USCP closed-circuit video footage marked as Exhibit 400, which contains footage from a number of different cameras, is an authentic compilation of true and accurate video footage from the USCP video equipment.

On January 6, 2021, USCP officers assigned to document crime-scene footage took photographs and videos of the events unfolding at the Capitol. This footage, taken from handheld cameras operated by those officers as part of their official duties, and compiled in Exhibits 416, 417, 418, and 419, accurately depicts the events at the Capitol on January 6, 2021, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be. Exhibits 416 through 419 depict footage of events at the Capitol's West Front, recorded by USCP Crime Scene Officer Douglas Luckel, from approximately 1:03 p.m. until 1:10 p.m.

Stipulation #2:
Metropolitan Police Department Video Monitoring by Body-Worn Cameras

The Metropolitan Police Department of the District of Columbia ("MPD") operates and maintains body-worn cameras ("BWC") that capture video recordings of its officers' activities and surroundings. The video equipment timestamps each recording with the date and time at which the footage is captured, and a code identifying the camera number which can be used to identify the officer assigned that camera on a particular day. The MPD BWC equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The video footage accurately depicts a portion of the events at the Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

Stipulation #3:
Police Radio Communications

Law enforcement agencies, including the United States Capitol Police, United States Secret Service, and Metropolitan Police Department operate and maintain radios that allow officers to communicate with one another and with others while performing their duties. The equipment includes various radio channels, and sometimes allows users to transmit or listen across multiple channels simultaneously. The recordings from these radio communications on January 6, 2021, are accurate, and the audio record was not altered or edited in anyway. The audio files are authentic in that they are what they purport to be.

Stipulation #4:
House and Senate Recording Studios Video Footage

On January 6, 2021, much of the proceedings taking place on the Senate and House floors were contemporaneously recorded by the Senate Recording Studio and the House Recording Studio, respectively. The Senate Recording Studio's purpose is to serve the Senate. The House Recording Studio's purpose is to serve the House. Cameras on the Senate and House floors record activity occurring there. This footage is also broadcast through the Cable-Satellite Public Affairs Network, better known as C-SPAN. The video footage from these cameras accurately depicts the events on the Senate and House floors, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

The video footage compiled in Exhibits 500, 503, 504, 505, 506, and 507 accurately depicts the events on the Senate and House floors on January 6, 2021, the timestamps on the recordings are accurate, and aside from clipping relevant portions of video for presentation during this trial, the video footage was not altered or edited in any way. Exhibit 500 is a compilation of footage

from the House and Senate Chambers pertaining to the certification proceedings for Electoral College vote count. Exhibit 508 is a montage of footage from Exhibits 503 through 507 that focuses on Joshua Black's appearances in the Senate Chamber. The video footage in all these exhibits taken from the House and Senate Recording Studio videos is authentic in that it is what it purports to be.

Stipulation #5:
Videos and Photographs Recorded by Third Parties

Individuals who were present at the United States Capitol building and on Capitol grounds also recorded videos and took photographs. Many of these videos and photos are publicly available and show the same events recorded by United States Capitol Police-controlled video equipment. The following videos and photographs all accurately depict various portions of the events at the U.S. Capitol on January 6, 2021, and are authentic in that they are what they purport to be:

Exhibit	Description
600	Breach of the Northwest Plaza barricade at the Capitol (YouTube Video - Police under attack at US Capitol!!! (COPWATCH).mp4)
601	Video showing individuals, including Mr. Black, at the Northwest Plaza (NW Plaza Exit Gate (CAPITOLFOOTAGE@PROTONMAIL).mp4)
602	Video showing Mr. Black breach Northwest Plaza barricade (Clip of Breach of NW Plaza Exit Gate (RMG News).mp4)
603	Footage of Southwest Plaza at the Capitol (SW Sector of Capitol Grounds (CAPITOLFOOTAGE@PROTONMAIL).mp4)
604	Mr. Black struck with less-than-lethal munition at Southwest Plaza (Black Getting Shot (Townhall Media).mp4)
605	Footage of Mr. Black after being struck with less-than-lethal munition #1 (Black Post-Shot 1.mp4)
606	Footage of Mr. Black after being struck with less-than-lethal munition #2 (Black Post-Shot 2.mp4)
607	Individuals angered and assaulting police officers after Mr. Black was struck with less-than-lethal round; Mr. Black stating, "Don't hurt him," after officer fell to ground; other statements by Mr. Black (RMG News Long.mp4)

608	Black with wound saying he does not need “medical” (Black Doesn't Need Medical.mp4)
609	Video showing Black standing at police line with wound (Black with Wound at Police Line.mp4)
610	YouTube Video showing Mr. Black behind police line at West Front after getting shot (Black Receiving Aid behind Line.mp4)
611	Wooden beam advancing forward toward police line (Wooden Beam.mp4)
612	Street Interview of Black.mp4
700	Recorded livestream video of breach of Capitol’s East Rotunda Doors (Rotunda Doors (Ignoramus).mp4)
701	Video of breach of Capitol’s East Rotunda Doors #2 (Eastside Capital Building 1 6 21 (RFIRN YouTube).mp4)
702	French media video of breach of Capitol’s East Rotunda Doors (Bangumi French News Media Video - trimmed.mp4)
703	Journalist (Matthew Nigro) video of breach of Capitol’s East Rotunda Doors (The US Capitol Breach As It Happened (NigroTime).mp4)
704	<i>Los Angeles Times</i> video of breach of Capitol’s East Rotunda Doors (Rotunda Doors (L.A. Times).mp4)
705	Cellphone video of breach of Capitol’s Rotunda Doors (Rotunda Doors (cellphone video).mp4)
706	<i>New York Times</i> photo of breach of Capitol’s East Rotunda Doors (jan6additional-7 (New York Times - Rotunda Doors).jpg)
800	Cellphone video of Senate East Staircase (We will not stand down (Munchel).mp4)
802	<i>The New Yorker</i> video of Senate floor (A Reporter’s Footage from Inside the Capitol Siege.mp4)
803	Social-media photo of Mr. Black on Senate floor (Black Sitting on Floor (Mitchell Photo).jpg)
1002	Revised Video Montage with Secret Service Communications.mp4

Stipulation #6:
Cellphone Evidence

On and leading up to January 6, 2021, Joshua Black was in possession of and used an Apple iPhone 11 cellphone associated with the telephone number 205-383-9981. The Federal Bureau of Investigation generated a digital image of Mr. Black’s cell phone, which is an exact and accurate duplicate of the data contained on the phone. The data obtained from the extraction of Mr. Black’s cellphone and from that image is authentic and the parties stipulate to the foundation that this data,

including the user-generated photos depicted in Exhibits 300, 301, 302, 303, 304, 305, and 306 were recovered from the cellphone used by Mr. Black. The parties further stipulate that the user-generated photos created on this cellphone on January 6, 2021, including the photos depicted in Exhibits 300 through 306, were taken by or at the direction of Mr. Black and are authentic.

Stipulation #7:
YouTube Records

On and leading up to January 8, 2021, Joshua Black operated a YouTube account with the username “LetUs Talk.” Subscriber records and account information provided by Google, Inc., which owns YouTube, are true and accurate records of Mr. Black’s account. The parties stipulate to the authenticity and foundation of the video files created and posted on January 8, 2021, which were created by and depict Mr. Black.

Stipulation #8:
Joshua Black’s Interviews with FBI Agents and Statements to Local Police Officers

On January 8, 2021, Joshua Black voluntarily reported to the local police station in Moody, Alabama, and voluntarily spoke with FBI agents there. The interview was audio and video recorded. The recording of the interview is accurate, and the file is authentic in that it is what it purports to be.

Before his January 8, 2021, interview, Mr. Black also conversed with local police officers in a waiting area of the Moody police station. The conversation was audio and video recorded. The recording of the conversation is accurate, and the files of the recording are authentic in that they are what they purport to be.

On January 14, 2021, Mr. Black voluntarily reported to the local police station in Moody, Alabama, for a second time, and voluntarily spoke with FBI agents there. The interview was audio

and video recorded. The recording of the interview is accurate, and the file is authentic in that it is what it purports to be.

Stipulation #9:
Constitutional and Statutory Authority

The following Constitutional and statutory authority is relevant and admissible at trial:

- Article II, Section 1 of the Constitution of the United States;
- The Twelfth Amendment of the Constitution of the United States;
- The remaining provisions of the Constitution of the United States (as needed at trial); and
- Title 3, United States Code, Sections 15 through 18, relating to the Electoral College Certification Official Proceedings.

Stipulation #10:
The Capitol Building and Grounds

The United States Capitol, which is located at First Street, S.E., in Washington, D.C., is secured 24 hours a day by United States Capitol Police (USCP). Only authorized people with appropriate identification are allowed access inside the Capitol. Restrictions around the Capitol building and grounds include permanent and temporary security barriers and posts manned by USCP.

On January 6, 2021, the Capitol was closed to the public and accessible by only those with credentialed access or their guests. The security barriers in place that day included bike racks that were positioned to the north of the Capitol along Constitution Avenue; to the south of the Capitol along Independence Avenue; to the west of the Capitol along First Street on the eastern side of that street (West Front); and, on the east side of the Capitol, between the Capitol Plaza (East Front) and the grassy areas located between the Plaza and First Street. Within the West Front of this restricted area there were additional temporary barriers due to preparations and ongoing construction for the Presidential Inauguration which was scheduled for January 20, 2021, including

green snow fencing and signs stating “Area Closed By order of the United States Capitol Police Board.”

On January 6, 2021, the restricted area described above, and as depicted in Exhibit 901, was a posted, cordoned-off, or otherwise restricted area where the Vice President, Mike Pence, and members of his immediate family were and would be temporarily visiting, and therefore constituted a “restricted building and grounds” as that term is used in Counts Two and Three of the Superseding Indictment. Further, the entire area described above, and as depicted in Exhibit 901, was within the “United States Capitol Grounds” as that term is used in Count Four of the Superseding Indictment and was within the shaded area depicted in Exhibit 913.

Stipulation #11:
The Certification of the Electoral College Vote

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in both the House and Senate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020.

On January 6, 2021, the House of Representatives began its session at approximately Noon, the Senate began its session at approximately 12:30 p.m., and the two Houses met together at approximately 1:00 p.m. in the House of Representatives chamber to begin the joint session. Vice President Mike Pence was in the Capitol building and presiding over the joint session. At approximately 1:15 p.m., the House and Senate adjourned to their separate chambers for up to two hours to resolve a particular objection, as provided by law.

At approximately 2:12 p.m., Vice President Pence evacuated the Senate chamber, and approximately one minute later, the senator who had become the presiding officer in Vice

President Pence's absence declared that the Senate would stand in recess. Senators evacuated the Senate chamber.

At approximately 2:15 p.m., Speaker of the House Nancy Pelosi, who was presiding over the House of Representatives, evacuated the House chamber, and approximately 15 minutes later, the representative who had become the presiding officer in her absence declared that the House would stand in recess. Representatives evacuated the House chamber.

The joint session was suspended.

The Senate and House resumed meeting at approximately 8:06 p.m. and 9:02 p.m., respectively. Congress's joint session continued until approximately 3:44 a.m. on January 7, 2021, when it completed the certification of the Electoral College vote.

Stipulation #12:
Desk Assignments in the United States Senate

On January 6, 2021, each United States Senator was assigned a particular desk on the Senate floor. The map of the Senate chamber marked as Exhibit 916 is a true and accurate depiction of the desks assigned to each Senator on January 6, 2021. Desk number 70 was assigned to Senator Ted Cruz, a Republican from Texas. The photographs and historical details of desk number 70 that are marked as Exhibit 916 are true and accurate depictions of desk number 70 and true and accurate descriptions of its appearance and origin.

Stipulation #13:
Joshua Black's Clothing and Possessions on January 6, 2021

On January 14, 2021, the Federal Bureau of Investigation ("FBI") recovered a knife from Mr. Black's residence and secured it in evidence storage. This knife is marked as Exhibit 200. The photograph marked as Exhibit 205.A is a true and accurate depiction of the knife seized from Joshua Black's home on January 6, 2021.

On January 6, 2021, Mr. Black wore a hooded green camouflage-patterned jacket. The FBI obtained this jacket from Mr. Black and secured it in evidence storage. This jacket is marked as Exhibit 201. At various times on January 6, 2021, Mr. Black wore a red ballcap with white lettering reading, "MAKE AMERICA GREAT AGAIN." The FBI obtained this hat from Mr. Black and secured it in evidence storage. This hat has been marked as Exhibit 202. The photographs marked as Exhibits 206, 207, 208, 209, and 210, are true and accurate depictions of the jacket, gloves, and hat Mr. Black wore to the Capitol on January 6, 2021.

Stipulation #14:
Photographs of Joshua Black on January 6, 2021

The photographs marked as Exhibits 102 and 103 are true and accurate depictions of Joshua Black inside the United States Capitol on January 6, 2021. In the photos, Mr. Black is standing on the floor of the United States Senate. Mr. Black has a red-brown beard and blood can be seen on his left cheek. He is wearing a red ballcap with white lettering, sunglasses on top of his hat, a hooded green camouflage-pattern jacket, a white T-shirt with black lettering, and yellow gloves. The ballcap Mr. Black is wearing in both photographs is the same hat marked as Exhibit 202. The jacket he is wearing in both photographs is the same jacket marked as Exhibit 201. Exhibit 103.A is a cropped image of the photograph in Exhibit 103.

FOR THE DEFENDANT

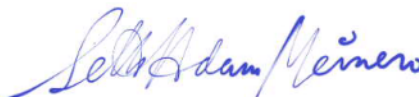
JOSHUA BLACK
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