

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

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL CASE NO: 1:21-CR-0382-PLF
	)	
CHRISTOPHER WARNAGIRIS,	)	BENCH TRIAL: NOVEMBER 8, 2023
	)	
DEFENDANT.	)	

**RESPONSE TO GOVERNMENT’S MOTION IN LIMINE  
TO LIMIT CROSS EXAMINATION OF U.S.S.S. WITNESS**

Christopher Warnagiris is scheduled for a bench trial on November 8, 2023.

The DOJ has filed a motion in limine to limit the cross-examination of the U.S. Secret Service Witness.

The defense opposes this motion partially.

**D) Opposed Portion**

The Government specifically seeks the preclusion of defense cross-examination questions related to “the locations where protectees or their motorcades are taken at the Capitol.” This is a problem for Counts charged under 18 U.S. Code § 1752, which prohibits entry into “any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting.”

The statute specifically prohibits entry into an *area of* a building or grounds — but not entry into the building or grounds in and of themselves generally. The statute prohibits entry only into an area where a protected individual *is or will be* temporarily visiting, but not where the protected individual *was previously*. The area of the building where the protected individual is or will be visiting is directly consequential to the charges brought against the defendant in Counts Four, Five, and Six. Therefore, the location of V.P. Pence is indispensable to a trial on these Counts.

Disallowing the defendant to cross-examine a witness against him on allegations directly relevant to his charges is a violation of the Confrontation Clause as well as the Due Process Clause, and the Defendant’s right to present a complete defense.

The Government does not need to prosecute these counts if they wish to keep the relevant information concealed. However, if the Government continues with these Counts, the defendant is entitled to a public trial on the facts directly relevant to the indicted charges.

## **II. Unopposed Portion**

The Government seeks to protect information about “the nature of Secret Service protective details, such as the number and type of agents the Secret Service assigns to protectees.” Since this information is not directly relevant to any Count in the Indictment, the Defense will respect the Government’s wishes. Mr. Warnagiris is not interested in cross-examining witnesses on issues that are irrelevant to his charges and has no plans of making his trial into the spectacle that the Government appears to be expecting.

