

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL DEAN ALFORD,

Defendant.

Criminal Action No. 21-cr-263 (TSC)

ORDER

For the reasons explained at the court’s pretrial conference, held on September 2, 2022:

- The Government’s Motion *in Limine* as to camera locations, ECF No. 51 is **GRANTED**. Should the Defendant, however, feel it necessary to introduce such evidence, he is instructed to inform the court beforehand so that it might conduct an *in camera* evidentiary hearing.
- The Government’s Motion *in Limine* as to authentication, ECF No. 52 is **GRANTED in part and DENIED in part**. The court denies the Government’s motion as to judicial notice of a portion of the D.C. Circuit’s opinion in *Trump v. Thompson*, 20 F.4th 10, 17-18 (2021). The court grants—as to authenticity only—the Government’s motion as to the “John Sullivan”/“JaydenX” video and the “Rumble.com” video. Defendant is instructed to propose a limiting instruction as to video graphics and logos should they so desire.
- The Government’s Motion *in Limine* as to entrapment by estoppel, ECF No. 53 is **GRANTED**. Defendant may, however, present evidence of law enforcement conduct as it relates to *mens rea* if he believes that the door has been opened to such evidence and informs the court beforehand.

- The Government's Motion *in Limine* as to inattentive blindness, ECF No. 54 is **GRANTED**. However, the expert testimony may be admitted, pending a hearing on its admissibility, should the Defendant take the stand and the expert testimony relate to his testimony. The Defendant must notify the court of its intention to introduce this evidence beforehand, so that the court may schedule a time for this hearing.
- Defendant's Motion *in Limine* as to the term "misdemeanors", ECF No. 55 is **GRANTED**. Should the term "misdemeanor" be used at trial, Defendant is instructed to request a curative instruction, should one be necessary.
- Defendant's Motion *in Limine* as to "prejudicial terminology", ECF No. 56 is **DENIED**, though counsel are cautioned to use their best judgment as to inflammatory language.
- Defendant's Motion *in Limine* as to vicarious criminal liability, ECF No. 75 is **DENIED**.

It is further **ORDERED** that a second pretrial conference shall be held via Zoom on **September 23 at 10:00 AM**. Mr. Alford's presence, upon consent of his counsel, is waived.

Date: September 9, 2022

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge