

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

UNITED STATES OF AMERICA :
 :
 v. : **CASE NO. 21-cr-195-TFH**
 :
 DEBORAH SANDOVAL and :
 SALVADOR SANDOVAL, :
 :
 Defendants. :

JOINT PRETRIAL STATEMENT

Pursuant to the Court’s Pretrial Order, filed June 29, 2022 (ECF No. 63), the parties hereby jointly submit this pretrial statement.

I. Joint Statement of the Case

The government alleges that Ms. Deborah Sandoval and her son, Mr. Salvador Sandoval Jr., unlawfully entered the restricted grounds of the United States Capitol and the Capitol building on January 6, 2021. While on restricted grounds they engaged in disorderly or disruptive conduct and they illegally paraded, demonstrated, or picketed. Additionally, the government alleges that that Mr. Sandoval assaulted several Metropolitan Police Department officers, obstructed, influenced, or impeded Congress’s certification of the Electoral College vote, and participated in a Civil Disorder. Ms. Sandoval and Mr. Sandoval have pleaded not guilty to all charges.

II. Proposed *Voir Dire* Questions

The following are the *voir dire* questions on which the parties agree:

- a. Do you live outside of the District of Columbia?
- b. Do you, your immediate family, or close personal friends live or work at or near the U.S. Capitol Building?
- c. Do you or someone you know have a direct or indirect connection to the events that occurred at the U.S. Capitol on January 6, 2021?
- d. Do you know or are you acquainted with the defendants in this case, Deborah Sandoval and Salvador Sandoval Jr.?

- e. Have you seen or heard anything in the news or elsewhere about Ms. Sandoval or Mr. Sandoval?
- f. Do you have such strong personal feelings or opinions about the events that took place at the U.S. Capitol on January 6, 2021, such that you would be unable to follow my instructions on the law and be a fair and impartial juror in this case?
- g. Do you have any strong personal feelings or opinions about the outcome of the 2020 presidential election, such that it would impact your ability to be fair and impartial in this case?
- h. The government is represented in this case by Trial Attorney Brian Brady and Assistant United States Attorney Holly Grosshans. (Please have them stand and introduce themselves.) Do you know Mr. Brady or Ms. Grosshans?
- i. Do you know or are you acquainted with Mathew M. Graves, the United States Attorney for the District of Columbia?
- j. Ms. Salvador is represented in this case by Komron Jon Maknoon. (Please have him stand and introduce himself.) Do you know Mr. Maknoon?
- k. Mr. Salvador is represented in this by David Tobin and Trever Hook. (Please have them stand and introduce themselves.) Do you know Mr. Tobin or Mr. Hook?
- l. (Introduce courtroom personnel.) Do you know or are you acquainted with any of these individuals?
- m. Are you related to, or acquainted with, any one of the following witnesses that the government may call? (Please have government read list of witnesses.)
- n. Are you related to, or acquainted with, any one of the following witnesses that the defendant may call? (Please have defense read list of witnesses.)
- o. There are many people on this jury panel. Do you recognize another member of the panel as being a relative, close friend, or associate?
- p. I will instruct the jury at the end of the trial that the testimony of a police officer should be treated the same as testimony from any other witness and that the jury should give either greater or lesser weight to the testimony of a witness simply because that witness is a police officer. Do you have such strong feelings or opinions about police, either positive or negative, that would make it difficult for you to follow this instruction?
- q. The burden of proof, as in all criminal cases, is proof beyond a reasonable doubt, and this burden rests on the government and never shifts to the defendant. While it is a strict and heavy burden, it is not an impossible burden. The government, for example, is not required to prove guilt beyond all doubt. Would anyone hold the government to a higher burden than beyond a reasonable doubt?
- r. All defendants have constitutional right not to testify, and if Ms. Salvador or Mr. Salvador decides not to testify, I will instruct you that you cannot hold their silence against them in any way. Would you have any difficulty following that instruction?

- s. Jurors are the sole judges of the facts, but they must follow the principles of law as I instruct. The jury may not choose to follow some rules of law and ignore others, and even if the jury disagrees with or dislikes a rule of law, or does not understand the reasons for some of the rules, it is the jury's duty to follow those rules. Will you have any difficulty following my legal instructions, whatever they may be?
- t. Do you have any moral, social, political, philosophical, spiritual, religious or any other creed or belief that would make it hard for you to sit as a juror in this case?
- u. If you are selected as a juror in this case, I will continue to instruct you to avoid all media coverage relating to this case, including radio, television, podcasts, social media, and other Internet sources. That is, you will be forbidden from reading any newspaper articles about this case, listening to any radio or podcast stories about this case, or watching any TV news about this case. You will also be forbidden from Googling this case, blogging, tweeting, reading, or posting comments about this case on social media sites or anywhere else on the Internet. Do you have any reservations or concerns about your ability or your willingness to follow this instruction?
- v. Does anyone in this group (that is, you, members of your immediate family, or close personal friends) work for, or have previously worked for, any law enforcement agency. This includes any local police or sheriff's department in or outside the District of Columbia and it includes federal law enforcement agencies like the FBI, the Secret Service, the Department of Homeland Security, and the U.S. Capitol Police. It also includes any prosecutors' offices, such as a U.S. Attorney's office, a state's attorney's office, or a district attorney's office.
- w. Has anyone in this group (that is, you, members of your immediate family, or close personal friends) ever attended law school, worked as a lawyer, or worked in a law office?
- x. Has anyone in this group (that is, you, members of your immediate family, or close personal friends) ever been arrested for, charged with, or convicted of a crime, other than traffic violations?
- y. Have you formed strong opinions concerning defense attorneys, prosecutors, or accused persons that would affect you in deciding this case?
- z. Has anyone in this group (that is, you, members of your immediate family, or close personal friends) ever been the victim of or witness to a crime?
- aa. Has anyone in this group testified in court before?
- bb. Have you had any experience as a grand juror or trial juror? Was there anything about the experience that you believe makes you unable to be fair and impartial as a juror in this case?
- cc. If, after considering all of the evidence and my instructions on the law, you find the defendant guilty of one or more counts in the indictment, it will be my job as the judge and my job alone to determine the punishment. The law does not permit you to consider the issue of punishment because there are factors, having nothing to do

with this trial, which will help me determine the appropriate sentence, if any. Would you have difficulty, or would you be uncomfortable serving as a juror knowing that you will not have any say in any fine, restitution, or jail sentence that I may impose?

- dd. (Describe the Courtroom COVID-19 protocols, such as plexiglass, masks, and spacing, if any.) Would any of you be uncomfortable serving as a juror with these safety protocols in place?
- ee. Do you have any health or medical problems that would interfere with your ability to listen carefully and pay attention to the testimony in this case?
- ff. Do you have any difficulty speaking, reading, writing, or understanding the English language?
- gg. Do you have any personal beliefs, whether religious, philosophical, or otherwise, such that you could not, after hearing all the evidence and law in this case, pass judgment on another person in a criminal case by returning a verdict of guilty?
- hh. We expect the presentation of evidence in this case to conclude early next week. After the close of evidence, the jury will deliberate until it reaches a decision. Would serving as a juror in this case be an extreme hardship to you? And by this this, I mean extreme. Serving on a jury is often inconvenient. What I am asking is whether serving on this jury would be very difficult to you.
- ii. My final question is a catchall question. Are there any other reasons that I have not asked about that might make it difficult for you to sit fairly, impartially, and attentively as a juror in this case?

III. Proposed Jury Instructions

The full text of the jury instructions are attached.

IV. List of Expert Witnesses

The parties do not intend to illicit testimony from any expert witnesses.

V. Prior Convictions

Ms. Sandoval does not have any prior convictions.

Mr. Sandoval does not have any prior convictions.

VI. Exhibit List

The parties' exhibit lists are attached.¹

¹ There are no objections from either party to the exhibit lists at this time. The parties reserved their right to make objections and will promptly notify opposing counsel and the Court of any objections.

VII. Stipulations

A list of anticipated stipulations with Ms. Sandoval is attached. Mr. Sandoval has not agreed to any stipulations at this time.

VIII. Proposed Verdict Form

Proposed Verdict Form is attached.

Respectfully submitted,

Matthew M. Graves
United States Attorney
D.C. Bar No. 481052

/s/ Trever Hook

Trever Hook
Kutmus, Pennington & Hook
5000 Westown Parkway Ste.
310
West Des Moines, IA 50266
(515) 288-3339
trever@kphlawfirm.com

By: /s/ Brian D. Brady

Brian D. Brady
Trial Attorney, Department of Justice
DC Bar No. 1674360
1301 New York Ave. N.W., Suite 800
Washington, DC 20005
(202) 834-1916
Brian.Brady@usdoj.gov

/s/ Komron J. Maknoon

Komron J. Maknoon
Maknoon & Associates, LLC
309 Smithfield Street 4th Floor
Pittsburgh, PA 15222
(412) 201-1802
kjm@maknoon-law.com

/s/ Holly F. Grosshans

Holly F. Grosshans
Assistant United States Attorney
D.C. Bar No. 90000361
U.S. Attorney's Office for the District of Columbia
601 D Street, N.W.
Washington, D.C. 20530
(202) 252-6737
Holly.Grosshans@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2022, we caused a copy of the foregoing motion to be served on counsel of record via electronic filing.

/s/ Brian D. Brady

Brian D. Brady
Trial Attorney

/s/ Holly Grosshans

Holly Grosshans
Assistant United States Attorney