

Count One, the 1512 offense; 2) the factual theory for the violent and disorderly conduct required in Counts Two through Four; and 3) the factual theory for the intent to impede an orderly session of Congress alleged in Count Four. On June 1, 2022, the government responded with, for the first time, its factual theory for charging Mr. Seefried as both a principle and an aidor and abettor on Count One (Obstruction of Justice). There, the government clarified that it alleges that Mr. Seefried “join[ed] with and encourage[d] others, to prevent the Certification proceeding from occurring at the time prescribed by law....” Gov. Resp. to Request for Bill of Particulars. For the first time, the government articulated the factual basis for its aiding and abetting theory as follows:

In particular, evidence at trial will show that each defendant joined with a group of individuals who were targeting members of Congress and that each defendant’s actions – individually and in concert with others – aimed to prevent lawmakers from fulfilling their constitutional responsibilities by participating in the Certification proceeding. Specifically, each defendant violently and unlawfully entered the U.S. Capitol and joined with others who intended to prevent lawmakers from fulfilling their constitutional responsibilities by participating in the Certification proceeding.

Id.

3. In response to the proposed exhibits and government’s bill of particulars, undersigned counsel filed a Motion *in Limine* to exclude evidence of spontaneous acts of others of which Mr. Seefried was not aware. *See* ECF No. 79. The Motion was in direct response to the government’s recent disclosures. Undersigned counsel failed to file an accompanying Motion for leave to late-file. The Court denied the Motion as untimely.
4. Undersigned counsel apologizes for failing for moving for permission to late-file and respectfully submits the instant Motion and moves the Court to reconsider its Order denying the Motion as untimely.

Wherefore, the foregoing reasons and any others that appear to the Court, Mr. Seefried moves the Court for permission to late-file a Motion *in Limine*, currently docketed as ECF. No. 79 and respectfully moves the Court to consider the Motion on its merits.

Respectfully submitted,

A. J. KRAMER
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/s/

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