

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

UNITED STATES OF AMERICA : **1:21-CR-618-ABJ**
:
v. :
:
RILEY JUNE WILLIAMS :

**DEFENDANT’S RESPONSE TO UNITED STATES’ MOTION *IN LIMINE*
REGARDING AUTHENTICATION OF CERTAIN VIDEO AND PHOTO
EVIDENCE**

Defendant Riley June Williams, by and through her attorneys, hereby respectfully submits this response to the Government’s Motion *in limine* Regarding Authentication of Certain Video and Photo Evidence. (Doc. 76).

RESPONSE

The Government seeks an order from the Court generally finding open-source photo and video evidence offered by the Government to be authentic and admissible under F.R.E. 901(b)(3), which permits authentication by comparison to a known specimen. To the extent that the Government intends to introduce the open-source items specifically set forth and identified on pages 9, 11 and 14 of its motion, the Defendant does not object to the authentication of those photographs/videos via F.R.E. 901(b)(3).

In the final paragraph of its motion, the Government indicates it “will use a similar approach to introduce and authenticate other non-government-produced

photographs and videos, if not stipulated to by the parties.” (Doc. 76, p. 15).

Without knowing which precise photographs and videos¹ the Government is seeking to authenticate using F.R.E. 901(b)(3), the defense cannot agree at this time to their preliminary authenticity. However, defense counsel expect that counsel for both sides will revisit this matter together upon the exchange of exhibit lists prior to the submission of the joint pretrial statement, and the Defendant will note any authenticity objections to specific exhibits at that time.

Date: October 7, 2022

Respectfully submitted:

/s/ Lori J. Ulrich

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¹ For example, the Government provided the defense with supplemental discovery that included a video clip that purports to be taken in Speaker Pelosi’s office. However, as far as defense counsel is aware, there is no Metropolitan Police or Capitol Police footage of the Speaker’s office, thus there is no known “specimen” to use for authentication of such a video via F.R.E. 901(3). Accordingly, the defense would object to the authentication of this particular video, and potentially others, by use of F.R.E. 901(b)(3).

/s/Brandon R. Reish

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CERTIFICATE OF SERVICE

I, Lori J. Ulrich, Esquire, of the Federal Public Defender's Office, do hereby certify that I served a copy of the foregoing **Defendant's Response to United States' Motion *in limine* Regarding Authentication of Certain Video and Photo Evidence** via Electronic Case Filing, and/or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, and/or by hand delivery, addressed to the following:

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RILEY JUNE WILLIAMS

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