

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-cr-6 (TJK)
v.	:	
	:	
DOUGLAS AUSTIN JENSEN,	:	
	:	
Defendant.	:	

STIPULATION OF THE PARTIES

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Douglas Austin Jensen, with by and through his attorney, agree and stipulate to the following:

The Capitol Building and Grounds

By law, the U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Only authorized people with appropriate identification are allowed access inside the Capitol. Restrictions around the Capitol building and grounds include permanent and temporary security barriers and posts manned by USCP.

On January 6, 2021, the Capitol was closed to the public and accessible by only those with credentialed access or their guests. The security barriers in place that day included bike racks that were positioned to the north of the U.S. Capitol along Constitution Avenue; to the south of the U.S. Capitol along Independence Avenue; to the west of the U.S. Capitol along First Street on the eastern side of that street (West Front); and, on the east side of the U.S. Capitol, between the Capitol Plaza (East Front) and the grassy areas located between the Plaza and First Street. Within the West Front of this restricted area there were additional temporary barriers due to preparations

and ongoing construction for the Inauguration which was scheduled for January 20, 2021, including green snow fencing and signs stating “Area Closed By order of the United States Capitol Police Board.”

On January 6, 2021, the restricted area described above, and as depicted in Exhibit 601A, was a posted, cordoned off, or otherwise restricted area where the Vice President and members of his immediate family were and would be temporarily visiting, and therefore constituted a “restricted building and grounds” as that term is used in Count Four.

The Certification of the Electoral College Vote

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in both the House and Senate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020.

On January 6, 2021, the House of Representatives began its session at approximately 12:00 p.m., the Senate began its session at approximately 12:30 p.m., and the two Houses met together at approximately 1:00 p.m. in the House of Representatives chamber to begin the joint session. Vice President Mike Pence was in the Capitol building and presiding over the joint session. At approximately 1:15 p.m., the House and Senate adjourned to their separate chambers for up to two hours to resolve a particular objection.

At approximately 2:12 p.m., Vice President Pence evacuated the Senate chamber, and approximately one minute later the senator who had become the presiding officer in Vice President Pence’s absence declared that the Senate would stand in recess. Senators evacuated the Senate chamber.

At approximately 2:15 p.m., Speaker Nancy Pelosi, who was presiding over the House of Representatives, evacuated the House chamber, and approximately fifteen minutes later the representative who had become the presiding officer in her absence declared that the House would stand in recess. Representatives evacuated the House chamber.

The joint session was suspended.

The Senate and House resumed meeting at approximately 8:06 p.m. and 9:02 p.m., respectively. Congress's joint session continued until approximately 3:44 a.m. on January 7, 2021, when it completed the certification of the Electoral College vote.

The certification of the vote count of the Electoral College was an "official proceeding" as that term is used in Count Two. It also amounted to "Government business and official functions" as those terms are used in Count Five. Finally, the certification of the vote count of the Electoral College was a "session of Congress or either House of Congress," and a "hearing before, or any deliberation of, a committee of Congress or either House of Congress," as those terms are used in Count Six.

Federally Protected Function

A "federally protected function," as that term is used in Count One, includes the United States Capitol Police's protection of the U.S. Capitol and the Capitol grounds and the United States Secret Service's protection of the Vice President of the United States and immediate family members of the Vice President.

United States Capitol Police Closed Circuit Video Monitoring

The United States Capitol Police (USCP) operate and maintain closed-circuit video monitoring and recording equipment that captures locations inside and outside of the U.S. Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the

date and time at which the footage is captured. The USCP-controlled video equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The events depicted in the video footage are a fair and accurate depiction of the events at the U.S. Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

Metropolitan Police Department Video Monitoring by Body-Worn Cameras

The Metropolitan Police Department of the District of Columbia (MPD) operate and maintain body-worn cameras (BWC) that capture video recordings of its officers' activities and surroundings. The video equipment timestamps each recording with the date and time at which the footage is captured, and a code identifying the camera number which can be used to identify the officer assigned that camera on a particular day. The MPD BWC equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The events depicted in the video footage are a fair and accurate depiction of the events at the U.S. Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

Police Radio Communications

Law enforcement agencies, including the U.S. Capitol Police (USCP) and U.S. Secret Service (USSS), operate and maintain radios that allow officers to communicate with one another and with others while performing their duties. The equipment includes various radio channels, and sometimes allows users to transmit or listen across multiple channels simultaneously. The recordings from these radio communications on January 6, 2021, are accurate, and the audio record

was not altered or edited in anyway. The audio files are authentic in that they are what they purport to be. Specifically, the parties agree that the USCP radio recordings at Exhibit 150, and the USSS radio recordings at Exhibit 528, are authentic recordings of those respective radio transmissions.

Videos and Photographs Recorded by Third Parties

Individuals who were present at the U.S. Capitol building and on Capitol grounds also recorded videos and took photographs. Many of these videos and photos are publicly available and show the same events recorded by USCP-controlled video equipment. The following videos and photographs identified by the government by exhibit number are all fair and accurate depictions of the events at the U.S. Capitol on January 6, 2021, and are authentic in that they are what they purport to be:

- Exhibit 500 - Video taken from vantage point outside of U.S. Capitol building on West lawn, identified as S.C.N.R. with filename *SCNR screenrecording.wmv*
- Exhibit 501 - Video taken from vantage point outside of U.S. Capitol building on Capitol steps, identified as “Insurgence USA,” with filename *Insurgence USA long -- Full Video Trump Supporters Storming The Capitol.mp4*
- Exhibit 502 - Video taken from vantage point outside of U.S. Capitol building on Upper West Terrace, identified as BG On the Scene, with filenames *089B-WF-3376790_0000024_Import.mov* and/or *BGOnTheScene 11_11-12_49.mp4*
- Exhibit 503 - Video taken from vantage point on an upper floor of U.S. Capitol building of Upper West Terrace, with filename *Gjy5pIQ5zlkE.mp4*
- Exhibit 504 - Video taken from vantage point of outside, then inside, the U.S. Capitol building near Senate Wing Doors, identified as ProPublica, with filename *ProPublica Entrance Video.mp4*
- Exhibit 505 - Video taken from vantage point of inside the U.S. Capitol building first and second floors, identified as Igor Bobic or Huffington Post, with file name *IgorBobicGoodmanChase.mp4*
- Exhibit 506 - Video taken from vantage point inside the U.S. Capitol building, second floor, with filename *PV4HTOSRVJ40.mp4*
- Exhibit 507 - Video taken from vantage point inside the U.S. Capitol building, second floor, identified as RMG News, available at <https://www.youtube.com/watch?v=V-fkunG5J6k>

- Exhibit 526 - Video compilation of third-party videos in sync with security cameras showing vantage points both inside and outside the U.S. Capitol building, with demonstrative maps, first and second floor, available at <https://www.youtube.com/watch?v=quTbyIV4h7M&t=282s>
- Exhibit 528 - Video compilation consisting of video and taken vantage point inside the U.S. Capitol building first and second floors, also including U.S. Capitol Police Closed-Circuit Video and U.S. Secret Service radio transmissions.
- Exhibits 530, 531, 532, 533, 534, and 535 – Video recovered from the cell phone of defendant Albert Ciarpelli, D.D.C. case no. 21-mj-00038, including file names *IMG_1577.mov* through *IMG_1584.mov*
- Exhibit 551 - Video taken from vantage point then inside, the U.S. Capitol building east Rotunda entrance, identified as TruNews, available online at https://ia804506.us.archive.org/7/items/8cDxjwRmduZaJmqDR/15_15_E_W_Driver_Goggles_D.mpeg4
- Exhibit 552 - Video taken from vantage point inside the U.S. Capitol building east Rotunda foyer, identified as Getty Images Video, available online at <https://www.gettyimages.fr/detail/vid%C3%A9o/donald-trump-supporters-storm-the-united-states-film-dactualit%C3%A9/1295317197>
- Exhibit 553 - Video taken from vantage point outside, then inside, the U.S. Capitol building east Rotunda entrance, from defendant Damon Beckley, D.D.C case no. 21-cr-00285-JEB, with filename *Beckley – VID_20210106_151632100.mp4*
- Exhibits 510, 512, 513, 514, 515, and 516 - Photographs taken from vantage point inside the U.S. Capitol building Ohio Clock Corridor, identified as Getty Images, Associated Press photos, and others, with the filenames:
- *gettyimages-1230453186-2048x2048.jpg*
 - *gettyimages-1230453310-2048x2048.jpg*
 - *gettyimages-1230453493-2048x2048.jpg*
 - *IMG_0047.jpeg*
 - *IMG_0049.JPG*
 - *IMG_0051.JPG*
- Exhibit 580 - A still frame from video taken at the National Mall on January 6, 2021, during the “Stop the Steal” rally

Authenticity and Foundation of Electronic Evidence

On and leading up to January 6, 2021, Doug Jensen was in possession of and used an Apple iPhone X associated with the telephone number (515) 306-4353. The Federal Bureau of

Investigation generated a digital image of Jensen's cell phone, which is an exact and accurate duplicate of the data contained on the phone. The data, including message logs and content, images, videos, and other records, obtained from the extraction of Jensen's cell phone and from that image, is authentic and the parties stipulate to the foundation that this data was recovered from the cell phone used by Doug Jensen. The parties stipulate to the authenticity and foundation of the photos and videos at Exhibits 331 through 355, which are user-generated files created by Jensen's iPhone X. The parties stipulate that the text messages summarized in Exhibits 321 through 325 are accurate summaries of text message data found on Jensen's phone.

On and leading up to January 6, 2021, Doug Jensen operated a Facebook account with the username DAJeeper, under the display name "Doug Jensen." Subscriber records, account information, posts, comments, and correspondence to and from this account provided by Facebook (operated by Meta Platforms, Inc.) are true and accurate records of Doug Jensen's account and correspondence. The parties stipulate to the authenticity and foundation of the posts and messages contained in Exhibits 380 through 384, which come from Jensen's Facebook account.

On and leading up to January 6, 2021, Doug Jensen operated a Twitter account with the username @DAJeeper and the display name "Doug Jensen." Subscriber records, account information, posts, comments, and correspondence to and from this account provided by Twitter are true and accurate records of Doug Jensen's account and correspondence.

Authenticity and Foundation of Physical Evidence

Throughout the day on January 6, 2021, Doug Jensen had in his possession a pocket knife. He brought the same knife to the Des Moines Police Department on January 8, 2021. This knife was later obtained by the FBI and secured in evidence storage as Item number 1B2, designated

Exhibit 312. The photographs marked as Exhibits 313 and 314, are true and accurate depictions of Exhibit 312, the knife in Doug Jensen's possession on January 6 and 8, 2021.

On January 6, 2021, Doug Jensen wore a black T-shirt with the words "Trust the Plan" atop a picture of the letter "Q" and an eagle. This T-shirt was later obtained by the FBI and secured in evidence storage as Item number 1B1, designated Exhibit 310. The photograph marked as Exhibit 311 is a true and accurate depiction of Exhibit 301, the shirt worn by Doug Jensen on January 6, 2021.

Respectfully submitted,

For the United States:

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