

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES	:
	:
v.	: Case No. 21-CR-28 (APM)
	:
BENNIE PARKER	:

BENNIE PARKER’S MOTION IN LIMINE TO EXCLUDE EVIDENCE

COMES NOW Defendant, Bennie Parker, through undersigned counsel, Stephen F. Brennwald, Esq., and in support of his Motion in Limine to Exclude Evidence, states as follows:

Defendant is charged with a variety of offenses as a result of the events of January 6, 2021, at the United States Capitol.

In discovery, the government disclosed a brief (1 minute and 13-second) interview of defendant Bennie Parker filmed by an unknown entity outside of the Capitol building, apparently on January 6, 2021. Near the end of that video, the defendant states: “...and if we need to, it will come to a civil war, and a lot of people are willing to take up their arms.”

Defendant believes that the government intends to use this video as evidence at trial.¹

He objects to the use of that evidence, maintaining that the evidence is irrelevant to the charges in this case, given its conditional nature (“*if* we need to...”), and the risk of unfair prejudice and confusion of the issues any use of the statement would create. Fed. R. Evid. 403.

For the sake of brevity, defendant broadly adopts the arguments and reasoning on pages 8 through 12 of ECF Doc. 782.

¹ The government has not listed this item of evidence in its 404(b) notice (ECF Doc. 777-2), but defendant files this motion out of an abundance of caution.

WHEREFORE, for the foregoing reasons, as well as for such other reasons as may appear to this Court, defendant moves, in limine, to exclude the evidence described above, and for any other relief this Court deems just and proper.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent, by ECF, this 16th day of December, 2022, to all parties of record.

/s/

Stephen F. Brennwald