

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA §
v. § Case No.:21-CR-38 (CRC)
RICHARD BARNETT, §
Defendant §

NOTICE OF DEFENSE EXPERT

COME NOW BRADFORD L. GEYER, Counsel for Richard Barnett, and inform the United States Attorney’s Office and the Court that the defense is intending to designate Mark K. Snell as the defense team’s expert on the evaluation of the effectiveness of security force response and emergency operations employed to protect high value facility targets, *See attached CV*.

Under Rule 26(a)(2)(B) Mr. Snell is not one retained or specially employed to provide expert testimony in this case and he is not regularly involved in giving expert testimony.

Mr. Snell’s opinion is that a sophisticated, organized attack on the Capitol began just before 1 PM with the intention of occupying it and flooding the building with large numbers of Trump supporters so as to allow the latter to protest outside the Chambers; and that soon after the House Chamber was evacuated sometime between 2:45 and 2:50 PM, approximately, those attackers who organized and executed these activities on the second floor then left, leaving a large number of

protestors, who knew nothing about the planned assault, in place to do as the latter saw fit. As to the US Capitol Police and the Secret Service, it is his opinion that the decision to evacuate both Houses of Congress was reached between approximately 2:20 and 2:35 p.m. and that a decision was made to not resume Certification of the Electoral Votes until, among other requirements, the Restricted Capitol Grounds (not just the Capitol Building by itself) were cleared.

The further conclusion he reaches is that the activities involving in purposely and corruptly storming and occupying the Capitol on the one hand; and those involved in putting the Certification into recess, evacuating the Chambers, and clearing the Grounds on the other, were not affected in any more significant way by Mr. Barnett compared to how these activities were affected by any one of the thousands of Trump supporters on the Capitol Grounds who did not enter the Capitol or attack police. Thus Mr. Barnett did not corruptly contribute to obstructing or impeding an official proceeding by delaying any activities such as evacuation on the front end or in clearing the grounds so Certification could resume on the back end. Nor did he corruptly influence that proceeding by entering and remaining in the United States Capitol without authority and engaging in disorderly and disruptive conduct because all the members of Congress had been evacuated to other buildings off the Capitol Grounds.

Dated: December 19, 2022

RESPECTFULLY SUBMITTED

/s/ Brad Geyer
Bradford L. Geyer, PHV pending
PA 62998
NJ 022751991
Suite 141 Route 130 S.
303
Cinnaminson, NJ 08077
Brad@FormerFedsGroup.Com
(856) 607-5708

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, a true and accurate copy of the forgoing was electronically filed and served through the ECF system of the U.S. District Court for the District of Columbia.

/s/ Brad Geyer
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