IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	**Case No.: 21-CR-60 (CKK)**
v.	:	
JESUS D. RIVERA,	:	
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, Jesus D. Rivera, with the concurrence of his attorney and the defendant[1], hereby enter into the following agreement relating to the authenticity, chain of custody, and admission into evidence at trial of certain exhibits.

The parties hereby stipulate to the following:

United States Capitol Police Closed Circuit Video Monitoring

The United States Capitol Police (USCP) operates and maintains closed-circuit video monitoring and recording equipment (CCTV) 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 CCTV equipment was in good working order on January 6, 2021, and video footage recovered from the CCTV system with the timestamp of January 6, 2021 is footage from January 6, 2021. The events depicted in the video

[1] Pursuant to a June 3, 2022 email counsel for the defendant discussed the stipulations contained herein with the defendant and he has no objections to the same. Counsel advised the government to file the stipulation with representation that the defendant and his counsel have no objection to the same.

footage are a fair and accurate, 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.

The parties agree that any video obtained from the USCP CCTV can be admitted into evidence at trial without further foundation beyond this stipulation. The parties agree that the videos contained in Government exhibits 300, 302, 303, 304, 309, 311, 315, 316, 319, 322, 325, 327, 329 are from the USCP CCTY system.

Defendant's Facebook Account

On January 11, 2021 the Government executed a search warrant on the Facebook Account of the Defendant. Government Exhibits 305, 310, 326, 328, 400, 401 and 402 were provided to the Government from the Facebook Custodian of Records. The exhibits have not been altered or edited in any way and are authentic in that they are what they purport to be. The parties agree that these exhibits may be introduced into evidence at trial without establishing additional foundation beyond this stipulation.

Defendant's Camera and SD Memory Card

Pursuant to a search warrant the Government seized Exhibit 4, a Sony Digital Camera (serial number 3415868), belonging to the Defendant. Inside the camera was Exhibit 12, a secure digital (SD) memory card (serial number BP2032353038Y). Government Exhibits 306, 308, 312, 314, 317, 320, 321, 323, 324, 330, 333 and 334 were obtained from a search warrant on the SD card. The exhibits have not been altered or edited in any way and are authentic in that are what they purport to be. The parties agree that the exhibit set forth above may be introduced into evidence at trial without establishing additional foundation beyond this stipulation.

Defendant's phone

Pursuant to a search warrant the Government seized Exhibit 11, a black iPhone 10 cellphone, belonging to the Defendant. The following exhibits were located on the Defendant's phone: Government Exhibit 1, 331, 332. The exhibits have not been altered or edited in any way and are authentic in that are what they purport to be. The parties agree that the exhibits set forth above may be introduced into evidence at trial without establishing additional foundation beyond this stipulation.

Instagram Live Video of Jessecah Rivera

Government's Exhibit 403 is a true and accurate recording of a broadcast made by Jessecah Rivera, the wife of the Defendant, on January 7, 2021. The exhibit has not been altered or edited in any way and is authentic in that it is what it purports to be. The Government has filed a motion seeking to admit statements contained within the exhibit as adoptive statements of the Defendant. If the Court grants the motion the parties agree that the Government may introduce Exhibit 403 at trial without establishing additional foundation beyond this stipulation.

Congressional Record Montage

The parties agree that Exhibits 205 through 214 are self-authenticating and may be admitted into evidence at trial without any further foundation.

Preservation of all other rights

The parties agree that the defendant preserves all other rights not specifically waived by this stipulation.

Respectfully submitted,

FOR THE DEFENDANT

FOR THE UNITED STATES
MATTHEW M. GRAVES
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D.C. Bar No. 481052

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