

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	No. 21-cr-117 (TFH)
	:	
RYAN NICHOLS,	:	
	:	
Defendant.	:	

JOINT NOTICE REGARDING DECEMBER 20 HEARING

The parties respectfully submits this response to the Court’s December 7, 2021 minute order, directing the parties to file: (1) a list of any witnesses who will testify; (2) a list of exhibits, clearly identified according to the same numbering scheme presented in each parties’ respective briefing, including video exhibits, that each party intends to present at the hearing, identifying the specific portions of any video(s) to be played at the hearing; and (3) a statement of how much time each side is requesting for argument and presentation of evidence.

The Government’s Position

1. The Government does not intend to call any witnesses at the hearing and will proceed by proffer. *See United States v. Smith*, 79 F.3d 1208, 1209-10 (D.C. Cir. 2010).

2. The Government intends to present the following exhibits at the hearing:

Gov. Ex. 07 (Livestream March Video) titled Million + Patriots Marching to Capital!

Timestamps: 00:00-1:00; 5:10-5:30; 7:40-13:50; 14:40-15:10; 16:05-16:20;
17:25-18:09

Gov. Ex. 08 (CCTV)

Timestamp 1:16:00-1:20:00; 1:59:15-2:02:50

Gov. Ex. 12 (Nichols Spraying Video)

Timestamp: Entire video (44 seconds)

Gov. Ex. 15 (Political Trance Video)

Timestamp 6:20-9:44

Gov. Ex. 18 (Post-Riot Livestream), titled “Are Patriots Calling For Violence? Why Weren’t You Here? WE HAVE TO TALK!”

Entire video (10 minutes, 26 seconds)

3. The Government requests one hour for the Government’s argument and presentation of evidence.

The Defendant’s Position

1. The defense does not intend to call any witnesses.
2. The defense intends to present the following exhibits at the hearing:

Defense Exhibit 1

Defense Exhibit 5

Defense Exhibit 6

Defense Exhibit 10

Defense Exhibit 13

Timestamp 02:02:00– 03:00:00

Defense Exhibit 14

Timestamp 01:00:00-01:20:00

Defense Exhibit 15

Full video

Defense Exhibit 18:

Timestamp 32:00-35:00

Defense Exhibit 21

Defense Exhibit 22

3. The defense requests ninety minutes for the defense argument and presentation of evidence.

The Defense further states that the defense has just begun formal hearing preparation. As such, all of the information listed above is subject to change. The Defense will promptly alert both the Court and the Government should it need to make an adjustment.

Respectfully submitted,

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