

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ALEX KIRK HARKRIDER (02)

No. 1:21-cr-117 (TFH)

**GOVERNMENT’S RESPONSE TO
DEFENDANT HARKRIDER’S MOTIONS IN LIMINE**

The government files these responses to defendant’s motions in limine (ECF 116):

- 1) No objection. The government does not plan to offer any news reports of police personnel who died during or after January 6, 2021.
- 2) No objection. The government does not plan to introduce evidence regarding former President Trump’s various election related lawsuits, other than any references made by the former President himself, during his January 6th rally at the Ellipse.
- 3) No objection. The government is not planning to introduce evidence concerning the defendant’s knowledge of, or affiliation with, any militia organization. If the government discovers any new evidence to the contrary, it will address the issue with the Court prior to introducing any such evidence to the jury.
- 4) No objection. By definition, the government is not planning to offer any “irrelevant” evidence. Accordingly, it does not oppose this motion.
- 5) The government is opposed. A defendant’s criminal history is relevant for many purposes, including impeachment should he testify.

- 6) Opposed. The defendant's transportation of firearms to Virginia on January 5, 2021, is directly relevant to his intent on January 6th, including his anticipation of engaging in a violent struggle.
- 7) The government does not understand this to be a proper motion in limine. The government is aware that it may have to address certain *Bruton* issues and can do so by "sanitizing" various statements.
- 8) No objection. The government does not intend to offer the defendant's "mug shot."
- 9) Opposed. The defendant does offer any legal or factual basis for his motion urging the Court not to admit "tags" of the defendant by others, including Ryan Nichols, on Facebook or other social media. Should the defendant offer any legal or factual basis for this motion in a reply brief, the government will respectfully ask for permission to submit a sur-reply in response.
- 10) Opposed. To establish the elements of 18 U.S.C. §§ 231 and 1512, the government is required to prove certain events at the Capitol on January 6, 2021, that did not directly involve Mr. Harkrider. For example, one element of § 231 is that a "civil disorder" occurred at the Capitol on January 6, 2021. A "civil disorder" is defined as "any public disturbance involving acts of violence by groups of three or more persons, which (a) causes an immediate danger of injury to another individual, (b) causes an immediate danger of damage to another individual's property, (c) results in injury to another individual, or (d) results in damage to another individual's property." To do so, the government intends to introduce evidence, including some evidence not directly involving Mr. Harkrider, demonstrating acts of violence by three or more persons and damage to the

Capitol building caused by Mr. Harkrider and others. Similarly, the government will offer evidence of what was occurring at various times inside the House and Senate chambers in support of the Obstruction count, even though Mr. Harkrider never entered those rooms.

CONCLUSION

The government respectfully requests the Court to rule on the defendant's motions in limine consistent with the government's positions set forth above.

Respectfully submitted,

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