

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

UNITED STATES OF AMERICA

v.

**ERIC MUNCHEL and
LISA EISENHART,**

Defendants.

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Case No. 1:21-cr-118 (RCL)

Judge Royce C. Lamberth

**UNITED STATES' EXHIBIT LIST FOR
BENCH TRIAL WITH STIPULATED FACTS**

The United States admitted the below exhibits without objection during the bench trial with stipulated facts held on April 18, 2023.

Exhibit #	File Name or Description	Length (L) and Relevant Portion (RP) If Applicable	Corresponding Stipulated Statement of Facts Paragraph #
<i>100 Series</i>			
101	Hotel CCTV still from 1/5 showing defendants unloading bags and vests		8, 10, 12
102	Hotel CCTV still from 1/6 depicting defendants' clothing, including vests		10, 12
<i>200 Series</i>			
201	Restricted Area Map		1, 2
202	January 6 th Montage		4-6
203	West Lawn Montage		14
204	House and Senate Floor Montage		3, 7
205	12 th Amendment		3
206	3 U.S.C. § 15		3
207	3 U.S.C. § 16		3
208	3 U.S.C. § 17		3
209	3 U.S.C. § 18		3
210	S. Con. Res. 1		3

Exhibit #	File Name or Description	Length (L) and Relevant Portion (RP) If Applicable	Corresponding Stipulated Statement of Facts Paragraph #
211	Senate Records Certification		3
212	House. Records Certification		3
213	Congressional Record-Senate		3, 7
214	Congressional Record-House		3, 7
300 Series			
301	Munchel Cell Phone Recording	<i>See pages 4-12, infra</i>	13-61
302	Photo of USCP wearing riot gear on Lower West Terrace, from behind		4, 5
303	Photo of USCP wearing riot gear on Lower West Terrace, from side		4, 5
304	Photo of man displaying "TRUMP WINS!" newspaper		4, 5
400 Series			
401	Photo of defendants on Capitol grounds		10
402	Photo of Munchel climbing over banister in Senate Gallery		10, 13, 51, 54
403	Photo of Munchel just after climbing over banister in Senate Gallery		10, 13, 51, 54
404	Annotated version of Ex. 402		10, 13, 51, 54
500 Series			
501	CCTV—Upper West Terrace Door	L: 00:34 RP: Entirety	43
501.1	Still from Ex. 501 showing defendants' entry		43
501.2	Copy of Ex. 501.1 with defendants circled		43

Exhibit #	File Name or Description	Length (L) and Relevant Portion (RP) If Applicable	Corresponding Stipulated Statement of Facts Paragraph #
502	CCTV—Upper West Terrace Door (Interior)	L: 00:13 RP: Entirety	43
503	CCTV—Rotunda	L: 01:14 RP: 00:23-1:05	25, 44
503.1	Still from Ex. 503 showing defendants in the Rotunda		25, 44
503.2	Copy of Ex. 503.1 with defendants circled		25, 44
504	CCTV—3 rd Floor East Corridor	L: 01:15 RP: 00:56-1:15	46
505	CCTV—Senate gallery hallway	L: 01:01 RP: 00:46-1:01	47
506	CCTV-Hallway outside Senate Room 309	L: 02:30 RP: 1:50-2:21	47
506.1	Still from Ex. 506 showing defendants in the Senate gallery hallway		47
506.2	Copy of Ex. 506.1 with defendants circled		47
507	CSPAN—Senate	L: 1:11:19 RP: 12:29-	54
507.1	Clip of relevant portion	L: 00:54 RP: Entirety	54
507.2	Still from Ex. 507 showing defendant in the Senate gallery		54
507.3	Copy of Ex. 507.2 with defendants circled		54
508	CCTV—Senate gallery hallway W	L: 01:14 RP: :00-:08	60
509	CCTV-West Stairs	L: 00:45 RP: 00:17-:24	60
510	CCTV-Senate Carriage Doors	L: 00:31 RP: 00:12-:26	60
510.1	Still from Ex. 510 showing defendants walking past magnetometers to exit the Capitol		60
510.2	Copy of Ex. 510.1 with defendants circled		60

Exhibit #	File Name or Description	Length (L) and Relevant Portion (RP) If Applicable	Corresponding Stipulated Statement of Facts Paragraph #
600 Series			
601	London Times Article		62-63
700 Series			
701	Photo from Munchel search warrant—zip ties		51, 54, 57, 59, 61

The statements in paragraphs 13 through 61 below can be found in Exhibit 301, a video that defendant MUNCHEL recorded on his cell phone. Below are relevant quotes from that video and time stamps within Exhibit 301 for each accompanying quote and paragraph:

13. MUNCHEL also wore his cell phone mounted on his chest, with the camera facing outwards. When MUNCHEL and EISENHART arrived at the Capitol, the cell phone that he wore recorded a 50-minute video that captured the majority of MUNCHEL and EISENHART's approach to the Capitol and entry into the Capitol.

a. Exhibit 301

14. MUNCHEL and EISENHART walked to the Capitol. Initially, MUNCHEL and EISENHART stood on the green surrounding the U.S. Capitol Building while other rioters forcefully overwhelmed the police lines.

a. Exhibit 301

15. EISENHART yelled, "Fight 'em, don't let 'em in! Fight 'em, don't let them in! Don't let them in!" EISENHART then yelled, "Push, push!" EISENHART then yelled "We can't let them get a hold, because they're going to gas us out!"

a. Exhibit 301 @ 01:57, 03:45, and 04:00 respectively

16. MUNCHEL and EISENHART were aware that tear gas was being deployed and discussed the effectiveness of their masks against the tear gas.

a. Exhibit 301 @ 07:25

17. MUNCHEL and EISENHART heard someone yell out, “we broke the line up there.” Cheers could be heard throughout the crowd. EISENHART yelled out, “Let’s go, let’s go!”

a. Exhibit 301 @ 10:50 and 11:15-20

18. MUNCHEL and EISENHART pushed their way systematically through the crowd surrounding the Capitol, with EISENHART shouting, “Let’s go in, Let’s go in!”

a. Exhibit 301 @ 11:50

19. MUNCHEL and EISENHART encountered members of the Oath Keepers militia. An unidentified man stated, “there are 65 more of us coming.” MUNCHEL bumped fists with one of the militiamen. (12) EISENHART told MUNCHEL, “we’re going straight to federal prison if we go in there with weapons.” MUNCHEL responded “yeah, that’s why I’m not going in there,” and EISENHART stated that they should put “em” in their backpacks.

a. Exhibit 301 @ 12:00-12:35

20. EISENHART urged other people to enter the Capitol, stating, “go up in there! You can get up in there now! Go, go, go!”

a. Exhibit 301 @ 13:00

21. MUNCHEL and EISENHART then moved back across the crowd to an area where a backpack was stowed and MUNCHEL stashed a fanny pack in the backpack, which MUNCHEL admitted included at least a knife. MUNCHEL stated, “take my weapons off before

I go in there.” MUNCHEL observed that the cops “retreated.” EISENHART told MUNCHEL “drop your shit and let’s go.”

a. Exhibit 301 @ 13:00-15:55

i. 15:05 (weapons quote) and 15:50 (drop your shit)

22. EISENHART told an unidentified person “we are going in” and “the gas isn’t bad.” When asked if they were Proud Boys, MUNCHEL and EISENHART replied that they were not Proud Boys, they were “Proud Americans.”

a. Exhibit 301 @ 16:15-16:50

23. MUNCHEL and EISENHART continued to work their way through the crowd. Eisenhart yelled, “Let’s go, let’s go!”

a. Exhibit 301 @ 18:13

24. As MUNCHEL and EISENHART approached the scaffolding, erected in anticipation of President-Elect Biden’s inauguration, EISENHART stated, “they’re putting that up for the stupid inauguration.” An unidentified person stated, “for Biden,” and another unidentified person responded, “they won’t be needing that.” EISENHART replied, “that’s right.”

a. Exhibit 301 @19:15-20 and 22-55-23:00

25. MUNCHEL and EISENHART pushed their way through the crowd gathered on the lawn to continue towards the Capitol. MUNCHEL followed EISENHART, often holding onto the back of EISENHART’s tactical vest.

a. Exhibit 301

26. EISENHART stated to an unidentified man, “you got the real pepper spray, did you get flashbanged and pepper sprayed?” The unidentified man replied, “I got maced, I punched two [of] ‘em in the face.” EISENHART replied, “good.” EISENHART stated, “while everyone else is on their couch, you guys are training, and getting ready for it.”

a. Exhibit 301 @ 23:50-24:20

27. EISENHART joined in chants of “Our house!”

a. Exhibit 301 @ 24:55-25:05

28. EISENHART stated, “this shit is on the news, that guy was saying.” MUNCHEL replied, “Oh yeah . . . they are going to use this against us as hard as they can.” EISENHART replied, “I don’t care. That’s fine. They can.” MUNCHEL replied, “we ain’t playing fucking nice no god damn more.” EISENHART replied, “that’s right.”

a. Exhibit 301 @ 25:15-25:20

29. An unidentified man stated, “you guys look like y’all ready to go.” MUNCHEL responded, “we’re fucking ready to fuck shit up.”

a. Exhibit 301 @ 26:55-27:05

30. MUNCHEL instructed other people to “push in, push in.”

a. Exhibit 301 @ 27:45

31. MUNCHEL stated, “Oathkeepers. . . . those are the ones we want.”

a. Exhibit 301 @ 28:25-28:30

32. An unidentified man yelled, “Congress, Congress is shut down! Tear gas packages thrown in the Congress!” In response, EISENHART yelled, “Alright!” EISENHART laughed and then yelled, “they got teargassed, motherfuckers! Oh my God. If that isn’t my best

day to know that they got tear gassed.” An unidentified man stated that they “might as well hang them.”

a. Exhibit 301 @ 30:10-30:36

33. An unidentified person screamed, “We are storming the Capitol!”

a. Exhibit 301 @ 31:55 and 32:50

34. MUNCHEL and EISENHART then breached the scaffolding and crawled underneath the scaffolding in order to climb up the stairs.

a. Exhibit 301 @ 33:20-35:00

35. EISENHART screamed, “They’re still coming!” EISENHART laughed.

a. Exhibit 301 @ 34:15

36. EISENHART stated, “Stop the Steal. That’s right, baby.”

a. Exhibit 301 @ 35:10-35:15

37. EISENHART stated, “Wonder who the story of – how we got in is going to be great. Who got us in the house.”

a. Exhibit 301 @ 36:15

38. Directly in front of the Capitol and near an entrance, MUNCHEL stated, “probably the last time I’ll be able to enter the building with armor and fucking weapons.”

a. Exhibit 301 @ 36:30

39. MUNCHEL then stated, “I guess they thought we were playing!”

a. Exhibit 301 @ 35:55

40. A line of police officers in riot gear can be seen holding a line to the south of MUNCHEL and EISENHART.

a. Exhibit 301 @ 37:35-43:00

41. MUNCHEL and EISENHART approached an entrance to the Capitol and discussed the deployed pepper spray. MUNCHEL encouraged other rioters, yelling that “pain is temporary weakness leaving your body!”

a. Exhibit 301 @ 37:55-38:15

42. MUNCHEL directed EISENHART to use her bandana because of the pepper spray and stated, “it’s gonna get spicy.”

a. Exhibit 301 @ 38:25-40

43. MUNCHEL and EISENHART entered the Capitol through the Upper West Terrace Door. The building sirens were audible. Police officers were standing to the right of the door and did not block their entry.

a. Exhibit 301 @ 37:35-38:50

44. MUNCHEL and EISENHART walked up a set of stairs into the Rotunda. MUNCHEL and EISENHART crossed the Rotunda.

a. Exhibit 301 @ 39:00-39:15

45. MUNCHEL and EISENHART went upstairs to the third floor of the Capitol where EISENHART joined in chants of “Treason!” and yelled, “Treasonous bastards!”

a. Exhibit 301 @ 41:39-41:44

46. MUNCHEL stated to EISENHART that they didn’t want to get stuck in there because it was “not a place for us.”

a. Exhibit 301 @ 42:09

47. MUNCHEL and EISENHART walked past a sign indicating the direction of the Senate Gallery and continued in the direction of the Senate Gallery.

a. Exhibit 301 @ 42:20

48. While walking through the Capitol, MUNCHEL told members of the mob “don’t vandalize anything,” “we aren’t Antifa.”

a. Exhibit 301 @ 42:50

49. An unidentified man near MUNCHEL and EISENHART shouted, “1776 all over again!”

a. Exhibit 301 @ 43:00

50. MUNCHEL told other rioters, “don’t break shit,” “no vandalizing shit, we ain’t no goddamn Antifa, motherfuckers,” and “you break shit, I break you.”

a. Exhibit 301 @ 43:20-43:45

51. While inside, MUNCHEL and EISENHART spotted plastic handcuffs, known as “zip ties.” Upon seeing the zip ties, MUNCHEL shouted “zip ties! I need to get me some of them motherfuckers.” MUNCHEL took several zip ties and EISENHART took one. Multiple other individuals took zip ties.

a. Exhibit 301 @ 43:40-44:00

52. EISENHART yelled, “Freedom! Traitors! We want a fair election!”

a. Exhibit 301 @ 44:00-44:20

53. MUNCHEL said “no vandalizing shit,” to another rioter.

a. Exhibit 301 @ 44:15

54. MUNCHEL and EISENHART both entered the Senate gallery, both still carrying the zip ties, and MUNCHEL still carrying his Taser in his holster. MUNCHEL unlatched one of the Senate gallery doors.

a. Exhibit 301 @ 44:40-45:00

55. While inside the Senate gallery, unidentified individuals can be heard yelling, “Anybody home,” “they all left,” “where’d you go?” and “Treason!” EISENHART chanted “Treason! Treason!”

a. Exhibit 301 @ 45:00-45:30

56. MUNCHEL looked down at the dais and said, “I want that fucking gavel,” referring to the Senate’s artifact.

a. Exhibit 301 @ 47:22

57. MUNCHEL and EISENHART Exhibit 301ited the Senate Gallery with the zip ties still in their hands. An unidentified person stated, “where’d these cowards go?” EISENHART stated, “cowards.”

a. Exhibit 301 @ 47:33

58. EISENHART stated, “I’m gonna get arrested right this minute,” and laughed.

a. Exhibit 301 @ 48:05

59. EISENHART directed MUNCHEL not to carry the zip ties and stated they needed to get them “out of their hands.”

a. Exhibit 301 @ 48:40-5

60. MUNCHEL and EISENHART began looking for an exit. As they were exiting, MUNCHEL said to nearby police officers, “Sorry, guys, still love you.”

a. Exhibit 301 @ 49:25

61. While inside the Capitol, neither MUNCHEL nor EISENHART vandalized any property, aside from taking the zip ties, nor physically harmed another person.

Respectfully submitted,

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