

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 1:21-cr-00177 (CRC)
	:	
DANIEL DEAN EGTVEDT	:	
	:	
Defendant.	:	

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO
COMPEL OFFICER IDENTIFICATION**

The United States of America respectfully files this response to Defendant Daniel Egtvedt’s April 25, 2022 Motion to Compel Officer Identification. As discussed below, the government has been able to identify two of four officers that the defense asked the government to identify. There are no markings, insignia, or noticeable attributes on the other two individuals to assist the government in identifying the officers. The government, as of submission of this response, has been unable to identify the two remaining officers, but is continuing to inquire as to their identity. Accordingly, the government requests the Court deny the defendant’s motion. In support of this opposition, the government represents the following:

On April 21, 2022, counsel for the defendant emailed the government requesting, for the first time, the identities of four law enforcement officers who are seen from behind in U.S. Capitol Police (“USCP”) surveillance footage. Defense counsel provided the government with three marked-up screenshots of USCP surveillance footage, seen below:

Screenshot 1



Screenshot 2



Screenshot 3

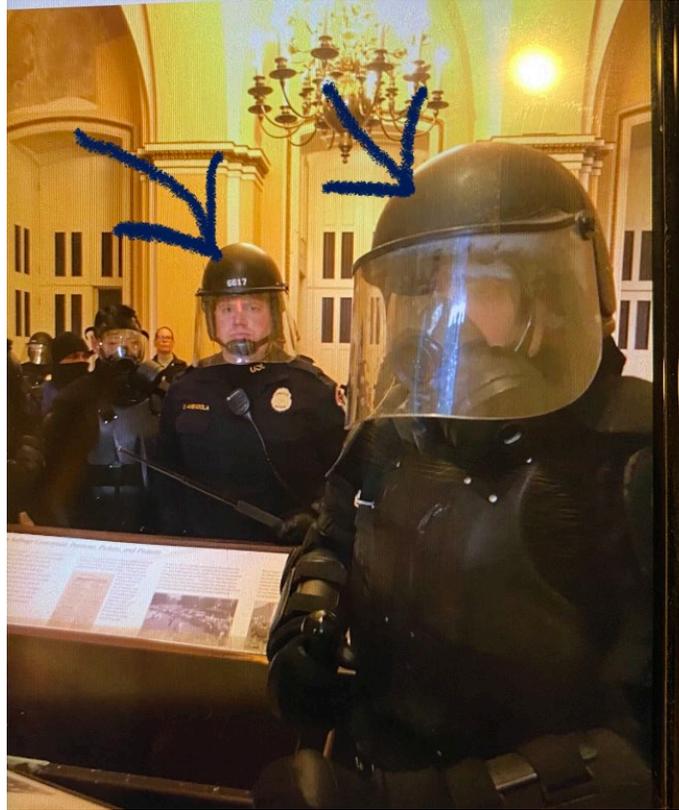


The defense also requested any reports such officers filed regarding the events of that day or filed against such officers or any *Brady* material relating to such officers.

As is obvious from the photographs, there are no readily apparent name tags, badges, or helmet numbers on these officers to assist in identifying them. Additionally, USCP officers, unlike Metropolitan Police Department officers, were not equipped with body worn cameras (“BWC”) on January 6, 2021, so there is no BWC to assist in identifying these officers. Upon receiving the defense’s request, undersigned counsel queried members of the U.S. Attorney’s Office, as well as individuals within USCP regarding the identity of the officers in defense counsel’s marked screenshots. The government was able to identify one of the officers as potentially being USCP Officer D. Amendola.

On April 22, 2022, the defense provided the government with the additional marked-up photograph below, obtained from the defendant’s cell phone¹:

¹ Notably, this photograph, along with the first two surveillance screenshots, are from approximately 2:37 pm on January 6, 2021. The defendant is alleged to have entered through the doorway seen in the screenshots over ten minutes later, at approximately 2:49 p.m., and alleged to have assaulted Officers M.M. and M.D. over thirty minutes later, at



Based upon this photograph, the government was able to confirm that the individual seen in the left of the photograph, with a visible badge and name tag, is USCP Officer Amendola. The government provided the defense with this information on April 22, 2022, and provided the defense with discovery materials relevant to Officer Amendola on April 26, 2022. Those discovery materials included both Officer Amendola's Use of Force Report from January 6, 2021, and USCP Lieutenant S. Grossi's Use of Force Report, which lists Officer Amendola in the report as another USCP Employee who was present on the scene.²

The government subsequently spoke with Officer Amendola and requested that he review additional images from USCP surveillance video. Officer Amendola was able to provide a possible identity of the officer in the third surveillance screenshot provided by defense, as well as

approximately 3:11 p.m.

² These materials had been previously provided to the defense as a part of the government's global discovery productions.

Lt. Grossi, and an additional officer who was present in the corridor by the Senate wing door at approximately 2:37 p.m. Officer Amendola was unable to identify any of the other officers seen in the marked-up photograph from the defendant's phone. The government provided the defense with the information from Officer Amendola, including the names of the other two officers, on May 7, 2022.

At this time, the government does not have any additional information regarding the identity of the two remaining unidentified officers in Screenshot 1 and Screenshot 2. While the photograph from the defendant's phone was helpful in identifying Officer Amendola, it only shows portions of the other officers' faces. These unidentified officers are wearing gas masks, face shields, and helmets, all of which make it difficult to discern their identity. And consistent with the USCP surveillance video, there are no visible badge numbers, name tags, or markings on the other officers in the defendant's phone photograph. As the government continues to meet with USCP officials in preparation for trial, the government will continue to inquire as to whether they can identify either of the two unidentified officers. If the government receives any identifying information for those officers, the government will immediately provide such information to defense counsel.

With respect to the discovery materials in this case related to the overall Capitol riot investigation and the USCP officers involved in the events of January 6, 2021, they are voluminous. The government has discovery material relating to hundreds of defendants, materials from multiple law enforcement agencies, and hundreds of hours of video footage and audio recordings. Undersigned counsel are continuing to review the materials and produce them to defense counsel; should discovery materials be located that contain information regarding the two unidentified officers, the government will provide those materials to the defendant, or direct the

defendant to the materials if they were already produced in global discovery.

In the meantime, the government has been providing the defense with USCP surveillance videos, radio run communications, interviews of USCP officers, USCP Use of Force Reports, USCP Office of Professional Responsibility (“OPR”) investigations of alleged wrongdoing by USCP officers on January 6, 2021, USCP files related to assaults on officers, and USCP Casework Files, among other materials, as a part of its global discovery productions. In short, the government takes its discovery obligations seriously and is not trying to conceal the identities of any of the officers that may have been in the immediate proximity of the defendant when he forced his way into the U.S. Capitol on January 6, 2021. However, given the very limited amount of identifying information available as to the two remaining officers, the government has not been able to determine, as of submission, the identity of the officers. The government will continue to inquire as to their identities and provide any information regarding their identities to defense counsel.

WHEREFORE, the Government respectfully requests that the Court deny the Defendant’s Motion to Compel Officer Identification.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the Government's Opposition to the Defendant's Motion to Compel Officer Identification was served on all counsel of record via the Court's electronic filing service.

/s/ Colleen D. Kukowski
COLLEEN D. KUKOWSKI
Assistant United States Attorney

Date: May 9, 2022