

KIRA ANNE WEST*Attorney at Law*

712 H Street N.E., Unit 509

Washington, D.C. 20002

202-236-2042

kiraannewest@gmail.com

Michael Liebman
Colleen Kukowski
Assistant U.S. Attorneys
Patrick Henry Building
601 D St. NW, rm. 4-1501
Washington, D.C. 20530
Delivered Via Email

May 3, 2022

RE: *United States v. Egtvedt*, 21-cr-177 (CRC)

Dear Mr. Liebman & Ms. Kukowski,

We are writing today to request that the government provide access to the United States Capitol building for inspection and the ability to photograph, measure and videotape certain areas in preparation for the defense of Mr. Egtvedt's case currently scheduled for trial June 6, 2022. Undersigned defense counsel have attended two previous tours of the Capitol in preparation for this case and others. As part of these tours we were provided a list of public and non-public walkthrough locations. See attached Defense Counsel Capitol Walkthrough Locations letter. On this list the Senate Wing Door is designated as non-public. Additionally, despite being labeled as public, during those previous tours, we were told that the Hall of Columns is not a public area and could not be photographed or videotaped despite the fact that our investigator was there for that specific purpose.

All defense counsel have been told that if they attempt to deviate from the tour or take pictures in places designated as non-public, such as the Senate Wing Doors, they "will be asked to leave the tour and be banned from further tours." See Viewing letter attached with portion highlighted.

As you are aware, in the status hearing last week, Judge Cooper asked us to try and work together to find a way to allow us and their chosen investigator access to photograph, measure and record certain non-public spaces of the Capitol prior to trial. In particular, in this case, the defense needs access to the following:

1. Access to the Senate Wing Doors, both inside and outside, with the ability to photograph, record and measure objects and distances as portrayed in the screen photo below and elsewhere. It would also be helpful if you could explain how these doors open and close. The government has

identified the officer circled in the below picture as Officer Amendola of the USCP. (see Email of Kukowski to defense counsel of 4/22/22). As we explained to the Court, we have sought identification of the other officers in this picture and most importantly the one closest to the window/door who sprayed Mr. Egtvedt in the eyes with a chemical spray on January 6, 2021 through that door window. Additionally, we have asked for identification of the officer speaking with Mr. Egtvedt inside the Senate Wing Doors below. We are asking now for access to measure distances from the outside of the door alcove to the door window as well as the length and width of the barriers used in front of the door depicted here. We would also like similar access to the exterior of the Senate Wing Doors, patio and pathways leading up to the doors.



2. Access to and the ability to photograph or record any area just inside the atrium of the Senate Wing Doors where Mr. Egtvedt is seen on camera resting or talking to the officer depicted in the above screen shot taken from government provided video footage .
3. Access to and the ability to measure, record and photograph the interior pathway allegedly walked by the defendant on January 6, 2021 from the point of his alleged entrance in through the Senate Wing Doors and down an unknown hallway (depicted in the below photo from the criminal complaint) continuing through the Crypt and eventually through the Hall of Columns

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4. Our request includes the ability to walk, record and measure the time needed to traverse the path allegedly taken by Mr. Egtvedt through the Capitol on January 6, 2021.
5. Access to and the ability to photograph, record and measure distances in the Hall of Columns including the areas just outside the entrance and exit doors, the width of the hallway, the approximate distance between columns and the distance between the placement of the officers depicted in CCTV video screen shots below which are included in defendant's criminal complaint.

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Thank you for your cooperation in this matter. If you have any questions about our proposed agenda for the defense counsel crime scene walkthrough, please feel free to reach out to contact us. If possible, we would like to schedule the tour in the next two weeks to allow time for preparation and investigation follow-up in anticipation of our trial date on June 6, 2022.

Respectfully Yours,

/s/

Kira West and Nicole Cubbage
Attorneys For Defendant Egtvedt

Kira Anne West
DC Bar No. 993523
712 H Street N.E., Unit 509
Washington, D.C. 20002
Phone: 202-236-2042
KiraanneWest@gmail.com

Nicole Cubbage
DC Bar No. 999203
712 H. Street N.E., Unit 570
Washington, D.C. 20002
Phone: 703-209-4546
CubbageLaw@gmail.com

Attachments:

Capitol Walkthrough Locations

Viewing letter to Defense Counsel

Email of Ms. Kukowski to Defense Counsel 4/22/22