

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CASE NO. 21-cr-291-1 (ABJ)</b>
<b>v.</b>	:	
	:	
<b>THOMAS F. SIBICK</b>	:	
	:	
<b>Defendant.</b>	:	

**STATUS REPORT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby respectfully provides this status report in response to the Court’s October 28, 2021 minute order granting the Government’s unopposed motion (ECF No. 90) to hold in abeyance the October 26, 2021 minute order directing it to release defendant’s video exhibit.

On November 3, 2021, the Government discussed issues regarding the release of judicial records consisting of defense video exhibits in cases involving the January 6, 2021 attack on the U.S. Capitol with the D.C. Office of the Federal Public Defender (“FPD”) and court personnel. During that meeting, the Government expressed its view that the Government should not bear the responsibility of serving as the conduit for the release of defense video exhibits that constitute judicial records. In addition to raising issues such as imposing upon the Government the role of collecting and producing defense exhibits and having to vouch for the accuracy of non-Government exhibits that are publicly-released in hundreds of cases, the Government also cited to the language in Chief Judge Beryl A. Howell’s Standing Order, in which the Government was “directed to implement...the proposed ‘drop box’ technical solution to make available for viewing **the government’s video exhibits** submitted to the Court in Capitol Cases, including... posting

such video exhibits promptly from the time of the proceedings for which the exhibit is submitted, in compliance with any order issued by the presiding judge in the case.” *In Re: Media Access to Video Exhibits in Pretrial Hearings During the Covid-19 Pandemic*, Standing Order No. 21-28 (BAH) (May 14, 2021) (“Standing Order”) at 6 (emphasis added). Furthermore, the Government pointed to how defense exhibits that constituted judicial records had been treated in other high-profile matters in this district. Specifically, in *U.S. v. Ahmed Salim Faraj Abu Khatallah*, Judge Christopher R. Cooper ordered the following: “Upon request, **the admitting** party shall make available to the media at the end of the trial day a copy of any admitted exhibit that has been published to the jury and not restricted by the Court for dissemination.” Case No. 14-cr-00141 (Sept. 15, 2017) (ECF No. 341), at VII.

The Government continues to communicate with FPD and court personnel on this subject, but no definitive resolution regarding the responsibility for defense video exhibit dissemination has yet been reached. The Government will continue to update the Court on these efforts but requests that the Court continue to hold its October 26, 2021 minute order in abeyance until such time that this issue is resolved.

Respectfully submitted,

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