

# EXHIBIT

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER ALBERTS,

Defendant.

----- x

Criminal Action No.  
1:21-cr-00026-CRC-1  
Tuesday, April 11, 2023  
9:15 a.m.

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TRANSCRIPT OF JURY IMPANELMENT  
HELD BEFORE THE HONORABLE CHRISTOPHER R. COOPER  
UNITED STATES DISTRICT JUDGE

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APPEARANCES:

For the United States:

**JORDAN ANDREW KONIG, ESQ.**  
**U.S. DEPARTMENT OF JUSTICE**  
P.O. Box 55  
Ben Franklin Station  
Washington, DC 20044  
(202) 305-7917  
jordan.a.konig@usdoj.gov

**SAMUEL DALKE, ESQ.**  
**DOJ-USAO**  
228 Walnut Street, Suite 220  
Harrisburg, PA 17101  
(717) 221-4453  
samuel.s.dalke@usdoj.gov

**SHALIN NOHRIA, ESQ.**  
**UNITED STATES ATTORNEY'S OFFICE**  
601 D Street NW  
Suite Office 6.713  
Washington, DC 20001  
(202) 344-5763  
shalin.nohria@usdoj.gov

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APPEARANCES (CONTINUED) :

For the Defendant:

**JOHN M. PIERCE, ESQ.**  
**ROGER ROOTS, ESQ.**  
**JOHN PIERCE LAW P.C.**  
21550 Oxnard Street  
Suite 3rd Floor OMB #172  
Woodland Hills, CA 91367  
(213) 400-0725  
jpierce@johnpiercelaw.com  
rroots@johnpiercelaw.com

Court Reporter:

Lisa A. Moreira, RDR, CRR  
Official Court Reporter  
U.S. Courthouse, Room 6718  
333 Constitution Avenue, NW  
Washington, DC 20001  
(202) 354-3187

1 THE COURT: Okay. So I suspect it will take us  
2 about an hour to finish up in the morning, so you should be  
3 prepared to probably take a break, let them put their stuff  
4 in the jury room, and then we'll come back and roll into  
5 openings.

6 I know there are a few loose ends from I guess  
7 it's yesterday -- it seems like a long time ago now --  
8 regarding the filings that were made after the pretrial  
9 conference.

10 With respect to the two expert notices, the Court  
11 will exclude testimony from both experts. As an initial  
12 matter, I think both of the notices were untimely. I  
13 realize that I did not set a deadline for expert notices,  
14 but Rule 16(b)(1)(C)(ii), I think, can fairly be read to  
15 require disclosure sufficiently before trial to give the  
16 government an opportunity to counter the expert testimony  
17 notwithstanding a firm deadline from the Court.

18 Here the experts were noticed the weekend before a  
19 Tuesday trial where the government had requested reciprocal  
20 discovery, including expert notices, several months previous  
21 in mid-January. That timing is prejudicial to the  
22 government because it would not give them enough time to  
23 secure and prepare a counter expert.

24 As an alternative independent basis, the Court  
25 also would exclude the testimony of both experts under Rules

1 401 and 403.

2 With respect to Mr. Hill, expert testimony on  
3 excessive force by Capitol Police is not relevant to what  
4 the Court understands to be the potential self-defense claim  
5 by Mr. Alberts. Whether officers violated certain policies  
6 or standards in trying to control the crowd does not inform  
7 whether Mr. Alberts reasonably believed that he faced  
8 imminent threat of death or serious bodily harm or whether  
9 he could have taken actions to avoid any such threat.

10 Any threat by the officers or from the officers  
11 can be established through the videos and percipient witness  
12 testimony. There's not a need for an expert to say whether  
13 the officers' actions violated some rule or standard.

14 Even if Mr. Hill were qualified to testify about  
15 the rules of engagement governing Capitol Police officers  
16 specifically, which the notices do not establish, and even  
17 if Mr. Hill's proposed testimony had some marginal  
18 relevance, it is still inadmissible under 403 because it  
19 would risk confusing the jury about the relevant elements of  
20 any self-defense claim, and that risk substantially  
21 outweighs whatever probative value the testimony would have.

22 That said, Mr. Pierce, consistent with my practice  
23 in other cases -- and it sounds like similar to what Judge  
24 Kelly did in his case -- I have allowed the defense to call  
25 as a summary witness, you know, a paralegal or another

1 consultant -- I don't know if Mr. Hill would fit this bill  
2 or not -- through which the defense can introduce, you know,  
3 video evidence from the voluminous discovery that has been  
4 received that, you know, calls the jury's attention to  
5 something that the government believes is relevant and  
6 admissible and goes to its theory of the case. All right?

7 So, you know, for example, in past cases, you  
8 know, some defendants have claimed that, you know, they were  
9 waved in, and I've said, "Look, you know, if you can show me  
10 in the video where someone is waving your client in, feel  
11 free to call a summary witness and ask them to point that  
12 out." Okay?

13 No opinions. No editorials. No expert testimony.  
14 But to the extent that there are things within the videos  
15 that you've been provided in discovery that you think are  
16 admissible and would be helpful to the jury, I've allowed --  
17 similar to the government's, you know, case agent, who has  
18 pointed out things that are relevant to the government's  
19 case, I've allowed the defense to do that as well.

20 So if Mr. Hill would like to fulfill that role or  
21 is prepared to fulfill that role, I would welcome him to  
22 provide testimony along those lines. But, again, no  
23 editorialization or nothing that goes to a defense that is  
24 not a legally recognized or valid defense.

25 And then, you know, once those videos are in

1 evidence, counsel can make argument in closing as to what  
2 import the jury should place on them.

3 With respect to Mr. Heller, he's being offered as  
4 an expert in, quote, D.C. politics, D.C. community culture,  
5 and the Second Amendment and D.C. gun regulation. That  
6 testimony purportedly supports Mr. Alberts's necessity and  
7 Second Amendment defenses as described in the notice, but  
8 neither of those defenses is legally valid based on the  
9 facts of this case.

10 With respect to necessity, as we discussed  
11 yesterday, if the defense is that Mr. Alberts had no choice  
12 but to arm himself and enter the Capitol grounds to protest  
13 the election, then that is not a proper necessity defense.  
14 It's more in line with a jury nullification argument; and,  
15 therefore, evidence that goes to a legally insufficient  
16 defense is not relevant.

17 Again, that said, if the defendant testifies, and  
18 you were to ask him, you know, "Why did you come to  
19 Washington that day?" I would give him some leeway as to  
20 what the answer would be.

21 But that doesn't mean he's entitled to an  
22 instruction. That doesn't mean that counsel can argue  
23 necessity. But it's hard to -- you know, unless he goes too  
24 far, to stop him from saying, you know, "This is what  
25 motivated me to come to Washington." All right?

1           As for any Second Amendment defense, the Court has  
2 already determined that the statutes under which Mr. Alberts  
3 is currently charged do not violate the Second Amendment  
4 under D.C. Circuit precedent. So, again, arguing that the  
5 defendant somehow had a right to disregard a lawful statute  
6 would amount to an invitation to nullify the jury.

7           As a related matter, there were notices of a  
8 number of affirmative defenses.

9           The Second Amendment and necessity we've already  
10 mentioned.

11           With respect to the First Amendment defense, the  
12 Court previously ruled that there is no First Amendment  
13 right to engage in assaultive or other unlawful conduct. So  
14 Mr. Alberts's conduct on January 6th, to the extent it  
15 involved physical violence or unlawful presence or unlawful  
16 activities in a restricted area, is not protected by the  
17 First Amendment.

18           I'm not quite sure I followed all of Mr. Roots's  
19 argument yesterday about certain areas of the Capitol not  
20 actually being restricted, but to the extent the defense  
21 wants to argue that Mr. Alberts was not in a restricted area  
22 or to counter the government's evidence that he was, in  
23 fact, in a restricted area, you know, that's up to you.

24           And finally, with respect to the so-called  
25 justification defenses, which I take to mean self-defense or



1 defense of others, as discussed yesterday, the defense can  
2 seek to elicit admissible nonexpert testimony and other  
3 admissible evidence that Mr. Alberts committed any assault  
4 or any -- or engaged in any assaultive conduct in self-  
5 defense. And I will decide at the end of the evidence  
6 whether there is sufficient evidence to give a self-defense  
7 instruction consistent with the recognized elements of self-  
8 defense in the context of assaulting a police officer in  
9 this jurisdiction.

10 And I must say, I went and rewatched the  
11 activities on the steps leading up to the west terrace, and  
12 I don't see Mr. Alberts being subjected to any physical  
13 force by the officers that I understand he is alleged to  
14 have assaulted, nor do I see anything to suggest that he  
15 could not have just turned around and avoided that  
16 confrontation or that physical interaction or that  
17 interaction.

18 So, you know, for those reasons it seems like the  
19 more apparent defense is the one that Mr. Roots adverted to  
20 yesterday, that the contact with the officers was either  
21 nonexistent or accidental or incidental, and all of those  
22 arguments would strike me as being inconsistent with a self-  
23 defense defense.

24 But, you know, it's your case; it's not mine. And  
25 maybe you folks will point out things in the video that I

1 don't or I have yet to see.

2           Finally, there's a notice of a civil disobedience  
3 defense, which, as far as I can tell, is not a recognized  
4 affirmative defense in a criminal case as far as the Court  
5 knows.

6           So that should dispose of the -- and I read the  
7 belated opposition to the government's omnibus motion in  
8 limine, and nothing in it altered the Court's rulings on  
9 that motion in limine that I gave at the pretrial  
10 conference.

11           So with that, there should be, you know, some  
12 guardrails for openings. Obviously don't go into any areas  
13 in openings that the Court has excluded.

14           You know, sometimes, Mr. Pierce, in criminal cases  
15 if you don't anticipate the defendant is going to -- if you  
16 don't in good faith anticipate that the defendant is going  
17 to testify, then you can't say what the jury is likely to  
18 hear about things that only the defendant can testify about.  
19 You follow me, right?

20           MR. PIERCE: I do, Your Honor.

21           THE COURT: Okay.

22           MR. PIERCE: I mean, he is going to testify, but I  
23 understand.

24           THE COURT: Okay. Counsel, anything else? I'm  
25 sure you're going to remind me of something, Mr. Konig.

1 MR. KONIG: Just two very brief things.

2 The first is, I don't know if Mr. Roots is  
3 doing opening or Mr. Pierce is doing opening, but I'd ask  
4 Mr. Pierce to convey the Court's ruling to Mr. Roots if he  
5 does intend to have Mr. Roots open.

6 And, secondly, we have provided our slides for our  
7 anticipated opening for tomorrow; so we may need five  
8 minutes before the opening so, if he has any objections to  
9 put on the record, that he can do so outside the presence of  
10 the jury.

11 THE COURT: Sure. Mr. Pierce, who's opening  
12 tomorrow?

13 MR. PIERCE: I intend to, Your Honor.

14 THE COURT: Okay. Great.

15 And if you have a PowerPoint or a demonstrative,  
16 let Mr. Konig see it soon enough before so he can lodge any  
17 objections in the morning.

18 MR. PIERCE: Absolutely.

19 THE COURT: All right. Have a good night. We'll  
20 see you in the morning.

21 (Whereupon the hearing was  
22 adjourned at 5:03 p.m.)

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**CERTIFICATE OF OFFICIAL COURT REPORTER**

I, LISA A. MOREIRA, RDR, CRR, do hereby  
certify that the above and foregoing constitutes a true and  
accurate transcript of my stenographic notes and is a full,  
true and complete transcript of the proceedings to the best  
of my ability.

Dated this 24th day of April, 2023.

/s/Lisa A. Moreira, RDR, CRR  
Official Court Reporter  
United States Courthouse  
Room 6718  
333 Constitution Avenue, NW  
Washington, DC 20001

# EXHIBIT

2

# SABATINI LAW FIRM P.A.

**Anthony Sabatini**  
*Attorney*  
Sabatini Law Firm, P.A.  
411 N Donnelly Street  
Suite #313  
Mount Dora, Florida 32757  
Phone: 352-455-2928  
Fax: 352-388-5126  
Anthony@SabatiniLegal.com

VIA ELECTRONIC MAIL

U.S. Department of Justice  
ATTN: AUSA Raymond Woo  
Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530

22 December 2023

RE: US v. COFFEE; 21-CR-327; Notice of Defense Expert and Disclosure Under  
Fed. R. Crim. P. Rule 16(b)(1)(C)

Dear U.S. Attorney Woo:

I write this letter to proffer Mr. Steve K. Hill of Caldwell, Idaho, as a Noticed Expert for Defendant Coffee, who will testify on use-of-force, self-defense, alleged restriction of the west front area of the capitol, and crowd control. *See attached CV.*

Per Federal Rule of Criminal Procedure Rule 16(b)(1)(C), the Defendant herein provides notice of and disclosure for the following expert witness that the Defense may call to testify in the subject case:

STEVEN K. HILL

**(1) EXPERT OPINIONS THAT THE DEFENDANT INTENDS TO ELICIT BY STEVE HILL'S TESTIMONY:**

The Defense intends to elicit testimony with opinions from Mr. Hill that based on his experience and training, and after review of videos and documents from cases and as submitted for this specific case, that Luke Coffee engaged in reasonable self-defense.

The Defense intends to elicit testimony with opinions from Mr. Hill that based on his experience and training, and after review of videos and documents from cases and as submitted for this specific case, that the use of force polices of USCP and MPD were not adhered to, including but not limited to notice to disperse, dispersal avenues, approval for use, training certifications, and methods of employment. Depending on discovery provided (or not), he will discuss the effect of expired munitions.

The Defense intends to elicit testimony with opinions from Mr. Hill that based on his experience and training, and after review of videos and documents from cases and as submitted for this specific case, regarding the experience of a person when subjected to OC and tear gas and how they react and behave—particularly Defendant Coffee.

Mr. Hill will review in summary the statutes for USCP and USSS, and their authorized missions, funding, and training to provide security for the Vice President in an outdoor area. His experience/ expertise will describe what is normally a requirement for a restricted area under Section 1752 for a USSS protectee and for a facility. This may be corroborated by rebuttal and other summary witnesses. His experience will apply to his assessment of a reasonable and feasible Section 1752 declared restricted area, and the required area security and warnings, as well as preparations to respond.

Hill is expected to examine the video footage of January 6 and provide testimony about law enforcement use-of-force tactics, reasonable self-defense, and the movements and actions of the crowd around Defendant during this timeframe. Defendant expects that Mr. Hill will testify to the training and instruction given to law enforcement personnel on a national and local level, and how such could pertain to the Metropolitan Police on January 6, 2021. Expert Hill is expected to testify that as this situation developed, law enforcement was required to consider that escalating violence by the improper employment of "less than lethal weaponry" could not be justified as a proper law enforcement technique within any policy.

Hill will testify that law enforcement officers' use of force towards any member of the crowd became a violation of the training and instruction given to the law enforcement officers, an unjustified and unjustifiable use of force, illegal, and outside the scope of permitted force. Expert Hill is also expected to testify that law enforcement officers responded with overly aggressive tactics which was dangerous and provocative, in violation of their training and the standards governing police use of force.

## **(2) THE BASIS AND REASONS FOR HILL PROVIDING SUCH TESTIMONY.**

The basis of Mr. Hill's testimony is his extensive review of the evidence in this case in addition to experience of over 40 years of law enforcement experience in the areas of tactical operations, response force training, and nuclear/radiological security of fixed and transportation assets. He is an expert in the use of tabletop exercises for response training, data collection and physical security for fixed and mobile security high-risk assets.

## **(3) THE WITNESS'S QUALIFICATIONS, INCLUDING A LIST OF ALL PUBLICATIONS AUTHORED IN THE PREVIOUS 10 YEARS.**

Mr. Hill is a retired law enforcement veteran and is a Master level certified instructor through the Department of Energy/National Training Center. Mr. Hill specializes in advanced tactical management, critical incident management, Special Weapons and

# SABATINI LAW FIRM P.A.

**Anthony Sabatini**  
*Attorney*  
Sabatini Law Firm, P.A.  
411 N Donnelly Street  
Suite #313  
Mount Dora, Florida 32757  
Phone: 352-455-2928  
Fax: 352-388-5126  
Anthony@SabatiniLegal.com

Training (SPO-III), hazardous material tactical response, mobile field force, firearms instruction, criminal investigations, rappel master, first line supervision, electronic surveillance operations, and police civil liability.

Mr. Hill's areas of expertise are tactical operations, response force training, nuclear/radiological security of fixed and transportation assets. He is an expert in the use of tabletop exercises for response training, data collection and physical security for fixed and mobile security high-risk assets.

Mr. Hill is a retired Systems Engineer with Transportation Systems Analysis at Sandia National Laboratories (SNL). At SNL, he was an engineer with the Security Training and Risk Analysis Team (STRAT) where he built response related training programs and conducted security analysis in the areas of nuclear, radiological, chemical and biological security and response. Mr. Hill also participated in the theory and development of future lethal and less lethal weapon systems as part of lab directed research and development teams, resulting in being named in two patent applications for an electronic control device (Taser technology) and disintegrating ballistic materials).

Mr. Hill is also retired from the Albuquerque Police Department, where he led and supervised hundreds of high-risk tactical events to include hostage resolutions, high risk search warrants, armed/violent offenders, demonstrator, and riot control. He served as the supervisor of the SWAT Team for over 8 years and was a detective in the Special Investigative Department/Repeat Offender Project. Steve has more than 30 years of experience in training state, local and federal standards-enforcement personnel in lethal and less lethal use-of-force and had worked part time for the DOE National Training Center and the U.S. Department of State.

Mr. Hill will be a rebuttal witness to prosecution witnesses who testify on the use-of-force by the defendant and to the use-of-force by police officers.

**(4) A LIST OF ALL OTHER CASES IN WHICH, DURING THE PREVIOUS 4 YEARS, THE WITNESS HAS TESTIFIED AS AN EXPERT AT TRIAL OR BY DEPOSITION.**

Mr. Hill is not one normally retained or specially employed to provide expert testimony in litigation and he is not regularly involved in giving expert testimony. Mr. Hill is specially retained for the purposes of this case.



Mr. Hill has not testified as an expert witness in the last 4 years. But for the past 18 years prior to his retirement from the APD, he was an expert in training police, military and first responders from around the world. Hill also was an expert in the evaluation of police and military force multipliers and response force tools and equipment.

Mr. Hill has been retired for only 24 months, and now seeks to start testifying in police training and use-of-force procedure because while employed he was not in a position to do so freely, or frequently.

Mr. Hill has testified as an officer in various state court hearings and trials, including a homicide trial, and detention, suppression, and parole revocation hearings. Mr. Hill testified as the City's use-of-force expert in two major civil trials on behalf of the City of Albuquerque, and him also being a named Defendant. Such cases are: (1) Buck v. The City of Albuquerque, CIV 04-1000 (JP/DJS); and (2) Fogerty v. The City of Albuquerque, CIV 05-0026.

In addition to Hill's background, he spend 18 years with Sandia Labs (under the US Department of Energy). Hill is a master level training Instructor in SWAT Team tactics, tactical weapon systems, response force tactics and techniques. He was a US and international training instructor in police operations, tabletop exercises, and red team tactics.

Hill designed realistic terrorist and criminal attack scenarios, terrorist attack planning cycles, and curriculum for detection of adversary attacks (prior to attack), terrorist and active shooter detection pre-event, etc.

Mr. Hill retired in 2021 as a systems engineer at Sandia Labs in New Mexico, where his focus was remote weapon systems and physical security protection systems. This work was focused on protecting high risk nuclear, radiological, chemical and biological facilities. Mr. Hill worked on numerous lab-directed research and development projects which culminated in the development of materials for two patents.

If you have any question concerning matter, do not hesitate to call me at any time.

DATED: 12-22-2023.

Respectfully submitted.

/s/ ANTHONY F. SABATINI  
FL Bar No. 1018163  
anthony@sabatinilegal.com  
SABATINI LAW FIRM, P.A.  
411 N DONNELLY ST, STE #313  
MOUNT DORA, FL 32757  
T: (352)-455-2928  
*Attorney for Defendant*

# SABATINI LAW FIRM P.A.

**Anthony Sabatini**  
*Attorney*  
Sabatini Law Firm, P.A.  
411 N Donnelly Street  
Suite #313  
Mount Dora, Florida 32757  
Phone: 352-455-2928  
Fax: 352-388-5126  
Anthony@SabatiniLegal.com

WITNESS SIGNATURE: /s/ Steve K. Hill

ENCLS – CV of Steve Hill

## STEVEN K. HILL

505-508-6278/sandianm777@gmail.com

### Retired Systems Engineer

#### QUALIFICATIONS

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- Response force expert/Real world experience
- 6 years of experience as Vulnerability Analyst for DOE (SNL-OST and GTRI)
- Completed 6 years of extensive domestic and international travel for DOE/NNSA
- 6 years of Sandia National Laboratories management experience.
- 8 years of law enforcement management experience.
- Military veteran with 6 years in United States Air Force/military police.
- 25 years of local law enforcement experience (retired).
- 10 years of experience with DOE Safeguards and Security Programs including operations, training, administration, inspections and weapons testing.
- 3 years of experience with U.S State Department Anti-Terrorism Assistance Program (ATAP) teaching foreign nationals in the areas of security, tactical operations and officer safety.
- Extensive tactical knowledge and experience in law enforcement, DoD and DOE operations and training.
- DOE certified Master Level training instructor with extensive experience in SWAT, Live Fire Shoot house, Precision Rifle, Advanced Weapon Systems, Tactical Entry (Breaching) etc.
- Extensive experience developing, documenting and implementing response force doctrine, training, plans, and equipment upgrades including DOE SIRPs and SSSPs; protective force training plans, curriculum, and analyses, limited scope performance tests, tabletop exercises, and force-on-force exercises.
- Experience with J-CATs, Dante, Simajin and other modeling and simulation software.
- Extensive experience with small arms weaponry and ballistic testing methodologies and process.
- Strong analytical and problem-solving skills including root cause analysis and investigation techniques.
- High functioning team member with skill to lead and supervise teams.
- Self directed performer and learner.
- Skill to communicate with subordinates, teammates and superiors effectively both orally and in writing.
- Skill to analyze and make decisions under extreme duress, compressed time frames, and hi-risk conditions.
- Q-Clearance with HRP. Extensive experience working with classified programs and documents.
- Named in two U.S. Patents for lethal and less-lethal weapon.

#### EXPERIENCE

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##### **Sandia National Laboratory**

##### ***Security Training and Risk Analysis Team; Systems Engineer***

- Remote Weapons System Engineer
- Collection of data through sampling, exercise and evaluation to complete vulnerability analysis for the Office of Secure Transportation and Y-12
- Developed test plans and completed ballistic testing projects for SNL, DoD and the US State Department customers
- As a member of the DOE Technology Gap team, have completed technology evaluations at DOE sites to identify the detection, delay and response of the future
- Requested to conduct training courses around the world for the Global Threat Reduction Initiative. Conducting VA training courses by facilitating table top exercises, critical incident management, target folders, etc. Created course curriculum being used by other teams within the DOE complex
- Requested to conduct response force live fire demonstrations for many International Training Courses sponsored by SNL
- Conducted numerous live fire weapons demonstrations and

2009-2021

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ballistic component testing for various SNL organization

- Confident public speaker
- Authored numerous white papers and classified papers related to response and response technologies
- Deployed over 1000 less-lethal technologies
- Strong customer service focus

***Protective Force Training & Operations***; Lieutenant

2003 - 2009

- As part of the Training Team, supervise Security Police Officers (SPOII/SPOIII) during live-fire operations, field team training, and classroom events.
- Subject-matter expert in security, law enforcement, use of force, firearms, and tactical training.
- Extensive tactical experience and training background in both law enforcement, DoD and DOE operations.
- Design, develop and implement performance-based training for multiple programs including training hazard analysis; instructing multiple topical areas; assisting in the development of the annual training plan; writing and revising course materials including lesson plans, student guides, job aids, presentation materials, etc.
- Verify training products/programs are in compliance with DOE Orders, corporate policies and procedures, applicable laws, codes, regulations, notices, standards, implementing requirements, and SNL contracts.
- Exceptional analytical skills in quantifying and modeling various weapon systems and tactics in combat simulation software, limited scope performance tests, tabletops, and/or force on force exercises
- Coordinate course implementation including safety, facilities, administrative support, and training resources.
- Assist in the development of PF orders, procedures, and policy for both training and operations.
- Develop strong relationships with both internal and external customers for project completion.
- Experience with the development and documentation of response force doctrine, training plans, and equipment upgrades for a wide variety of customers.
- Oversee and verify safety operations for all training activities.
- Design training activities to include standardized evaluations and performance measures, Limited Scope Performance Testing (LSPT's) for student and instructor achievement.
- Evaluate students and instructors during course implementation.
- Test and evaluate firearms tactical systems. small arms weaponry and ballistic testing
- Participated in the development of a long distance taser with the Sandia Advanced Concepts Group. Currently under application for a patent.
- Assist in developing and implementing corrective action plans for identified deficiencies.
- Assist other Department of Energy sites and organizations with training, testing, evaluations and operations, including the NTC, Tonopah Test Range, Office of Safeguards and Transportation, Los Alamos National Laboratories and SNL International Programs.
- Assist Department 4232, S&S Training, Awareness and Documentation in developing media-based training programs including the PF Overview, PF Lock and Key DVD, Security Incident Report Writing, Friend or Foe, and Ballistic Wall training.
- Maintained a Class B Commercial Drivers License.

**Department of Energy National Training Center (NTC)**

2000 - 2003

**Wackenhut Service, Inc.**; Adjunct Instructor

- Supervised and trained foreign dignitaries and students through the United States State Department Anti-Terrorism Assistance Program. Worked with individuals from diverse backgrounds and cultures including Jordan, Kazakhstan, Djibouti, Yemen, Georgia, Ecuador, and the Philippines. Training activities including, but not limited to, ethics, defensive tactics, hostage rescue, tactical response, less lethal, officer survival, firearms (pistol, rifle, sniper rifle,) ambush and counter ambush techniques, improvised explosive device identification and response, setting up road blocks, traffic stops, and site security operations.
- Extensive background working with translators.
- Supervised and trained DOE and other federal, state, and local law enforcement students in basic and advanced security courses.

**Albuquerque Police Department (Retired)**

1985 - 2003

**Field Services**; Sergeant/Supervisor (1995-2003)

- Full time supervisor of the Special Weapons and Tactics team during both hi-risk events (participated in over 500 SWAT activations), riot control, civil disturbances and daily field services operations.
- Extensive team tactical experience and training in both law enforcement, DoD and DOE operations
- Conducted day-to-day management and administration of field operations including payroll, counseling and disciplinary personnel actions, purchasing, strategic planning, training assessments, conducted both internal and external conflict resolution, and personnel supervision.
- Project supervisor of the APD tactical range facility rebuild including a live-fire shoot-house and long-distance ranges.
- Court certified expert witness in narcotics related cases.
- Represented APD as a liaison through Community Based Policing initiatives and special events including Balloon Fiesta, State Fair, Presidential and dignitary protection activities.
- Responsible for the planning, assignment and supervision of assigned personnel conducting routine patrol, calls for service, officer-initiated calls, traffic enforcement and investigation, public relations and community service.
- Analyzed laws, methods, and technological advancements in crime detection and law enforcement to include weapons, explosives, personal protection equipment, ammunition, vehicles, etc.
- APD Reserve Police Officer (2003-2009)

**Field Services**; Patrolman and Detective (1986-1995)

- Special Investigations/Repeat Offender Project (ROP) conducting long and short-term investigations of repeat criminal offenders, violent, property and white-collar crimes.
- Technical equipment specialist trained in installing electronic monitoring equipment (audio/video) and electronic tracking systems.
- District and Federal court certified expert witness.
- Participated in over 1000 felony arrests and over 300 search and arrest warrants.
- Performed general field services duties including routine patrol, calls for service, officer-initiated calls, traffic enforcement and investigation, public relations and community service.

**United States Air Force**

1979 - 1985

**Security Police**; Law Enforcement Specialist/Staff Sergeant/E-5

- Responsibilities included, routine patrol, calls for service, traffic accident investigation and first-line supervision of personnel.
- Maintained a Secret security clearance and was authorized through the Personnel Reliability Program to provide security for nuclear weapons and components.
- Honorably discharged with numerous medals and commendations.

**JOB SPECIFIC EDUCATION & TRAINING**

<b>Department of Energy</b> <ul style="list-style-type: none"> <li>▪ DOE certified Master Level Training Instructor</li> <li>▪ Firearms and Advanced Weapons Instructor</li> <li>▪ SPO II and SPO III instructor</li> <li>▪ Live Fire Shoot House Instructor</li> <li>▪ Precision Rifle Instructor</li> <li>▪ Intermediate Force Instructor</li> <li>▪ Radiation Worker I</li> <li>▪ DOE Armorer</li> <li>▪ (Numerous other instructor and student courses)</li> </ul> <i>Completed DOE/NTC Professional Education Program</i>	<b>Lockheed Martin/SNL</b> <ul style="list-style-type: none"> <li>▪ TVI Community College Supervisor Academy (96 Hours)</li> <li>▪ Orientation to Management (OM141)</li> <li>▪ Extraordinary Leader (MGT360)</li> <li>▪ Effective Manager (OM181)</li> <li>▪ Management Essentials (OM206)</li> </ul> <i>Current on all corporate training requirements</i>
<b>Albuquerque Police Department</b> <ul style="list-style-type: none"> <li>▪ Critical Incident Management</li> <li>▪ Internal Affairs Investigation/Problem Oriented Policing</li> <li>▪ Police-Press Relations</li> </ul>	<b>International Association of Chiefs of Police</b> <ul style="list-style-type: none"> <li>▪ Swat Supervisors Tactics and Management</li> <li>▪ Advanced Tactical Management for Commanders and Supervisors</li> </ul>
<b>Federal Emergency Management Agency</b> <ul style="list-style-type: none"> <li>▪ DHS/FEMA training instructor</li> <li>▪ Introduction to the Incident Command System (ICS)</li> <li>▪ Basic ICS for Federal Disaster Workers</li> <li>▪ National Incident Management System Introduction</li> </ul>	<b>Texas A&amp;M Law Enforcement Training Division</b> <ul style="list-style-type: none"> <li>▪ Threat Assessment</li> </ul>
<b>University of Phoenix</b> – (6 Credit hrs)	<b>Troy State University</b> – (3 Credit hrs)
<b>Community College of the Air Force</b> – (16 Credit hrs)	<b>South Plains Association of Government</b> – (3 Credit hrs)

*Extensive law enforcement, emergency response and instructional systems design training courses. List available upon request.*

**OTHER JOB SPECIFIC KNOWLEDGE & SKILLS**

- Knowledge of DOE orders, federal and state law, SNL management policy and procedure including human resource law, collective bargaining, affirmative action, equal opportunity employment, sexual harassment, labor laws and practices.
- Knowledge of discipline and counseling techniques and performance appraisal techniques.
- Knowledge of quality assurance processes and techniques.
- Knowledge of records management techniques.
- Knowledge of customer service theory and practices.
- Skill to negotiate, clarify and document staff expectations and measureable standards.
- Skill to manage, motivate, counsel, and provide feedback to a diverse workforce through SNL sanctioned techniques and methods.
- Skill to lead during security and emergency management events.
- Skill to operate MS Office Suite.

**PERSONAL**

- Eagle Scout
- Married to wife Cathy for more than 40 years
- In very good physical health

# EXHIBIT

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# SABATINI LAW FIRM P.A.

**Anthony Sabatini**  
*Attorney*  
Sabatini Law Firm, P.A.  
411 N Donnelly Street  
Suite #313  
Mount Dora, Florida 32757  
Phone: 352-455-2928  
Fax: 352-388-5126  
Anthony@SabatiniLegal.com

VIA ELECTRONIC MAIL

U.S. Department of Justice  
ATTN: AUSA Raymond Woo  
Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530

23 December 2023

RE: US v. COFFEE; 21-CR-327; Notice of Defense Expert and Disclosure Under  
Fed. R. Crim. P. Rule 16(b)(1)(C)

Dear U.S. Attorney Woo:

I write this letter to proffer Ms. Jennifer Cortez, as a Noticed Expert for Defendant Coffee, who will testify on use-of-force and self-defense. *See attached CV.*

Per Federal Rule of Criminal Procedure Rule 16(b)(1)(C), the Defendant herein provides notice of and disclosure for the following expert witness that the Defense may call to testify in the subject case:

JENNIFER CORTEZ

**(1) EXPERT OPINIONS THAT THE DEFENDANT INTENDS TO ELICIT BY  
CORTEZ' TESTIMONY:**

The Defense intends to elicit testimony with opinions from Ms. Cortez that based on her experience and training, and after review of videos and documents from cases and as submitted for this specific case, that use-of-force standards were not followed in the immediate area around Luke Coffee on January 6th and that Luke Coffee engaged in reasonable self-defense.

Cortez is expected to examine the video footage of January 6 and provide testimony about law enforcement use-of-force tactics, reasonable self-defense, and the movements and actions of the crowd around Defendant during this timeframe.



**(2) THE BASIS AND REASONS FOR HILL PROVIDING SUCH TESTIMONY.**

The basis of Ms. Cortez' testimony is her extensive review of the evidence in this case in addition to her experience on the CA Richmond County Use of Force Board and Internal Affairs, in addition to law enforcement experience in the areas of tactical operations, response force training.

**(3) THE WITNESS'S QUALIFICATIONS, INCLUDING A LIST OF ALL PUBLICATIONS AUTHORED IN THE PREVIOUS 10 YEARS.**

Ms. Cortez is a retired law enforcement veteran with experience on the CA Richmond County Use of Force Board and Internal Affairs. She is a 12 year California law enforcement career who worked in patrol capacities in both Oakland CA and Richmond CA as a training officer, supervising use of force incidents in a close capacity.

As a sergeant, she supervised use of force activity, approved reports, and responded to all use of force scenes as a sergeant. She served as part of the Use of Force Board, a ten-member team of supervisors reviewing use of force used in the department on a monthly basis. While reviewing Use of Force incidents, she determined if a case merited more training or transfer to the Office of Professional Accountability (OPA). As an OPA sergeant, she investigated force use by watching surveillance video, reviewing policy, and interviewing officers and citizens.

**(4) A LIST OF ALL OTHER CASES IN WHICH, DURING THE PREVIOUS 4 YEARS, THE WITNESS HAS TESTIFIED AS AN EXPERT AT TRIAL OR BY DEPOSITION.**

Ms. Cortez is not one normally retained or specially employed to provide expert testimony in litigation and he is not regularly involved in giving expert testimony. She is specially retained for the purposes of this case. She has not testified as an expert or published findings.

If you have any question concerning matter, do not hesitate to call me at any time.

DATED: 12-22-2023.

Respectfully submitted.

/s/ ANTHONY F. SABATINI  
FL Bar No. 1018163  
anthony@sabatinilegal.com  
SABATINI LAW FIRM, P.A.  
411 N DONNELLY ST, STE #313  
MOUNT DORA, FL 32757  
T: (352)-455-2928  
*Attorney for Defendant*

# SABATINI LAW FIRM P.A.

**Anthony Sabatini**

*Attorney*

Sabatini Law Firm, P.A.

411 N Donnelly Street

Suite #313

Mount Dora, Florida 32757

Phone: 352-455-2928

Fax: 352-388-5126

Anthony@SabatiniLegal.com

WITNESS SIGNATURE: /s/ Jennifer Cortez

ENCLS – CV

# JENNIFER CORTEZ

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## CONTACT ME

PHONE	EMAIL	ADDRESS
813-650-3315	jcortez916@yahoo.com	12720 Lem Simmons St. Thonotosassa FL

## PROFILE

12 year California law enforcement career. Worked in patrol capacities in both Oakland CA and Richmond CA. Worked as a training officer, supervising use of force incidents in a close capacity. As a sergeant, supervised use of force activity and approved reports. Responded to all use of force scenes as a sergeant. Part of the Use of Force Board- ten member team of supervisors reviewing use of force used in the department on a monthly basis. While reviewing Use of Force incidents, determined if the case merited more training or transfer to the Office of Professional Accountability (OPA). As an OPA sergeant, investigated force use by watching surveillance video, reviewing policy, and interviewing officers and citizens.

## EDUCATION

CYBERSECURITY CERT.	M.A. LEADERSHIP IN L.E.	B.S. CRIMINAL JUSTICE
U.C. Berkeley, CA	University of San Diego, CA	Sacramento State, CA

## EXPERIENCE

### POLICE SERGEANT/ RICHMOND POLICE DEPARTMENT, CALIFORNIA

2007-2020

Internal Affairs Investigations Sergeant, managed case load regarding policy violations, major uses of force, and officer involved shootings. Conducted thousands of criminal investigations, including human trafficking, robberies, and homicides. Focused on violent crime trends in the city, created operations, and led teams focused on robberies, shootings, firearms, and narcotics violations. Authorized as patrol rifle officer. Certified in crime prevention methods (CPTED). Experienced Crime Scene Investigator and Use of Force Expert. Selected to be active member of the Use of Force Board. Experienced as a certified background investigator for both sworn and non-sworn personnel. Experienced & certified POST training officer, crisis negotiator, and riot team sergeant. Extensive experience interviewing victims, witnesses, suspects, and police officers. Testified in court as a crime scene investigator, patrol officer, and sergeant. Re-wrote the Department Report Writing Manual, and created the two-week in-house Pre-Deployment Training Program for new officers.

### PATROL OFFICER/ OAKLAND POLICE DEPARTMENT, CALIFORNIA

2008-2011

Patrol officer in one of the busiest districts in the City. Authored approximately 700 preliminary case reports annually. Use force when needed. Use of Force reports were authored and sent through the chain of command. Testified in court at least 50 times for criminal cases. Interviewed hundreds of victims, witnesses, and suspects. Wrote thorough reports and analyzed crime trends in the district. Authored plans to mitigate crimes in the district using personnel, advanced technology, and other investigative tools. Utilized all resources to complete assignments in a thorough and timely manner. Ample experience handling major crime scenes such as murders, shootings, robberies, and more.

## ETC.

- Oakland Police Academy Class 165
  - POST Certified Police Training Officer
  - Master Officer, Richmond Police Department
  - RPD Use of Force Review Board Member
  - Mobile Field Force (Riot Team) Sergeant
  - Crisis Negotiation Team Member
  - Pre-Deployment Training Coordinator
  - RPD Report Writing Policy Author
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