

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

UNITED STATES OF AMERICA

v.

DERRICK EVANS,

Defendant.

Case No. 21-cr-337-RCL

NOTICE OF FILING

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby notifies the Court of the submission of a video exhibit (“Exhibit 2”) in support of sentencing in the above-captioned matter. Exhibit 2 has been submitted to the Court and made available to defense counsel via the government’s file-sharing site, USAfx. Exhibit 2 will also be made available to the public consistent with Standing Order 21-28 issued by the Chief Judge on May 14, 2021.

To aid the Court in its review of the video, which is approximately one hour and 18 minutes in length, the government includes in this notice a noncomprehensive list of timestamps correlated with an approximate real time and content in the video:

<u>Video Timestamp</u>	<u>Appx. Real Time</u> ¹	<u>Relevant Content</u>
0:00	1:28:55 p.m.	- Evans begins livestreaming.
2:11	1:31:06 p.m.	- Evans statement: “They’re reporting that patriots breached the Capitol building ... This is awesome!”
5:27	1:34:22 p.m.	- Evans zooms in on Capitol Police in riot gear. - Evans statement: “There they are! They got their riot gear! ... I’m gonna get my helmet!”

¹ All listed times are in EST on January 6, 2021.

<u>Video Timestamp</u>	<u>Appx. Real Time</u>	<u>Relevant Content</u>
6:56	1:35:51 p.m.	<ul style="list-style-type: none"> - Man with bullhorn: “Mr. Police Officer... we want you to understand something... we want Donald Trump, and if Donald Trump isn’t coming, we are taking our house!” - Evans statement: “Yeah! ... This is about to get wild. It is about to go down, man. Somewhere there’s Trump supporters and D.C. Police are clashing somewhere out there right now.”
8:24	1:37:19 p.m.	<ul style="list-style-type: none"> - Evans statement: “I think that you might want to get bail money ready for some of these people who are going to do this.”
16:44	1:45:39 p.m.	<ul style="list-style-type: none"> - Evans approaches the Capitol Police at the bike rack barrier, addressing the officers. - Evans statement: “We’re taking this country back, whether you like it or not! Today is a test run. Today is a test run ... You tell your liberal mayor to stand down! ... Shame on all of you!
20:10	1:49:05 p.m.	<ul style="list-style-type: none"> - Evans statement to Capitol Police officers: “...you listen to your liberal mayor instead of the Constitution. Patriots ain’t being quiet anymore. Patriots ain’t gonna stand down to tyranny anymore. Patriots ain’t gonna stand down to stolen elections anymore. Patriots are standing up and gonna fight back!”
29:40	1:58:35 p.m.	<ul style="list-style-type: none"> - Rioters are pulling apart and overturning the bike rack barriers. - Evans statement: “For the record, guys, I’m not touching anything, I’m just here to watch and film and support people and try to keep the peace, but the peace is over with.”
30:22	1:59:17 p.m.	<ul style="list-style-type: none"> - Rioters overwhelm the police line. - Evans and other rioters approach the Capitol. - Evans statement: “They’re in. We’re in. Everybody’s in ... There’s too many for them [the police] to do anything about it. Every side, every angle!” - Other rioter: “I want Chuckie Schumer!”
31:45	2:00:40 p.m.	<ul style="list-style-type: none"> - Evans proceeds onto lower steps

<u>Video Timestamp</u>	<u>Appx. Real Time</u>	- <u>Relevant Content</u>
32:18	2:01:13 p.m.	<ul style="list-style-type: none"> - Evans initiates “We want Trump!” chant. - Evans statement: “We are in baby. We’re going in that building in a minute ... We’re in, baby! Share this video!”
33:03	2:01:58 p.m.	<ul style="list-style-type: none"> - Evans switches the camera to ‘selfie mode.’ - Evans statement: “Let’s go!”
33:12	2:02:07 p.m.	<ul style="list-style-type: none"> - Footage of rioters on the East Plaza climbing on top of vehicles. - Evans statement: “We took it over! We took it over! ... Liberals better know, America has woken up! The patriots across this country have had enough!”
34:40	2:03:35 p.m.	<ul style="list-style-type: none"> - Footage of police line at the base of the East Steps. - Evans statement (directed at other protestors): “Keep it peaceful, guys!”
36:00	2:04:55 p.m.	<ul style="list-style-type: none"> - Evans statement: “We pay the electric bill here! This is our house!” - Evans repeatedly tells other rioters to encourage those on the plaza to approach the Capitol: “Tell them to come on!”
36:53	2:05:48 p.m.	<ul style="list-style-type: none"> - Evans statement: “It’s now or never!”
37:15	2:06:10 p.m.	<ul style="list-style-type: none"> - Footage of police line breaking up, police retreat to the top of the stairs. - Evans and rioters ascend stairs to the Upper Terrace. - Evans statement: “We’re going in! We’re going in!”
37:33	2:06:28 p.m.	<ul style="list-style-type: none"> - Footage from Upper Terrace, camera pans around to show the crowd below.
38:15	2:07:10 p.m.	<ul style="list-style-type: none"> - Evans statement: “We’re in here now, they can’t stop us now, there’s too many of us!” - Camera switches to ‘selfie mode,’ Evans screams. - Camera switches back to regular mode - Evans statement: “Look at this view, look at this view! We’re on top outside. They’re flooding in still, look! They’re flooding in from other areas! They’re pounding on the doors!”

<u>Video Timestamp</u>	<u>Appx. Real Time</u>	- <u>Relevant Content</u>
38:50	2:07:45 p.m.	- Evans statement: "We're taking this house, I told you, today! Patriots, stand up, get off your couch ... Let's go!"
38:58	2:07:53 p.m.	- A loud bang is heard. - Evans statement: "Tear gas. I wanna smell it. Let's go!"
39:20	2:08:15 p.m.	- Evans responding to another protestor saying "it's time to leave": "No it ain't. The doors are open... it's not time to leave. We haven't done nothing yet!"
40:12	2:09:07 p.m.	- Evans statement: "On the back side of the Capitol! American patriots have took a stand! We're at the doors, knocking and pounding on the doors. We've taken over the balconies, on top of vehicles!"
41:00	2:09:55 p.m.	- Evans statement: "Hold the line! Hold the line! ... I got a headache from screaming ... My people didn't vote for me because I was a coward ... This is the coolest thing I've ever been a part of!"
43:05	2:12:00 p.m.	- Evans statement: "Guys, oh my gosh, I can't even explain what is happening right now, how amazing this is to see this in person... I am in awe. The revolution has started. The revolution has started!"
44:50	2:13:45 p.m.	- Evans statement: "The Capitol is on lockdown! Wonder what happens if they don't get to certify votes today, how does that play into things?"
53:05	2:22:00 p.m.	- Evans announces that voting was paused because of protestors. - Evans statement: "We did that! ... It's time to go in ... We're going in."
59:35	2:28:30 p.m.	- Evans announces that "Patriots are on the Senate floor! There's patriots on the Senate floor right now! Yes! Yes!"
1:06:05	2:35:00 p.m.	- Evans moves closer to the East Rotunda doors, joins crowd in singing the National Anthem.

<u>Video Timestamp</u>	<u>Appx. Real Time</u>	<u>- Relevant Content</u>
1:07:20	2:36:15 p.m.	<ul style="list-style-type: none"> - The crowd is banging and pushing on the door. - Evans statement: "It's time to go, they're in on the other side, the other side's in!" - Evans coughs in response to an irritant, says "they're pepper spraying." - Camera pans to capture a police officer moving away from the door. - Evans statement: "The cops are running. The cops are running! ... I got pepper sprayed, man, in my right eye ... Here we go! Here we go! Open the doors."
1:08:32	2:37:27 p.m.	<ul style="list-style-type: none"> - Evans chants "Our house!" in response to "Whose house?" calls. - Evans statement: "We're at the door now. There's cops on the inside stopping us now."
1:09:25	2:38:20 p.m.	<ul style="list-style-type: none"> - Camera switches to 'selfie mode,' capturing Evans wearing helmet, repeatedly chanting "Trump!"
1:09:31	2:38:26 p.m.	<ul style="list-style-type: none"> - Footage of the door being opened. - Evans statement: "The door's cracked. Yes! We're going in. They're in, they're in, they're in!"
1:10:05	2:39:00 p.m.	<ul style="list-style-type: none"> - Footage of a protestor in front of Evans using a police riot shield to push into the Capitol. - Evans repeatedly chants: "Move! Move!" - Evans statement: "We're in, we're in ... Are they still fighting cops there?"
1:11:25	2:40:20 p.m.	<ul style="list-style-type: none"> - Footage of Evans and other protestors pushing their way into the Capitol. - Evans statement: "We're in! We're in! Derrick Evans is in the Capitol! Let's go!"
1:12:28	2:41:23 p.m.	<ul style="list-style-type: none"> - Footage inside the Rotunda and Statuary Hall as Evans walks around. - Evans statement: "We're in. Oh my gosh! Hey, no destruction of anything! No vandalizing property!" - Evans fistbumps other protestors.

<u>Video Timestamp</u>	<u>Appx. Real Time</u>	- <u>Relevant Content</u>
1:14:15	2:43:10 p.m.	<ul style="list-style-type: none"> - Evans hears from another protestor that others are trying to break down the doors of chambers. - Evans follows the crowd in that direction. - Evans statement: "Oh my gosh! I can't believe we're in here right now!" - Footage of numerous law enforcement officers passing by.
1:16:03	2:44:58 p.m.	<ul style="list-style-type: none"> - Evans feed cuts out several times. - Evans statement: "I don't have service in there, guys."
1:17:34	~2:48 p.m.	<ul style="list-style-type: none"> - Evans starts to leave the Capitol building. - Evans statement: "I'm gonna get out and try to find my West Virginia people. Cause I don't have service in there anyways."
1:18:07	~2:50 p.m.	<ul style="list-style-type: none"> - Video ends.

Respectfully submitted,

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