

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 1:21-cr-00552 (DLF)
	:	
KENNETH JOSEPH OWEN THOMAS,	:	
	:	
Defendant.	:	

GOVERNMENT’S OBJECTIONS TO DEFENDANT’S TRIAL EXHIBITS

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby provides its objections to the admissibility of certain exhibits contained on Defendant’s exhibit list. Notably, Defendant’s exhibit list was first disclosed to the Government on Friday, April 28, 2023 at 2:13 PM, two days after the Court’s deadline; and, as of May 3, 2023, the only exhibits from the 426-item list that have been provided to the Government are five MPD body-worn camera files and one video file from the Defendant, all of which were already listed on the Government’s own exhibit list.¹

Below, the Government first provides general objections and remarks with respect to either categories of evidence or concerning particular issues with Defendant’s exhibit list. Then, the Government includes its specific objections to Defendant’s exhibits, to the extent possible, given the lack of ability to view the actual exhibits listed. Because Defendant’s exhibit list lacks specificity and because actual files have not been provided, the United States hereby preserves its objections to all materials it cannot identify based solely by the defendant’s title.

¹ The defense team also appears to have re-produced to the Government as “exhibits” two zip files that are identical to the zip files of discovery materials the Government previously provided to the Defendant in February and March 2023. Notably, none of those files appear by name on the Defendant’s exhibit list. Therefore, if those exhibits are, in fact, on Defendant’s list, the Government is unable to identify them because the description does not match the file names.

I. Categorical Objections and Particular Issues Regarding Defendant's Exhibits.

First, the Government objects on the basis of Fed. R. Evid. 401 and 403 to video, photographic, and documentary evidence regarding the actions of law enforcement officers whose testimony is not elicited at trial and whose conduct was not directly observed by the Defendant on January 6, 2021 without some relevant purpose. *See, e.g.*, Ex. 9 (“Bodycam Footage of Officer H.F.”), Ex. 13 (“20210106 Riot Capitol Building Bodycam Footage”), Ex. 183 (“BWC Footage 20210106- FIRST AMMENDMENT ASSEMBLY- VERMONT Officer T.A. X6039B98K”), Ex. 426 (“Axon_Body_3_Video_2021-01-06_1923-9m12s-Bodycam of Frank Edwards”).

Second, the Government objects under Fed. R. Evid. 401 and 802 to the introduction of video, photographic, and documentary evidence in the form of news stories, articles, and testimonials of non-testifying third parties relating to the events of January 6, 2021. *See, e.g.*, Ex. 27 (“How to Deploy Impact Munitions - Article - POLICE Magazine (1)”), Ex. 60 (“Staffers Walk Out Of Congress In Protest Over Brown And Garner Cases _ NCPR News”), Ex. 63 (“THE TRUTH - Rally-goers walk into the Capitol - Capitol Police open the doors”), Ex. 64 (“Examining the Capitol Attack- A review of the security, planning, and response failures on January 6th.”), Ex. 212 (“The Legislative Process: Overview (Video)”), Ex. 213 (“How Our Laws Are Made”), Ex. 287 (<https://rumble.com/vliikzq-a-glitch-in-the-matrix-an-eloquent-defense-of-jan-6-protestors-by-democrat-.html>).

Third, the Government objects to the inclusion and admission of hundreds of exhibits relating to irrelevant rules, policies, procedures, and historical evidence because these exhibits seek jury nullification or otherwise serve to distract and confuse the jury. *See, e.g.*, Ex. 29 (“EO_17_002- BWCs: Serious Uses of Force, Serious Misconduct, and Critical or High-Profile Incidents”), Ex. 65 (“120_21re- Disciplinary Procedures and Processes”), Ex. 70 (“EO-20-044-

Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020”). The Defendant has included countless irrelevant law enforcement policies, Covid restrictions, Congressional rules, and Wikipedia entries, such as, for example, exhibits relating to the use of pepper balls and rubber bullets. *See, e.g.*, Ex. 30 (“PepperBall-Catalog-2022_web”); Ex. 136 (“Firing Rubber Bullets from above.mp4”); Ex. 336 (Gateway Pundit article entitled “SHOCK VIDEO: Capitol Police Started Shooting at Peaceful Trump Crowd on Jan. 6 — Fired Flash Grenades and Rubber Bullets on Peaceful Protesters INCLUDING CHILDREN”).² The use of pepper balls is not at issue in this case. These items are not relevant to the allegations by the Government or relevant defenses of Defendant in this matter and are objectionable under Fed. R. Evid. 401, 403, and 802.

Fourth, the Government objects on the basis of Fed. R. Evid. 401 and 403 to evidence related to the investigation and prosecution of individuals other than the defendant for wrongdoing on January 6, 2021 or on other dates without some relevant purpose. *See, e.g.*, Ex. 164 – 173 (open source materials from January 6 defendant Stephene [sic] Horn; Horn’s case is Case No. 1:21-cr-301), Ex. 163 (“Elijah Schaffer Open Source Video;” Schaffer’s case is Case No. 21-cr-306), Ex. 307 (“Photo regarding Nov. 7 1983,” which references a Senate bombing on that date).

Fifth, the Government objects on the basis of Fed. R. Evid. 401, 403, and 404 to evidence of Defendant’s character and personal characteristics, which appear to seek jury nullification. *See, e.g.*, Ex. 1 (“Slideshow of Photos of Mr. Thomas & Family or Friends”), Ex. 218 (“Thomas Baby Pictures”), Ex. 219 (“Thomas at play picture”), Ex. 223 (“Boyscout picture of Thomas”), Ex. 230 (“Thomas at work picture”).

² To the extent the court permits the introduction of defense exhibits such as 336, the government requests that inflammatory titles including all capital letters and/or which characterize the video shielded from the jury. *See generally, United States v. Reffit*, 21-cr-23 (DLF).

Finally, the Government objects on the basis of Fed. R. Evid. 401, 403 to a number of other exhibits that are particularly concerning, which include, but are not limited to, the following:

- **Ex. 259: “CHS Documents”** – these documents appear to have been received in discovery by the defense team in the Proud Boys case, *United States v. Pezzola*, No. 1:21-cr-175-TJK (6). Not only are these materials irrelevant to this matter, but they were produced with a “highly sensitive” designation by the government in the Proud Boys case, as well as pursuant to a second protective order beyond the one typically entered in all January 6 cases.
- **Ex. 303: “Frequencies DC 011822[25098]”** – although the Government has not received the actual file for this exhibit, the Government suspects this is a sound file of high-pitched ringing sounds. This file was used in the *Alberts* trial to demonstrate Alberts’s known and documented medical condition, tinnitus, which is commonly described as ringing sound, roaring, or buzzing sounds. *See* 21-cr-26 (CRC). Here, Thomas has neither made a proffer related to any similar medical condition nor provided the Government with any reciprocal discovery documenting any such medical condition. Therefore, this exhibit is irrelevant.
- **Ex. 345: <https://www.youtube.com/watch?v=A8qkVKqoLUM>** – this YouTube link clicks through to a video of Ketanji Brown-Jackson’s hearing before the Senate Judiciary Committee. This video is not relevant.
- **Ex. 362: “RulesJudicialConductAndDisability20210101b[25144]”** – this link clicks through to a page with the following title, “Under the Judicial Conduct and Disability Act and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, anyone can file a complaint alleging a federal judge has committed misconduct or has a disability.” The Defendant has raised no such claims of judicial misconduct; therefore, this exhibit is totally irrelevant.

As noted above, the Government reserves the right to object to the admissibility of any of the 426 numbered exhibits and to revise and supplement its objections after reviewing the Defendant’s final version of exhibits, once they are received and can be properly identified and reviewed. The Government may also modify its objections depending on whether the exhibits are introduced on cross examination or in the defendant’s case in chief.

II. Specific Objections, to the Extent Possible, Given the Government still has Not Received Any Actual Exhibits or Discovery from the Defendant.

Attached hereto as Exhibit A is the Government's preliminary specific objections to Defendant's exhibits.

Dated: May 3, 2023

Respectfully submitted,

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Exhibit A

Government's Preliminary
Objections to Defendant
Thomas's April 28, 2023
Exhibit List

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
1	Slideshow of Photos of Mr. Thomas & Family or Friends	FRE 401, 403
2	Open Source Footage of Officer misconduct	FRE 401, 403
3	Photos of protestor injuries	FRE 401, 403
4	Bodycam footage of Officer R.A.	
5	Bodycam Footage of Officer S.A.	
6	Bodycam Footage of Officer K.V.	
7	Officers Pushing Crowd out of Upper West Terrace Area	FRE 401, 403
8	Bodycam Footage of Officer R.N.	
9	Bodycam Footage of Officer H.F.	FRE 401, 901
10	CDU Operational Plan for the USCP	FRE 401, 403
11	20210106-_FIRST_AMMENDMENT_ASSEMBLY-VERMONT & H STREET NW	FRE 401, 403
12	0102USCS01SenateWingDoornearS139_2021-01-06_14h11min04s377ms.mp4	FRE 401
13	20210106 Riot Capitol Building Bodycam Footage	FRE 401, 901
14	20210106 First Amendment Assembly Vermont & H Street	FRE 401
15	20210106 First Amendment 800 16th St NW	FRE 401
16	20210106 Capitol Siege United States Capitol	FRE 401
17	FELONY_APO_RIOTOUS_ACTS-US_CAPITOL_COMPLEX	FRE 401
18	20210106_-_RIOT_-_CAPITAL_BUILDING	FRE 401, 403
19	GO-PER-120.23 (Serious Misconduct Investigations)	FRE 401, 403, 802; duplicate
20	GO-RAR-901.07 (Use of Force);	FRE 401, 403, and 802
21	GOSPT-302.13 (Body-Worn Camera Program)	FRE 401, 403, and 802
22	RAR-901-04- Less Lethal Weapons	FRE 401, 403, and 802
23	Reserved	NA
24	RiotID_Guide_ENGLISH	FRE 401, 403, 802
25	Impact_Munitions_Guide_ENGLISH	FRE 401, 802
26	Tear_Gas_and_Pepper_Spray_Guide_ENGLISH	FRE 401, 403, and 802
27	How to Deploy Impact Munitions - Article - POLICE Magazine (1)	FRE 401, 403, and 802
28	covering_riot_control_in_the_united_states_0 (1)	FRE 401, 403, and 802
29	EO_17_002- BWCs: Serious Uses of Force, Serious Misconduct, and Critical or High-Profile Incidents	FRE 401, 403, and 802
30	PepperBall-Catalog-2022_web	FRE 401, 403, and 802
31	PEP-21006-Round-LIVE-Specs-120121	FRE 401, 403, and 802
32	PEP-21006-Round-LIVE-X-Specs-120121	FRE 401, 403, and 802
33	PEP-21006-Round-LIVE-MAXX-Specs-120121	FRE 401, 403, and 802
34	PEP-21006-Glass-Breaker-Specs-120121	FRE 401, 403, and 802
35	Reserved	NA
36	Reserved	NA
37	Reserved	NA

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
38	Reserved	NA
39	Reserved	NA
40	Reserved	NA
41	Reserved	NA
42	Reserved	NA
43	Reserved	NA
44	Reserved	NA
45	Reserved	NA
46	Reserved	NA
47	Reserved	NA
48	Reserved	NA
49	Reserved	NA
50	Reserved	NA
51	3454_CHOB_RF_Northwest_Roof_-_2021-01-06_18h40min01s.mp4	FRE 401, 403
52	PEP-21006-VXR-LIVE-Specs	FRE 401, 403, and 802
53	PEP-21006-VXR-LIVE-X-Spec-Sheet	FRE 401, 403, and 802
54	Reserved	NA
55	2021-01-06_19h00min01s.mp4	FRE 401, 403
56	7201_USCG_00_1st_&_E_Cap_SE_-_2021-01-06_18h40min01s.mp4	FRE 401, 403
57	7201_USCG_00_1st_&_E_Cap_SE_-_2021-01-06_19h00min01s.mp4	FRE 401, 403
58	20210106-FIRST_AMENDMENT-800_16TH_ST_NW	FRE 401, 403
59	Letter from VP Pence	
60	Staffers Walk Out Of Congress In Protest Over Brown And Garner Cases _ NCPR News	FRE 401, 403, and 802
61	CAPITOL POLICE FIRED EXPLODING FLASH GRENADE INTO CROWD on Jan. 6 of Men, Women, Children	FRE 401 and 403
62	January 6 Black Bloc Enters Capitol First	FRE 401 and 403
63	THE TRUTH - Rally-goers walk into the Capitol - Capitol Police open the doors.	FRE 401, 402, 802
64	Examining the Capitol Attack- A review of the security, planning, and response failures on January 6th.	FRE 401, 403, and 802
65	120_21re- Disciplinary Procedures and Processes	FRE 401, 403, and 802
66	201_31re - Policing for Prevention: Use of High Visibility Patrol Tactics	FRE 401, 403, and 802; duplicate
67	EO_20_021- Coronavirus 2019 Guidance on Calls for Service	FRE 401, 403, and 802
68	EO-20-027- Coronavirus 2019: Remote OPC Appearances and Electronic Submission Procedures	FRE 401, 403, and 802
69	EO-20-044- Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020	FRE 401, 403, and 802
70	GO - PER - 201.31- Policing for Prevention: Use of High Visibility Patrol Tactics	FRE 401, 403, and 802; duplicate
71	GO-OPS-204.06- Victim/Witness Services	FRE 401, 403, and 802
72	GO - SPT - 204.01- Media	FRE 401, 403, and 802
73	PER-201-29- Police Officer Initial Training Program	FRE 401, 403, and 802
74	GO-PER-201.08- Outside Training Program	FRE 401, 403, and 802
75	GO - PER - 201.31- Policing for Prevention: Use of High Visibility Patrol Tactics	FRE 401, 403, and 802; duplicate
76	16-013- Senior Law Enforcement Officer Emergency Act of 2016	FRE 401, 403, and 802
77	17-015- Selection Criteria for Field Training Officers	FRE 401, 403, and 802
78	18-003- Field Training Officer Compensation	FRE 401, 403, and 802
79	20-003- Disciplinary Procedure Updates	FRE 401, 403, and 802
80	EO-21-013- Coronavirus 2019: Modified Phase Two of Washington, DC Reopening	FRE 401, 403, and 802
81	EO-21-014- MPD Email Requirements	FRE 401, 403, and 802
82	EO-21-019- Self-Directed Learning (SDL) Program	FRE 401, 403, and 802
83	EO-21-027- Rank Insignia	FRE 401, 403, and 802

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
84	GO – PER – 201.32- Policing for Prevention: High Visibility Deployment of EO-21-032- Off-Duty Service Firearms and Police Action Sworn Personnel Visibility Patrol Tactics	FRE 401, 403, and 802; duplicate
85	5822Ex 71- 99630-Proud-Boys-Undercover-FBI-Informant-reports-live-from-on-site-January-6	FRE 401 and 403
86	EO-22-002- Ballistic Shield Deployment	FRE 401, 403, and 802
87	EO-22-010- Regular or Continuous Associations and Involvements	FRE 401, 403, and 802
88	GO – PER – 201.22- Fire and Police Disciplinary Action	FRE 401, 403, and 802
89	Procedure Act of 2004 GO - PER - 120.23- Serious Misconduct Investigations	FRE 401, 403, 802; duplicate
90	OMA-101-00- Directives System	FRE 401, 403, and 802
91	OMA-101-03- Organization, Authority, and Rules of the Metropolitan Police Department Reserve Corps	FRE 401, 403, and 802
92	OMA-101-09- Duties and Responsibilities of Sworn	FRE 401, 403, and 802
93	Officials OMA-101-10- Organization of the Metropolitan Police Department (MPD)	FRE 401, 403, and 802
94	PER-101-12- Senior Police Officers	FRE 401, 403, and 802
95	PER-110-11- Uniform, Equipment, and Appearance Standards	FRE 401, 403, and 802
96	OMA- 120 24- Revocation/Restoration of Police	FRE 401, 403, and 802
97	Powers	FRE 401, 901
98	PER-120-25- Processing Complaints Against Metropolitan Police Department Members	FRE 401, 403, and 802
99	PER-120-29- Professional Conduct and Intervention Board	FRE 401, 403, and 802
100	PER-201-01- Non-Uniformed Assignments	FRE 401, 403, and 802
101	GO- 201 3- Grievance Procedures	FRE 401, 403, and 802
102	GO- 201-04- Special Assignment Positions	FRE 401, 403, and 802
103	GO- 201-11- Transfers and Changes in Assignments	FRE 401, 403, and 802
104	GO- 201-18- Detail Assignments	FRE 401, 403, and 802
105	PER-201-19- Employee Personnel Records	FRE 401, 403, and 802
106	PER-201-20- Performance Management and Development	FRE 401, 403, and 802
107	GO-PER-201.21- Limitations on Work Hours	FRE 401, 403, and 802
108	PER-201-26- Duties, Responsibilities and Conduct of Members of the Department	FRE 401, 403, and 802
109	PER-201-27- Master Patrol Officer Program	FRE 401, 403, and 802
110	GO-201-28- Metropolitan Police Employee Assistance Program (MPEAP)	FRE 401, 403, and 802
111	PER 201 33- Field Training Program	FRE 401, 403, and 802
112	RAR-201-36- Metropolitan Police Department Sworn Law Enforcement Officer Code of Ethics	FRE 401, 403, and 802
113	0901 USCD LA Dome South - 2021-01-06 20h20min02s.mp4	FRE 401, 403
114	20210106 - RIOT - US CAPITOL- 6m 4s Bogner, William (8740) X6030478K	FRE 401, 901
115	OMA 203 02- Displaying and Handling of the United States Flag	FRE 401, 403, and 802
116	2021-R-00386 Expenditures	FRE 401, 403, and 802
117	NEWSMAX Feds Caught, On Video, Attacking Capitol On J6	FRE 401 and 403
118	Trump Supporters Stop Anarchists from Breaking US Capitol Windows	FRE 401 and 403
119	GO-205-03- Records Retention and Disposition	FRE 401, 403, and 802
120	GO-207-01- Clearance Procedures	FRE 401, 403, and 802
121	OPR Interview with Inspector Robert Glover	FRE 401 and 403
122	OPS-301-02- Patrol Special Mission Units	FRE 401, 403, and 802
123	OPS-301-09- Police Bikes	FRE 401, 403, and 802
124	SPT 302 01- Calls for Service	FRE 401, 403, and 802
125	SPT-302-02- Radio Broadcasts and Look-outs	FRE 401, 403, and 802
126	GOC-07-05- GO-PER-120.21 (Disciplinary Procedures and Processes)	FRE 401, 403, and 802
127	GOC-14-01 [GO-OMA-101.09 (Duties and Responsibilities of Sworn Officials)]	FRE 401, 403, and 802
128	GOC-17-01 [GO-PER-120.21 (Disciplinary Procedures and Processes)]	FRE 401, 403, and 802
129	PER 100 11- Medical Services	FRE 401, 403, and 802
130	GO - PER - 201.31- Policing for Prevention: Use of High	FRE 401, 403, and 802; duplicate
131	USCP Policy and Procedures Manuals	FRE 401
132	Reserved	NA
133	Reserved	NA
134	Reserved	NA
135	Bloody guy.mp4	FRE 401 and 403
136	Firing Rubber Bullets from above.mp4	FRE 401 and 403
137	rubber bullets from above 2.mp4	FRE 401 and 403
138	Reserved	NA
139	Reserved	NA
140	Reserved	NA
141	Reserved	NA
142	Reserved	NA
143	Reserved	NA

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
144	Reserved	NA
145	Reserved	NA
146	Reserved	NA
147	Reserved	NA
148	Reserved	NA
149	Reserved	NA
150	Reserved	NA
151	Reserved	NA
152	Reserved	NA
153	Reserved	NA
154	Reserved	NA
155	Reserved	NA
156	HSGAC&RulesFullReport ExaminingU.S.CapitolAttack	FRE 401, 403, and 802
157	PXL_20210730_151916286	FRE 401, 402, 802
158	RM-53211-Crowd-and-Riot-as-of-1298	FRE 401, 403, and 802
159	579168257-3-Person-Ten-Interview-Proposed-Redactions-Gov-Suggestions-Accepted	FRE 401, 403, 801
160	HSC 801 02 Demonstrations Directed at Foreign Governments	FRE 401, 403, and 802
161	BWC Camera Footage Foulds, Henry (11401) Title: 20210106 - RIOT - CAPITAL BUILDING ID:21002555 Video Length: 1:55:21-Starts at 4:10 pm	FRE 401, 403, and 802
162	BWC Camera Footage H. F. Title: 20210106 - RIOT - CAPITAL BUILDING ID: 21002555 Jan 6, 2021 3:53 PM	FRE 401, 403, and 802
163	Elijah Schaffer Open Source Video	FRE 401, 901
164	Stephen Horn Open Source Video 1	FRE 401, 901
165	Stephene Horn Open Source Video 2	FRE 401, 901
166	Stephene Horn Open Source Video 3	FRE 401, 901
167	Stephene Horn Open Source Video 4	FRE 401, 901
168	Parler Video 1	FRE 401, 901
169	Stephene Horn Open Source Video 5	FRE 401, 403, 901
170	Ford Fischer Video 1	FRE 401, 901
171	Ford Fischer Video 2	FRE 401, 901
172	Stephene Horn Open Source Video 6	FRE 401, 901
173	Stephene Horn Open Source Video 7	FRE 401, 901
174	Free State Will Open Source	FRE 401, 403, 901
175	Reserved	NA
176	20210106 - CAPITOL SIEGE - UNITED STATES CAPITOL Bagshaw, Jason (6640) X6039BLAL	FRE 401, 901
177	https://rumble.com/vcjxnp-shocking-new-video-capitol-police-appear-to-just-let-protesters-into-buildi.html	FRE 401, 403, 901
178	BWC Camera Footage- 20210106-FIRST AMENDMENT-800 16TH ST NW ID : 21001920, 21002550 X6039BGXT	FRE 401
179	https://rumble.com/vchzin-capitol-police-appear-to-remove-fence-barrier-containing-protestors.html	FRE 401, 403, 802
180	Photo of Stop Pence and Trump Protest Flyer	FRE 401 and 403
181	Reserved	NA
182	Article Real Clear Investigations	FRE 401, 403, 901
183	BWC Footage 20210106- FIRST AMMENDMENT ASSEMBLY- VERMONT Officer T.A. X6039B98K	FRE 401, 901
184	Schedule for Wednesday January 6th 2021	FRE 401
185	Hayes and Tilden Photo	FRE 401, 403, and 802
186	Hayes and Tilden Article Wikipedia	FRE 401, 403, and 802
187	20210106-FELONY APO/RIOTOUS ACTS-US CAPITOL COMPLEX Off. S.S. X6039BJ8Z	FRE 401, 901
188	Raz_of_the_CHAZ's_Livestream_Where_He_&_His_Henchmen_Attack,_Follow	FRE 401, 403, 901
189	The Capitol Riot : As it Happened [6uSYhyFao4]	FRE 401, 403, 901
190	Protestor Talking about J6 1	FRE 401, 403, 901
191	Capitol Police Appear to Remove Fence Barrier Containing Protestors	FRE 401, 403, 901
192	final_report_of_investigation_real	FRE 401, 403, and 802
193	Woman Using Walkie Talkie	FRE 401, 403, 901
194	Shocking New Video Capitol Police Appear To Just Let Protesters	FRE 401 and 403
195	Mob storming the Capitol	FRE 401, 403, 901
196	photo 2023-01-09 15-22-32	FRE 401
197	photo 2023-01-09 15-22-15	FRE 401
198	20210106 - RIOT - US CAPITOL- 1h 16m Bogner, William (8740) X6030478K	FRE 401, 901
199	20210106 - RIOT - US CAPITOL- 33m 40s Bogner, William (8740) X6030478K	FRE 401, 901
200	20210106 - RIOT - US CAPITOL- 1h 20m Bogner, William (8740) X6030478K	FRE 401, 901

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
201	Reserved	NA
202	Reserved	NA
203	Reserved	NA
204	0944 USCS RF West Roof - 2021-01-06_18h03min53s.mp4	FRE 401
205	rules.senate.gov/rules-of-the-senate	FRE 401, 403, and 802
206	govinfo.gov/app/collection/SMAN	FRE 401, 403, and 802
207	https://www.govinfo.gov/app/details/GPO-RIDDICK-1992/GPO-RIDDICK-1992-1/context	FRE 401, 403, and 802
208	CAPVID_00002_ABQ Raw 9 minute youtube.com watch v=oYxKioXhve0.mp4	FRE 401, 403, 901
209	https://www.senate.gov/legislative/cloture/clotureCounts.htm	FRE 401, 403, and 802
210	The Legislative Process on the Senate Floor: An Introduction	FRE 401, 403, and 802
211	The Office of the Parliamentarian in the House and Senate	FRE 401, 403, and 802
212	The Legislative Process: Overview (Video)	FRE 401, 403, and 802
213	How Our Laws Are Made	FRE 401, 403, and 802
214	https://www.senate.gov/about/powers-procedures/filibusters-cloture/resources.htm	FRE 401, 403, and 802
215	Reserved	NA
216	Reserved	NA
217	Reserved	NA
218	Thomas Baby Pictures	FRE 401, 403
219	Thomas at play picture	FRE 401, 403
220	Reserved	NA
221	Unknown_202101061258_WFC1012292_37363435.mpeg	FRE 401, 403
222	Unknown_202101061317_WFC1012292_37365769.mpeg	FRE 401, 403
223	Boyscout picture of Thomas	FRE 401, 403
224	photo_2023-01-09_14-57-19	FRE 401
225	People_at_CHAZ_Say_There_are_No_White_Supremacists_There_iCYMFbypZ4	FRE 401, 403
226	People Removing Barriers	FRE 401, 403, 901
227	Someone else breaking the window.mp4	FRE 401, 403, 901
228	Images of blood on ground	FRE 401, 403, 901
229	Video of blood on ground.mp4	FRE 401, 403, 901
230	Thomas at work picture	FRE 401, 403
231	Open Source Video Protestors 1	FRE 401, 403, 901
232	Open Source Video Protestors 2	FRE 401, 403, 901
233	Open Source Video Protestors 3	FRE 401, 403, 901
234	20210106 - FELONY RIOT - US CAPITOL Officer L.M X6039BHJ1 32m 59s	FRE 401, 901
235	20210106 - FELONY RIOT - US CAPITOL Officer L.M X6039BHJ1 25m 5s	FRE 401, 901
236	20210106 - FELONY RIOT - US CAPITOL Officer L.M X6039BHJ1 1h 39m	FRE 401, 901
237	20210106 - CAPITOL SIEGE - UNITED STATES CAPITOL Officer J.B. X6039BLAL 3h 24m	FRE 401, 901
238	20210106 - CAPITOL SIEGE - UNITED STATES CAPITOL 1h 16m Officer J.B. X6039BLAL	FRE 401, 901
239	20210106- RIOTOUS ACTS- US CAPITAL COMPLEX Officer C.M X6039BF8M 17m 46s	FRE 401, 901
240	20210106- RIOTOUS ACTS- US CAPITAL COMPLEX Officer C.M X6039BF8M 18m 3s	FRE 401, 901
241	2021-01-06 uscp riot Officer D.T X6039B83Q 9m 43s	FRE 401, 901
242	2021-01-06 uscp riot Officer D.T X6039B83Q 23m 58s	FRE 401, 901
243	2021-01-06 USCP Riot-StingerOfficer D.T X6039B83Q	FRE 401, 901
244	2021-01-06 USCP riot Officer D.T X6039B83Q	FRE 401, 901
245	2021-01-06 uscp riot- SKAT Officer D.T X6039B83Q	FRE 401, 901
246	2021-01-06 USCP riot-Mechanical Officer D.T X6039B83Q	FRE 401, 901
247	HAU 3RD VIDEO - 2021-01-06 USCP RIOT ECD DEPLOYM Officer D.T X6039B83Q	FRE 401, 901
248	THAU 2ND VIDEO - 2021-01-06 uscp RIOT Officer D.T X6039B83Q	FRE 401, 901
249	2021-01-06 USCP RIOTS Officer D.T X6039B83Q	FRE 401, 901
250	THAU 1ST VIDEO - 2021-01-06 USCP RIOTS Officer D.T X6039B83Q	FRE 401, 901
251	20210106-Riot-capitol building- 24m 29s Nevel, Dustin (6293) X60399001	FRE 401, 901
252	20210106-Riot-capitol building- 13m 32s Nevel, Dustin (6293) X60399001	FRE 401, 901
253	Stop Pence Trump Photo	FRE 401, 403, 901
254	U.S. Capitol Grounds Demonstration Area Map	FRE 401, 403, 901
255	Guidelines For Conducting an Event on United States Capitol Grounds December 2019	FRE 401, 901
256	USCP-011-00055405_image	FRE 401, 901
257	IMG_4942[25530]	FRE 401, 901
258	IMG_4944[25529]	FRE 401, 901

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
259	CHS Documents	FRE 401, 403, 802, 901
260	Vargo video	FRE 401, 901
261	CCTV footage of Tunnel Area	FRE 401, 403, 901
262	Bodycam footage of Tunnel	FRE 401, 403, 901
263	Bodycam footage of Officer beating Victoria White in head	FRE 401, 403, 901
264	0924 USCG 00 ST22 Exterior - 2021-01-06_21h00min49s	FRE 401, 901
265	0924 USCG 00 ST22 Exterior - 2021-01-06_20h43min24s	FRE 401, 901
266	0924 USCG 00 ST22 Exterior - 2021-01-06_20h24min59s	FRE 401, 901
267	0924 USCG 00 ST22 Exterior - 2021-01-06_20h24min59s.m	FRE 401, 901
268	0924 USCG 00 ST22 Exterior - 2021-01-06_20h24min59s.m	FRE 401, 901
269	0924 USCG 00 ST22 Exterior - 2021-01-06_20h06min24s.	FRE 401, 901
270	Images of Ray Epps	FRE 401, 403, 901
271	Videos of Ray Epps	FRE 401, 403, 901
272	Documents related to Ray Epps	FRE 401, 403, 802, 901
273	Reserved	NA
274	Reserved	NA
275	Reserved	NA
276	Reserved	NA
277	Reserved	NA
278	Reserved	NA
279	Reserved	NA
280	Reserved	NA
281	Reserved	NA
282	Reserved	NA
283	Reserved	NA
284	Reserved	NA
285	Reserved	NA
286	Reserved	NA
287	https://rumble.com/vliikzq-a-glitch-in-the-matrix-an-eloquent-defense-of-jan-6-protestors-by-democrat-.html	FRE 401, 403, 802, 901
288	https://www.youtube.com/watch?v=mZ2sQax3_xo&feature=youtu.be	FRE 401, 403, 802, 901
289	https://www.youtube.com/watch?v=z1HB82BYR88	FRE 401, 403, 802, 901
290	https://www.youtube.com/watch?v=ehpYUqoHEgg	FRE 401, 403, 802, 901
291	Open source video of J6 1	FRE 401, 403, 901
292	Open source video of J6 2	FRE 401, 403, 901
293	Open source video of J6 3	FRE 401, 403, 901
294	Open source video of J6 4	FRE 401, 403, 901
295	Open source video of J6 5	FRE 401, 403, 901
296	Open source video of J6 6	FRE 401, 403, 901
297	Open source video of J6 7	FRE 401, 403, 901
298	Open source video of J6 8	FRE 401, 403, 901
299	Open source video of J6 9	FRE 401, 403, 901
300	Open source video of J6 10	FRE 401, 403, 901
301	5 Demonstration Permits for J6	FRE 401, 901
302	Global Discovery Letter Summary	FRE 401, 802
303	Frequencies DC 011822[25098]	FRE 401, 403, 901
304	Crosstabs DC 011822[25099]	FRE 401, 802, 901
305	Muriel Bowser Letter	FRE 401, 802, 901
306	Jim Jordan Letter	FRE 401, 802, 901
307	Photo regarding Nov. 7 1983	FRE 401, 403, 901
308	IMG_8281[25112]	FRE 401, 403, 901
309	IMG_8452[25110]	FRE 401, 403, 901
310	IMG_6860[25116], IMG_6859[25115],	FRE 401, 403, 901
311	IMG_6027[25113], IMG_6028[25114]	FRE 401, 403, 901
312	IMG_5804[25119], IMG_5805[25120], IMG_5806[25118], IMG_5807[25117]	FRE 401, 403, 901
313	USCG 00 Upper Terrace W - 2021-01-07_01h26min	FRE 401, 403, 901
314	USCG 00 Upper Terrace W - 2021-01-07_01h06mi	FRE 401, 901
315	USCG 00 Upper Terrace W - 2021-01-07_00h46min	FRE 401, 901
316	USCG 00 Upper Terrace W - 2021-01-07_00h26min1	FRE 401, 901
317	USCG 00 Upper Terrace W - 2021-01-06_16h40min	FRE 401, 901
318	USCG 00 Upper Terrace W - 2021-01-06_17h00mi	FRE 401, 901
319	USCG 00 Upper Terrace W - 2021-01-06_17h20min	FRE 401, 901
320	USCG 00 Upper Terrace W - 2021-01-06_17h40min0	FRE 401, 901
321	USCG 00 Upper Terrace W - 2021-01-06_18h00mi	FRE 401, 901
322	USCG 00 Upper Terrace W - 2021-01-06_18h09min	FRE 401, 901
323	USCG 00 Upper Terrace W - 2021-01-06_18h09min4	FRE 401, 901
324	USCG 00 Upper Terrace W - 2021-01-06_18h19min	FRE 401, 901
325	gao-22-104829[25121]	FRE 401, 403, 802, 901
326	DC-FirstAmendment	FRE 401, 802

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
327	screenshot-www.newsmax.com-2023.01.25-08_25_02	FRE 401, 403, 802, 901
328	screenshot-thehill.com-2023.01.25-08_25_44	FRE 401, 403, 802, 901
329	https://www.youtube.com/watch?v=NWHK_v28tgY	FRE 401, 403, 901
330	https://www.youtube.com/watch?v=6B8x8ZbFmtc	FRE 401, 403, 802, 901
331	https://rumble.com/v1oi8fj-rep.-dave-schweikert-we-will-expose-and-break-up-the-fbi-pardon-j6-politica.html	FRE 401, 403, 802, 901
332	https://www.thegatewaypundit.com/2022/10/proof-pelosi-democrats-set-legal-protestors-issued-permits-january-6th-denying-trumps-already-authorized-national-guardsmen-video/	FRE 401, 403, 802, 901
333	https://www.youtube.com/watch?v=DZQRetozhSY	FRE 401, 403, 802, 901
334	https://rumble.com/v1r1wg0-is-leftwing-journalist-john-nichols-the-infamous-january-6-scaffold-command.html	FRE 401, 403, 802, 901
335	https://twitter.com/jomichigan1/status/1534873459628683269?s=46&t=UURIw2dJ52aKdSSIVLCDoA	FRE 401, 403, 802, 901
336	https://www.thegatewaypundit.com/2021/05/shock-video-capitol-police-started-shooting-peaceful-trump-supporters-behind-gates-jan-6-fired-flash-grenades-rubber-bullets-peaceful-protesters-including-children/?utm_source=Telegram&utm_medium=PostBottomSharingButtons&utm_campaign=websitesharingbuttons	FRE 401, 403, 802, 901
337	https://www.thegatewaypundit.com/2021/11/new-video-january-6th-shows-capitol-police-tackling-beating-trump-protester-senseless/?utm_source=Telegram&utm_campaign=websitesharingbuttons	FRE 401, 403, 802, 901
338	ErEUC3WXcAMWVLu, ErEUC3WXUAYicvf, ErEUC3YW8AEMnWq	FRE 401, 403, 802, 901
339	https://vdare.com/posts/in-the-blm-white-house-siege-may-31-2020-60-secret-service-agents-were-injured-protecting-trump-from-george-floyd-insurrectionists	FRE 401, 403, 802, 901
340	https://rumble.com/v1ac83u-senate-sergeant-at-arms-dead-after-testifying-jan6-had-paid-agitators-justi.html	FRE 401, 403, 802, 901
341	https://archive.org/details/4HHczemL6QDoukiCD	FRE 401, 403, 802, 901
342	https://rumble.com/v21ynl8-january-6-capital-protest-nee-video-shows-someone-pulling-people-inside-the.html	FRE 401, 403, 802, 901
343	https://www.cnn.com/2017/01/19/politics/trump-inauguration-protests-womens-march/index.html	FRE 401, 403, 802, 901
344	https://www.thegatewaypundit.com/2022/01/chris-wray-lied-secret-service-admits-knew-13-counter-protest-groups-organizing-attend-washington-dc-jan-6-protests/	FRE 401, 403, 802, 901
345	https://www.youtube.com/watch?v=A8qkVKqoLUM	FRE 401, 403, 802, 901
346	USCPJan.6Timeline[25122]	
347	20220717_142552_IMG_0116[25136]	FRE 401, 403, 901
348	IMG_4744[25127]	FRE 401, 403, 901
349	IMG_4913[25123]	FRE 401, 403, 901
350	IMG_4914[25125], IMG_4915[25124]	FRE 401, 403, 901
351	PLAW-115publ435[25139]	FRE 401, 403, 901
352	grassley to doj - failure to prosecute oig criminal referrals[25140]	FRE 401, 403, 802, 901
353	04.29.22. - comms oag odag - interim[25153]	FRE 401, 403, 802, 901
354	07.15.22. - january 4 2021 meeting doj dod[25152]	FRE 401, 403, 802, 901
355	11 05 21 call logs for senior officials from january 6 2021[25151]	FRE 401, 403, 802, 901
356	20221027152243533 20221027-152110-95757954-00007015[25150]	FRE 401, 403, 802, 901
357	DODIG-2022-039 V2 508[25149]	FRE 401, 403, 802, 901
358	gao-22-104829[25148]	FRE 401, 403, 802, 901
359	Melissa-Miller-Notice-of-Deprivation-of-Rights-of-The-January-6th-Political-Prisoners-5397524713525778471[25147]	FRE 401, 403, 802, 901
360	MPD-001-00000034[25146]	FRE 401, 403, 802, 901
361	New York State Rifle And Pistol Association Inc v Bruen[25145]	FRE 401, 403, 802, 901
362	RulesJudicialConductAndDisability20210101b[25144]	FRE 401, 403, 802, 901
363	The_Right_to_Venue_and_the_Right_to_an_Impartial_Jury_Resolving[25143]	FRE 401, 403, 802, 901
364	USCPJanuary-6-Timeline[25142]	FRE 401, 403, 802, 901
365	5. HSEMA letter to Gen Walker 12_31_20[25141]	FRE 401, 403, 802, 901
366	0928 USCG 00 Upper Terrace NW - 2021-01-06 21h10min33s (1)	FRE 401, 901
367	0928 USCG 00 Upper Terrace NW - 2021-01-06 20h52min24s	FRE 401, 901
368	0928 USCG 00 Upper Terrace NW - 2021-01-06 20h37min24s	FRE 401, 901
369	0928 USCG 00 Upper Terrace NW - 2021-01-06 20h24min22s	FRE 401, 901
370	0928 USCG 00 Upper Terrace NW - 2021-01-06 20h10min55s	FRE 401, 901
371	0928 USCG 00 Upper Terrace NW - 2021-01-06 19h58min24s	FRE 401, 901
372	0928 USCG 00 Upper Terrace NW - 2021-01-06 19h47min22s	FRE 401, 901
373	0928 USCG 00 Upper Terrace NW - 2021-01-06 19h36min06s	FRE 401, 901
374	0928 USCG 00 Upper Terrace NW - 2021-01-06 19h23min54s	FRE 401, 901
375	0928 USCG 00 Upper Terrace NW - 2021-01-06 19h09min45s	FRE 401, 901
376	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h59min37s	FRE 401, 901
377	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h49min22s	FRE 401, 901

<u>Ex. No.</u>	<u>Description</u>	<u>Ground for Govt Objection</u>
378	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h39min23s	FRE 401, 901
379	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h29min25s	FRE 401, 901
380	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h59min37s (1)	FRE 401, 901
381	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h09min48s	FRE 401, 901
382	0928 USCG 00 Upper Terrace NW - 2021-01-06 18h00min01s	FRE 401, 901
383	0928 USCG 00 Upper Terrace NW - 2021-01-06 17h40min01s	FRE 401, 901
384	0928 USCG 00 Upper Terrace NW - 2021-01-06 17h20min01s	FRE 401, 901
385	0928 USCG 00 Upper Terrace NW - 2021-01-06 17h00min01s	FRE 401, 901
386	0928 USCG 00 Upper Terrace NW - 2021-01-06 16h40min01s	FRE 401, 901
387	0943 USCH RF West Roof - 2021-01-06 16h40min01s	FRE 401, 901
388	0943 USCH RF West Roof - 2021-01-06 17h40min01s	FRE 401, 901
389	0943 USCH RF West Roof - 2021-01-06 18h00min01s	FRE 401, 901
390	0943 USCH RF West Roof - 2021-01-06 18h09min50s.mp4	FRE 401, 901
391	0943 USCH RF West Roof - 2021-01-06 18h19min39s.mp4	FRE 401, 901
392	0943 USCH RF West Roof - 2021-01-06 18h29min28s.mp4	FRE 401, 901
393	0943 USCH RF West Roof - 2021-01-06 18h39min17s.mp4	FRE 401, 901
394	0943 USCH RF West Roof - 2021-01-06 18h49min06s.mp4	FRE 401, 901
395	0943 USCH RF West Roof - 2021-01-06 18h58min55s.mp4	FRE 401, 901
396	0943 USCH RF West Roof - 2021-01-06 19h08min44s.mp4	FRE 401, 901
397	0943 USCH RF West Roof - 2021-01-06 19h18min32s.mp4	FRE 401, 901
398	0943 USCH RF West Roof - 2021-01-06 19h28min21s.mp4	FRE 401, 901
399	0943 USCH RF West Roof - 2021-01-06 19h38min10s.mp4	FRE 401, 901
400	0943 USCH RF West Roof - 2021-01-06 19h47min59s.mp4	FRE 401, 901
401	0943 USCH RF West Roof - 2021-01-06 19h57min48s.mp4	FRE 401, 901
402	0943 USCH RF West Roof - 2021-01-06 20h07min37s.mp4	FRE 401, 901
403	0943 USCH RF West Roof - 2021-01-06 20h17min26s.mp4	FRE 401, 901
404	0943 USCH RF West Roof - 2021-01-06 20h27min15s.mp4	FRE 401, 901
405	0943 USCH RF West Roof - 2021-01-06 21h06min30s.mp4	FRE 401, 901
406	0943 USCH RF West Roof - 2021-01-06 20h56min41s.mp4	FRE 401, 901
407	0943 USCH RF West Roof - 2021-01-06 20h46min52s.mp4	FRE 401, 901
408	0943 USCH RF West Roof - 2021-01-06 20h37min03s.mp4	FRE 401, 901
409	0943 USCH RF West Roof - 2021-01-06 21h26min07s.mp4	FRE 401, 901
410	0943 USCH RF West Roof - 2021-01-06 21h35min56s.mp4	FRE 401, 901
411	0943 USCH RF West Roof - 2021-01-06 21h45min45s.mp4	FRE 401, 901
412	0943 USCH RF West Roof - 2021-01-06 21h55min57s.mp4	FRE 401, 901
413	0943 USCH RF West Roof - 2021-01-06 22h06min36s.mp4	FRE 401, 901
414	0943 USCH RF West Roof - 2021-01-06 22h21min51s.mp4	FRE 401, 901
415	0943 USCH RF West Roof - 2021-01-06 22h41min51s.mp4	FRE 401, 901
416	0943 USCH RF West Roof - 2021-01-07 00h01min51s.mp4	FRE 401, 901
417	0943 USCH RF West Roof - 2021-01-06 23h41min51s.mp4	FRE 401, 901
418	0943 USCH RF West Roof - 2021-01-06 23h21min51s.mp4	FRE 401, 901
419	0943 USCH RF West Roof - 2021-01-06 23h01min51s.mp4	FRE 401, 901
420	0943 USCH RF West Roof - 2021-01-07 00h21min51s.mp4	FRE 401, 901
421	0943 USCH RF West Roof - 2021-01-07 00h41min51s.mp4	FRE 401, 901
422	0943 USCH RF West Roof - 2021-01-07 01h01min51s.mp4	FRE 401, 901
423	0943 USCH RF West Roof - 2021-01-07 01h21min51s.mp4	FRE 401, 901
424	Section: 24-705 FIRST AMENDMENT ASSEMBLIES: GENERAL PROVISIONS	FRE 401, 802
425	Axon Body 3 Video 2021-01-06 1928-Bodycam of Allorie Sanders	FRE 401, 901
426	Axon Body 3 Video 2021-01-06 1923-9m12s-Bodycam of Frank Edwards	FRE 401, 901
427	Axon Body 3 Video 2021-01-06 1918	FRE 401, 901
428	20210106-CPWL-CAPITOL-Haynes	FRE 401, 901
429	20210106-CPWL_FELONY_RIOT_CURFEW-US_CAPITOL-Robinson BWC	FRE 401, 901
430	20210106 - RIOT - Capital BUILDING-31m35s	FRE 401, 901
431	Haynes UOF MPD-001-00000020 (1)	FRE 401, 901
432	Haynes Arrest Packet MPD-002-00000852 (1)	FRE 401, 802, 901
433	Use of Force and Officer Injury Report	FRE 401, 403, 802, 901
434	Several Images of Capitol under Construction	