

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

MATTHEW DASILVA,

Defendant.

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Case No. 1:21-cr-564 (CJN)

STIPULATIONS OF THE PARTIES

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Matthew DaSilva, with the concurrence of his attorney, agree and stipulate to the following stipulations. Neither party shall be prohibited from calling witnesses to testify about, or introducing evidence to establish, any of the facts listed in these stipulations:

Exhibit 701: Identity of the Defendant

Exhibit 702: No Criminal Record

Exhibit 703: United States Capitol Police Closed Circuit Video Monitoring

Exhibit 704: U.S. Capitol Police on U.S. Capitol Grounds

Exhibit 705: The United States Capitol Building & Grounds

Exhibit 706: Timeline of the Certification of the Electoral College Vote

Exhibit 707: The Existence of a Civil Disorder

Exhibit 701: Identity of the Defendant

On January 6, 2021, Matthew DaSilva was wearing eyeglasses, a red baseball hat with two white characters/symbols, a blue/gray camouflage jacket, and blue jeans. At times, DaSilva is wearing black leather gloves and/or a yellow and black scarf.

The white male with a full beard depicted in the photographs below are fair and accurate depictions of Matthew DaSilva on the U.S. Capitol grounds on January 6, 2021.

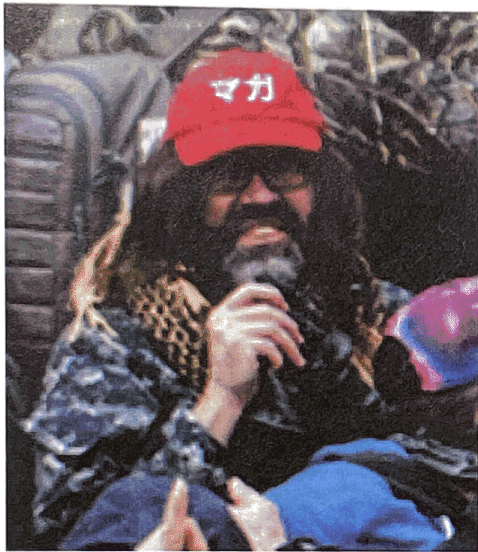


Exhibit 702: No Criminal Record

The parties stipulate and agree that the defendant, Matthew DaSilva, has no criminal record of which the government is aware.

Exhibit 703: United States Capitol Police Closed Circuit Video Monitoring

The United States Capitol Police (USCP) operate and maintain closed-circuit video monitoring and recording equipment that captures locations inside and outside of the U.S. Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the date and time at which the footage is captured. The USCP-controlled video equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment for the day of January 6, 2021, is footage of January 6, 2021. The events depicted in the video footage contained in **Exhibits 201-205, 603, 604**, and associated screenshots are a fair and accurate depiction of the events at the U.S. Capitol on January 6, 2021. Where the timestamps are visible on the recordings, they are accurate. The video footage was not altered or edited in any way except to create shorter clips. The video footage is authentic in that it is what it purports to be.

Exhibit 704: U.S. Capitol Police on U.S. Capitol Grounds

On January 6, 2021, officers from the United States Capitol Police (USCP) on the U.S. Capitol Grounds and in the U.S. Capitol building were engaged in their official duties as officers or employees of the United States or of any agency in any branch of the United States Government, as those terms are used in Title 18, United States Code, Section 1114.

Exhibit 705: The United States Capitol Building & Grounds

By law, the U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. At the U.S. Capitol, the building itself has 540 rooms covering 175,170 square feet of ground, roughly four acres. The building is 751 feet long (roughly 228 meters) from north to south and 350 feet wide (106 meters) at its widest point. The U.S. Capitol Visitor Center is 580,000 square feet and is located underground on the east side of the Capitol.

On the west side of the Capitol building is the West Front, which includes variety of open concrete spaces, a fountain surrounded by a walkway, two broad staircases, and multiple terraces at each floor. On January 6, 2021, the inaugural stage scaffolding was on the West Front of the Capitol building. On the East Front are three staircases, porticos on both the House and Senate side, and two large skylights into the Visitor's Center surrounded by a concrete parkway.

Exhibit 706: Timeline of the Certification of the Electoral College Vote

On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in both the House and Senate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020.

On January 6, 2021, the House of Representatives began its session at approximately 12:00 p.m., the Senate began its session at approximately 12:30 p.m., and the two Houses met together at approximately 1:00 p.m. in the House of Representatives chamber to begin the joint session. Vice President Mike Pence was in the Capitol building and presiding over the joint session. At approximately 1:15 p.m., the House and Senate adjourned to their separate chambers for up to two hours to resolve a particular objection.

Shortly after 2:00 PM, individuals in the crowd forced entry into the U.S. Capitol Building. At approximately 2:11 PM, and as a result of the forced entry into the U.S. Capitol building, USCP and USSS escorted Vice Present Mike Pence from the Senate Chambers. At approximately 2:15 PM members of the United States House of Representatives and United States Senate leadership were evacuated. At approximately 2:28 PM EST, USCP evacuated the remaining lawmakers from the Senate Floor. At approximately 2:39 PM, USCP began evacuating the remaining lawmakers inside the House Chamber. All members on the House Floor were evacuated by 2:57 PM.

The Senate and House resumed meeting at approximately 8:06 p.m. and 9:02 p.m., respectively. Congress's joint session continued until approximately 3:44 a.m. on January 7, 2021, when it completed the certification of the Electoral College vote.

Exhibit 707: The Existence of a Civil Disorder

Beginning at approximately 12:53 p.m. on January 6, 2021, and continuing until approximately 6:30 p.m. on January 6, 2021, the events on the Grounds of the U.S. Capitol and in the U.S. Capitol building constituted a “civil disorder” as that term is used in Title 18, United States Code, Section 231(a)(3), which means that it was a public disturbance involving acts of violence by assemblages of three or more persons, which caused an immediate danger of or resulted in damage or injury to the property or person of any other individual.

FOR THE DEFENDANT

MATTHEW DASILA
Defendant



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