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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

LEO CHRISTOPHER KELLY,

Defendant(s).

Criminal Case

No. 21-00708 (RCL)

Washington, D.C.

May 1, 2023

JURY TRIAL - DAY 1
BEFORE THE HONORABLE ROYCE C. LAMBERTH
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF(S): Ashley Akers, Esquire
Gregory P. Rosen, Esquire
United States Attorney's Office
601 D Street Northwest
Washington, D.C. 20530

FOR THE DEFENDANT(S): Kira Anne West, Esquire
Law Office of Kira West
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Nicole A. Cubbage, Esquire
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REPORTED BY: Tammy Nestor, RMR, CRR
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1 The following proceedings began at 10:21 a.m.:

2 THE COURTROOM DEPUTY: Your Honor, this is Criminal
3 Case No. 21-708, United States of America versus Leo
4 Christopher Kelly. Starting with the government, please
5 approach the podium and state your appearance for the record.

6 MS. AKERS: Good morning, Your Honor. Ashley Akers
7 for the United States. And with me at counsel table is
8 Co-counsel Gregory Rosen, Special Agent Michael McGillicuddy,
9 and our paralegal Edward Wise. He goes by Lee Wise. Thank
10 you.

11 MS. WEST: Good morning, Your Honor. Kira Anne West
12 for Mr. Leo Kelly, who is present. Also with me is Nicole
13 Cabbage. Also is our law clerk Ms. Karmel Landver, who will be
14 assisting us today in picking the jury.

15 THE COURT: Okay.

16 MS. WEST: I should also note for the Court that
17 Mr. Kelly's family and pastor are here from Iowa in the
18 courtroom.

19 THE COURT: I think what I would prefer to do is have
20 them move over to the last two rows of this side so I can seat
21 the panel all the way this way.

22 MS. WEST: Yes, sir. There were some pieces of paper
23 there that said it was reserved, so that's why we had them over
24 there.

25 THE COURTROOM DEPUTY: I had put down all the jury

1 questionnaire sheets so the jurors would have them when they
2 came in.

3 THE COURT: No, that's okay if that's the way you did
4 it. Okay. That's fine.

5 MS. WEST: Thank you, Your Honor.

6 THE COURT: We will be ready to seat the prospective
7 jury panel then.

8 THE COURTROOM DEPUTY: I will go get them.

9 (Prospective jurors entered the courtroom at
10 10:36 a.m.)

11 THE COURTROOM DEPUTY: This is Criminal Case 21-708,
12 United States of America versus Leo Christopher Kelly.

13 THE COURT: All right. Good morning, ladies and
14 gentlemen. Welcome to Courtroom 15. I'm Judge Royce C.
15 Lamberth. I will be the presiding judge in this case. You
16 have been called to this courtroom for possible selection of a
17 criminal trial in the case of United States versus Leo
18 Christopher Kelly, 21-Criminal-708.

19 If all of you will please stand, the clerk will swear
20 you in and then we will proceed. If you raise your right hand,
21 the clerk will give you the oath as prospective members of the
22 jury panel.

23 (The prospective jurors were sworn.)

24 THE COURT: All right. Ladies and gentlemen, this is
25 still a time of COVID for some in our community, and I want us

1 to be as safe as we can. So I do require everyone in the
2 courtroom who's not behind Plexiglas like I am to wear their
3 mask.

4 When counsel are at the podium questioning witnesses
5 and speaking into the microphone, they are able to take their
6 mask off. The witness on the witness stand can take their mask
7 off. But otherwise, everyone in the courtroom will be wearing
8 their mask for the duration of the trial.

9 Jurors in the box will wear their mask during the time
10 they are in the box. Jurors in the jury room will be able to
11 have some flexibility among themselves about to what extent
12 they want to wear their masks or not. If jurors prefer to wear
13 their masks during the time they are in the jury room
14 themselves, I leave it to the jury. But we are trying to be as
15 safe as we can. I have had good luck so far post pandemic with
16 jurors.

17 I thank all of you as good citizens being willing to
18 help us pick a fair and impartial jury so that our system can
19 still function even in these post-pandemic times. And the
20 purpose of jury selection today is to select jurors who have no
21 prior knowledge of the case or no bias toward either side of
22 the case. In short, it's our aim to select a jury that will
23 reach a verdict solely on the evidence presented in this
24 courtroom and the law as I instruct you about the law.

25 During this process, you will be introduced to the

1 participants in the trial. I will ask you a series of
2 questions the lawyers and I think will be helpful to us in
3 selecting a fair and impartial jury.

4 You, of course, are bound by the oath you have just
5 taken to truthfully answer my questions.

6 All of you should have a sheet of paper and a pen.
7 Please write your jury number in the appropriate part of that
8 sheet because I am going to collect your sheets after we finish
9 this session. And then I am going to ask you to wait in the
10 courtroom across the hall, and I will talk to each of you
11 individually about your answers so that you don't blurt out
12 something in front of everyone else that might affect the jury
13 selection process.

14 All of these are yes or no questions that I am going
15 to ask you here, and you can indicate on your sheet with an X
16 if you have a yes answer. You don't have to write why you have
17 a yes answer because when I collect your sheets, I will call
18 you up to the bench individually and I will ask you why you
19 answered yes or didn't answer particular questions. You don't
20 have to put anything if you don't have a yes answer. I will do
21 that at the bench to protect your privacy and also to have a
22 more fair process as we go through this.

23 I may have some follow-up questions depending on what
24 you answer yes to. We are going to be asking what might appear
25 to you to be some personal questions in an attempt to get your

1 viewpoint about things. It's important that you be entirely
2 straightforward with us in your responses so that we may more
3 easily select the jury in this case.

4 First, let me tell you about the case. It's a
5 criminal case entitled United States versus Leo Christopher
6 Kelly. It arises out of the events at the U.S. Capitol on
7 January 6, 2021. The government has alleged that Mr. Kelly
8 committed seven crimes relating to Congress's meeting at the
9 U.S. Capitol on January 6, 2021 to certify the Electoral
10 College vote for president.

11 First, he is charged with obstructing an official
12 proceeding for allegedly interfering with Congress's meeting.

13 Second, he's charged with entering and remaining in a
14 restricted building or grounds.

15 Third, he's charged with disorderly and disruptive
16 conduct in a restricted building or grounds.

17 Fourth, he's charged with entering and remaining on
18 the floor of Congress.

19 Fifth, he's charged with entering and remaining in
20 certain rooms in the Capitol building set aside and designated
21 for use of either house of Congress and the member committee,
22 officer and employee of Congress, and either house of Congress
23 and the Library of Congress without authorization to do so.

24 Sixth, he's charged with disorderly conduct in a
25 Capitol building.

1 And seventh, he's charged with parading,
2 demonstrating, or picketing in a Capitol building.

3 Mr. Kelly has pleaded not guilty to all charges.

4 Question No. 1 then, and answer this if you have a yes
5 to No. 1, having heard a brief description of the case, do you
6 know or have you heard anything about this particular case?

7 Now, No. 2, I am going to introduce you to the parties
8 and counsel in the case. So if you know any of these parties
9 to the case, you will answer yes to No. 2.

10 First of all, the government in the case is
11 represented by Assistant United States Attorney Gregory Paul
12 Rosen, who's now standing; Trial Attorney Ashley Akers, who's
13 now standing, accompanied by paralegal Edward Lee Wise and
14 Special Agent Michael McGillicuddy, who is now standing.

15 Any of you know any of those individuals representing
16 the United States, answer yes to question 2.

17 The defendant, Leo Christopher Kelly, I will ask to
18 stand first. He can take his mask off so you can see whether
19 you recognize Mr. Kelly. If any of you recognize Mr. Kelly,
20 please answer yes to question 2.

21 Mr. Kelly's represented by Attorney Kira Anne West,
22 who is now standing, and Attorney Nicole Cubbage, who is now
23 standing.

24 Answer yes to question 2 if you recognize either
25 Ms. West or Ms. Cubbage.

1 MS. WEST: Excuse me, Your Honor. I apologize. Our
2 law clerk is Karmel Landver, and I just wanted to introduce
3 her.

4 THE COURT: Stand, please.

5 MS. WEST: Thank you, Your Honor.

6 THE COURT: What was her name again?

7 MS. WEST: Karmel Landver.

8 THE COURT: Do any of you recognize their law clerk?

9 I will read you a list of the government's expected
10 witnesses I have at this time, and if you recognize any of
11 these names from the government's witness list, you will answer
12 yes to 3.

13 I am going to read the defendant's witness list, and
14 you will also answer yes to 3.

15 Keep in mind who the witness is that you have in mind.
16 If you want to jot it down on your piece of paper there, you
17 could, because the first thing I am going to ask you when I
18 call you back is who was the witness that you thought you might
19 know. And if you recognize one of these names, think you might
20 know them, I will follow up with you when I talk to you
21 individually about whether the person you know is the same
22 person that's expected to be a witness in the trial.

23 Starting with the government's list, they are all
24 either police or FBI or someone like that, some agent. I'll
25 start with the government's list.

- 1 1. United States Capitol Police Captain Tia Summers.
- 2 2. United States Secret Service Agent Lanelle Hawa,
- 3 H-A-W-A.
- 4 3. Former United States Senate Counsel Daniel
- 5 Schwager, S-C-H-W-A-G-E-R.
- 6 4. United States Capitol Police Officer Jamall
- 7 Nicholas.
- 8 5. United States Capitol Police Officer Justin Cohen.
- 9 6. United States Capitol Police Officer Keith
- 10 Robishaw.
- 11 7. Federal Bureau of Investigation Special Agent
- 12 Michael McGillicuddy, who I just introduced you to.
- 13 8. Federal Special Agent of Investigation -- Federal
- 14 Bureau of Investigation Special Agent Troy Bronner.
- 15 9. Federal Bureau of Investigation Special Agent
- 16 Casey Maxted.
- 17 10. Federal Bureau of Investigation Special Agent
- 18 Kent Moore.
- 19 11. Federal Bureau of Investigation Special Agent
- 20 Jeremy Witmer.
- 21 12. Former Federal Bureau of Investigation Computer
- 22 Analysis and Response Team Examiner Robert Webber.
- 23 13. Federal Bureau of Investigation Supervisor
- 24 Special Agent Scott Irwin.
- 25 14. Federal Bureau of Investigation Operational

1 Support Tech Laura Felton.

2 15. United States Capitol Police Officer Jack
3 Jeffers.

4 16. United States Capitol Police Officer Ronald
5 Lucarino.

6 And 17. Deputy United States Marshal Nicholas
7 Bonifazi.

8 The defendant's witness list is very similar.

9 1. United States Capitol Police Officer Marc Gelfand.

10 2. United States Capitol Police Officer Gregory
11 Dembnicki.

12 3. United States Capitol Police Officer Trevor
13 O'Neill.

14 4. United States Capitol Police Officer Steven Nunn.

15 5. United States Capitol Police Officer Monique
16 Moore.

17 6. United States Capitol Police Officer James Stone.

18 7. United States Capitol Police Officer Keith
19 Robishaw.

20 8. United States Capitol Police Officer Scott Grossi.

21 9. United States Capitol Police Officer Andwi
22 Nepomenceno.

23 10. United States Capitol Police Officer Timothy
24 Bowen, Deputy Chief.

25 11. A custodian of records of Capitol Police.

1 12. The defendant's mother, Ms. Brenda Kelly.

2 13. The defendant's father, Mr. Christopher Kelly.

3 14. FBI Agent Casey Maxted.

4 15. FBI Agent Troy David Bronner.

5 16. FBI Agent Michael McGillicuddy, who I've already
6 mentioned.

7 17. FBI Agent Garrison Moore.

8 18. Turner Mebane.

9 19. John Eicher.

10 20. James Frederick Hale, a Life Site reporter.

11 21. Ted DiBiase, general counsel for the U.S. Capitol
12 Police operations team.

13 22. Deputy Chief Eric Waldow, a U.S. Capitol Police
14 incident commander.

15 And 23. Terry Pizinger.

16 And 24. Ajai Prakasah, P-R-A-K-A-S-A-H.

17 So those are all the likely witnesses that could be
18 called. All those won't be called, but those are the names of
19 all the likely witnesses that could be called. So list No. 3
20 as a yes if you recognize any of those names.

21 3.5, I hope, is listed there. If not, put 3. Do any
22 of you recognize me or any members of the court staff or any of
23 you know any other member of the jury panel today? If you look
24 around, you know anyone else on the jury panel that you see?

25 The next few questions relate to you, members of your

1 immediate family, and close personal friends. Does anyone in
2 that group, meaning you or a member of your immediate family or
3 close friend now work for or anyone in that group ever worked
4 for any law enforcement agency? So you or a member of your
5 immediate family or close friend worked for a law enforcement
6 agency, that includes -- so this is question 4. You would say
7 yes. That includes any police department in or outside the
8 district, special police officers, prosecutors' offices such as
9 the State's Attorney or the U.S. Attorney, Park Police, FBI,
10 Department of Justice, Homeland Security, Sheriff's Department,
11 Secret Service, any other the law enforcement agency, you or a
12 member of your immediate family or close friend ever worked for
13 law enforcement, put 4, yes.

14 Any member of your immediate family or close friend or
15 you ever served in the military, put yes to 5.

16 Any member of you or your close friend or family
17 belong to a group or organization that's active in law
18 enforcement or crime prevention program matters? Examples
19 would be Fraternal Order of Police, Crime Watch, Crime
20 Stoppers, Orange Hats, other organizations including groups on
21 the internet which monitor/discuss neighborhood crime issues,
22 put yes to No. 6.

23 Any member of you, your close friends or immediate
24 family ever gone to law school or worked as a lawyer or in a
25 law office, put yes to No. 7.

1 Have you or any member of your close friends or
2 immediate family ever been arrested for, convicted of, or
3 charged with a crime or been a victim or a witness to a crime?
4 So that's you or a member of that group ever arrested for,
5 convicted of, or charged with a crime or victim of or witness
6 to a crime. That would be yes to No. 8.

7 When I call you back, when you come back and you have
8 a yes on No. 8, I will just repeat the question so hopefully it
9 will bring to mind what you had in mind when you answered yes
10 and we will just go through why you answered yes to that when I
11 bring you back. That's the way this is going to work, just so
12 you know.

13 I think ultimately it will speed up the process rather
14 than going through it one by one now, and then you won't have
15 to go through all that in front of everybody. So I think that
16 will help you figure out why I'm doing it this way instead of
17 having you do all that in front of everybody here.

18 No. 9 is real easy hopefully. Do any of you live or
19 work at or near the U.S. Capitol? If you do, say yes to No. 9.

20 No. 10, anyone you are close to live or work at or
21 near the U.S. Capitol?

22 No. 11, were you at or near the U.S. Capitol on
23 January 6, 2021? That's 11. Were you at or near the
24 U.S. Capitol on January 6, 2021?

25 No. 12, did any of you watch the events at the U.S.

1 Capitol January 6, 2021 on live TV at that time? I'm not going
2 to ask you if you ever saw it on TV. Everybody saw it on TV.
3 Any of you watching it live at the time, I may ask you some
4 follow-up. That's No. 12.

5 13, I will be instructing the jury at the end of the
6 trial that the testimony of a law enforcement officer should be
7 treated the same as the testimony of any other witness. The
8 jury should not give either greater or lesser weight to the
9 testimony of a witness simply because that witness is a law
10 enforcement officer.

11 Does anyone have such strong feelings about law
12 enforcement, either positive or negative, that would make it
13 difficult for you to be a fair juror in the case? If you have
14 those kind of feelings either way, one way or the other, answer
15 yes to 13, and I will talk to you more about those feelings.

16 No. 14, have any of you had an experience as a juror
17 in a previous trial that would affect your ability to be a fair
18 juror in this trial? If so, please answer yes to No. 14.

19 No. 15, let me tell you about the likely schedule.
20 Today is Monday, May 1. Following the completion of jury
21 selection, you will likely hear evidence in the case every day
22 this week from 10:00 to 5:00 with a lunch break from about
23 12:30 to 1:45 each day. You will likely begin deliberating by
24 the end of the week. Once you begin deliberating, I don't know
25 how long your deliberations will last, but you won't meet past

1 5:00 p.m. You won't meet on weekends.

2 Knowing this schedule, would serving as a juror in
3 this case be an extreme hardship to you? If so, then please
4 answer yes to No. 15, and I will follow up what hardship it
5 would be if you were to have to serve on the jury this week.

6 No. 15, do you have a health or physical problem that
7 would make it difficult for you to serve on this jury? That's
8 No. 16.

9 No. 17, you are to decide this case based only on the
10 evidence presented in court and not based on anything you may
11 have learned about it from outside sources such as the news or
12 social media. Can you put aside what you may have already
13 learned about the events of January 6 and any opinions that you
14 may have already formed about people charged with criminal
15 conduct in relation to those events when considering the
16 evidence in this case?

17 No. 18, do you or someone you know have any direct or
18 indirect connection to events at the U.S. Capitol on January 6,
19 2021?

20 No. 19, have you been following the investigation of
21 the events of January 6, 2021 at the U.S. Capitol in the news
22 media or on the internet?

23 No. 20, do you have strong feelings or opinions about
24 the events that took place at the U.S. Capitol on January 6
25 that would make it difficult for you to serve as a fair and

1 impartial juror in this case?

2 No. 21, do you believe that people who are charged
3 with criminal offenses for their participation in the events at
4 the U.S. Capitol are likely guilty of criminal wrongdoing?

5 No. 22, do you have an opinion about people who
6 believe that the 2020 presidential election was stolen that
7 would make it hard for you to serve as a fair and impartial
8 juror in a case where the defendant is such a person?

9 No. 23, do you have an opinion about people who
10 strongly support President Donald Trump that would make it hard
11 for you to serve as a fair and impartial juror in a case where
12 the defendant is such a person?

13 24, were you, any members of your family, or any close
14 friends directly affected by the events at the U.S. Capitol on
15 January 6?

16 25, have you ever watched video of this defendant
17 relating to January 6, 2021 on the news or on the internet or
18 in any other way, to your knowledge?

19 26, have you read any articles regarding this
20 defendant, Mr. Kelly, relating to January 6, 2021 on the
21 internet or social media platforms?

22 27, no matter what you have heard or seen about events
23 at the U.S. Capitol on January 6 and no matter what opinions
24 you may have formed, could you put all of that aside and decide
25 this case only on the evidence you receive here in this court,

1 follow the law, and decide this case in a fair and impartial
2 manner?

3 28, are you able to read, speak, and understand the
4 English language?

5 29, do you have any trouble seeing or hearing?

6 30, do you have any trouble paying attention for long
7 periods of time?

8 31, do you take medication or suffer from any physical
9 pain that makes it difficult for you to sit and focus for long
10 periods of time?

11 32, do you hold religious beliefs that prevent you
12 from passing judgment on others?

13 33, have you ever filed a lawsuit or had a lawsuit of
14 any kind filed against you by anyone in court?

15 34 is a little long, so let me take a little time
16 with 34. Do you have any opinions concerning the following
17 which would affect your ability to be a fair and impartial
18 juror:

19 A, criminal prosecutors.

20 B, criminal defense attorneys.

21 C, FBI agents.

22 D, the federal government in general.

23 E, military service.

24 F, law enforcement.

25 G, a defendant accused in a criminal case.

1 So the overall question is, do you have any opinions
2 concerning the following list which would affect your ability
3 to be a fair and impartial juror? Criminal prosecutors,
4 criminal defense attorneys, FBI agents, the federal government
5 in general, military service, law enforcement, or a defendant
6 in a criminal case where those things might affect your ability
7 to be a fair and impartial juror?

8 35, under certain circumstances, the government can
9 obtain authorization from a judge to search a premises or
10 electronic media to obtain evidence, including but not limited
11 to emails, text messages, video recordings, letters,
12 information, and other materials or information.

13 I will instruct you that any evidence that is
14 presented to you at trial was obtained legally, and you can
15 consider it. Do you have any concerns about your ability to
16 follow that instruction?

17 No. 36, do you think that your political views or
18 those of your partner will affect your service as a juror in
19 this case?

20 37, if you are selected as a juror in this case, I'll
21 instruct you to avoid all media coverage including radio,
22 television, podcasts, and social media, and not to use the
23 internet with regard to this case for any purpose, that is, you
24 will be forbidden from reading newspaper articles about this
25 case, listening to radio and podcast stories about this case,

1 watching TV news about this case, Googling this case or any of
2 its participants, blogging or tweeting about this case or
3 reading or posting comments about this case on any social media
4 sites.

5 Any of you have any reservations or concerns about
6 your ability or willingness to follow this instruction during
7 the time you are on this jury?

8 38, jurors are the sole judges of facts; however, the
9 jury must follow the principles of law as instructed by me.
10 The jury may not follow some rules of law and ignore others.
11 Even if the jury disagrees or dislikes the rules of law and
12 does not understand the reasons for some of the rules, it's
13 their duty to follow them.

14 Do you have any personal beliefs that would make it
15 difficult to follow my legal instructions, whatever they may
16 be?

17 Do any of you disagree with the principles of law that
18 during this trial, the defendant is presumed to be innocent,
19 the defendant has the right to remain silent, the defendant has
20 no burden whatsoever to establish his innocence because the
21 government has the burden of proving its case beyond a
22 reasonable doubt? Any of you disagree with that principle of
23 law, answer yes to question 39, and I will discuss it further
24 with you.

25 My final question, No. 40, is the catchall question.

1 This asks whether there is any other reason that I haven't
2 asked about that might make it difficult for you to sit fairly,
3 impartially, and attentively as a juror in this trial. Perhaps
4 you have a religious, moral, or philosophical reason why you
5 believe it would be difficult for you to be fair in this case.
6 In sum, if there's some other reason it would make it difficult
7 for you to sit as a fair and impartial juror in this trial, I
8 would like to discuss it with you. Put yes to No. 40, and I
9 will talk to you individually about it when I call each of you
10 back.

11 Now, during the time you are waiting to talk to me
12 individually, please don't talk with each other about any of
13 the questions that I have just discussed with you. Don't have
14 any further discussion at all about this case until I have
15 seated the jury. And we hope during the course of this
16 proceeding, I can seat a fair and impartial jury that can
17 decide this case fairly and impartially. That's why I have
18 asked you these questions. That's why we are going to ask
19 follow-up questions.

20 With that, I will excuse you all to the courtroom
21 across the hall. Thank you very much for your cooperation.

22 For those of you that I do not see -- I will have you
23 all back because we have a procedure at the end where each side
24 gets to exercise what we call peremptory challenges, that is,
25 challenges that they need not disclose a reason to the Court

1 just based on their own feelings about how to get a fair and
2 impartial jury. So each side gets a limited number of
3 peremptory challenges, and I rule on challenges for cause.

4 So I will get an opportunity to thank all of you for
5 helping us pick a fair and impartial jury today before you go,
6 but you have all contributed to your duty as good citizens by
7 showing up today. Many people don't show up. You have
8 contributed to our ability to fairly and impartially administer
9 justice in our community, and I thank all of you for appearing
10 today.

11 You have performed to the highest duty of good
12 citizens by being here today. Some of you are going to perform
13 even more. I appreciate that on behalf of the court and the
14 community. I thank you for your service. I'll get to know
15 more of you during the next couple of hours as we pick a jury
16 for this case.

17 With that, please don't talk about the case or about
18 any of these issues until I see you back here. You are excused
19 to return to the courtroom across the hall.

20 (Prospective jurors exited the courtroom.)

21 THE COURT: If you all want to take a short break, I
22 am going to have her get the first five sheets, and we will
23 make copies of those first five and we will start with those
24 first five then. You all can take a short break in the
25 meantime. I'm just going to sit here, but you all can take a

1 break.

2 (A recess was taken at 11:10 a.m.)

3 (A discussion was held off the record.)

4 THE COURT: After an off-the-record discussion with
5 counsel, the government suggests I ask each juror what do you
6 do for a living, which I am willing to do. And after
7 consulting with both counsel, I will not ask any further
8 questions of juror 0246. I will call in 1306 first and then go
9 to -- and then I will question the others in the first five.

10 1306.

11 (Prospective juror entered the courtroom.)

12 THE COURT: If you will come forward and sit right
13 over here in the witness box. You can take your mask off while
14 you are sitting there.

15 You can take your mask off while you are sitting
16 there. I have a couple of questions.

17 What do you do for a living?

18 A PROSPECTIVE JUROR: I run a business.

19 THE COURT: What kind of business?

20 A PROSPECTIVE JUROR: Solar.

21 THE COURT: How long have you been doing that?

22 A PROSPECTIVE JUROR: About 11 years.

23 THE COURT: Any reason you couldn't be a fair and
24 impartial juror if you were seated here?

25 A PROSPECTIVE JUROR: No, sir, Your Honor, no.

1 THE COURT: Okay. Thank you very much, sir. You can
2 return to the jury office.

3 We will go to 1899 -- I mean, not to the jury office,
4 to the jury room.

5 A PROSPECTIVE JUROR: Excuse me?

6 THE COURT: To the jury room across the hall.

7 A PROSPECTIVE JUROR: Yes, sir.

8 (Prospective juror exited the courtroom.)

9 THE COURTROOM DEPUTY: Ready for the next one?

10 THE COURT: Yes. 245 (sic) will be struck. 1899
11 we'll go to.

12 THE COURTROOM DEPUTY: 0246 is struck?

13 THE COURT: 246 is struck, yeah.

14 THE COURTROOM DEPUTY: Juror 1899.

15 THE COURT: Come right up to the witness stand, if you
16 would.

17 You can pull your mask off while you are sitting
18 there.

19 I have just a couple of follow-up questions. What do
20 you do for a living?

21 A PROSPECTIVE JUROR: I am a project manager. I work
22 on IT projects.

23 THE COURT: What do you do?

24 A PROSPECTIVE JUROR: Information technology projects,
25 I manage them.

1 THE COURT: Okay. Just a couple of follow-ups.
2 Someone work for law enforcement?

3 A PROSPECTIVE JUROR: One of my friends works for
4 communications for the FBI.

5 THE COURT: I can't hear you.

6 A PROSPECTIVE JUROR: One of my friends works for
7 communications for the FBI.

8 THE COURT: How long ago was that?

9 A PROSPECTIVE JUROR: She currently works there.

10 THE COURT: Okay. Do you ever talk about her work
11 with her?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: She does communications?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: What is that?

16 A PROSPECTIVE JUROR: Answers phones, monitors news,
17 directs an office.

18 THE COURT: Okay. At headquarters or where?

19 A PROSPECTIVE JUROR: The field office.

20 THE COURT: Which one?

21 A PROSPECTIVE JUROR: The Washington, D.C. field
22 office.

23 THE COURT: The D.C. field office. Okay.

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: Do you ever talk about her work with her?

1 Do you ever talk about her work with her?

2 A PROSPECTIVE JUROR: No, sir.

3 THE COURT: Okay. Someone served in the military?

4 A PROSPECTIVE JUROR: Yes, my ex-husband.

5 THE COURT: What was his service?

6 A PROSPECTIVE JUROR: He was a military policeman in
7 Afghanistan.

8 THE COURT: In?

9 A PROSPECTIVE JUROR: Afghanistan.

10 THE COURT: How long was he there?

11 A PROSPECTIVE JUROR: Less than a year, year-ish.

12 THE COURT: Okay. How long have you been divorced?

13 A PROSPECTIVE JUROR: Six years.

14 THE COURT: Okay. How long were you all married?

15 A PROSPECTIVE JUROR: Nine years.

16 THE COURT: Okay. And you watched live TV at the
17 time?

18 A PROSPECTIVE JUROR: (Nodding head.)

19 THE COURT: Any impact on you now about whether you
20 can sit as a fair juror in this case, do you think?

21 A PROSPECTIVE JUROR: I will say it was terrifying
22 when it happened. I do live in the district. But I do believe
23 I could still be an impartial juror.

24 THE COURT: Okay. You could set aside what you saw
25 live?

1 A PROSPECTIVE JUROR: (Nodding head.)

2 THE COURT: I mean, everybody has seen it on TV now,
3 so I don't think -- do you think there's more impact from
4 seeing it live or --

5 A PROSPECTIVE JUROR: I don't think watching it live
6 was necessarily the biggest impact. I think seeing detailed
7 investigations after the fact was more impactful. The feeling
8 in the city that day, though, was different.

9 THE COURT: All right. You were here?

10 A PROSPECTIVE JUROR: I was here.

11 THE COURT: Where do you live?

12 A PROSPECTIVE JUROR: The Northwest.

13 THE COURT: So you weren't right down there?

14 A PROSPECTIVE JUROR: No, sir.

15 THE COURT: And to what extent have you followed the
16 January 6 in the media?

17 A PROSPECTIVE JUROR: I have watched the congressional
18 hearings and I have seen -- I have seen different things that
19 come up, mostly on YouTube. That's where we watch a lot of our
20 news, but primarily just the congressional hearings.

21 THE COURT: Tell us your impression from them.

22 A PROSPECTIVE JUROR: Impression in which, like
23 overall impression or anything specific?

24 THE COURT: Yeah, overall.

25 A PROSPECTIVE JUROR: I think that the congressional

1 hearings were very detailed and thought through. I think that
2 a lot of people have put a lot of time and effort in
3 considering different forms of evidence for things that
4 happened, and I think that during the hearings, they were able
5 to put together a cohesive story showing details that hadn't
6 previously been made public.

7 THE COURT: If you were sitting here as a defendant,
8 how would you feel about someone like you being on the jury,
9 whether you could really fairly look at whether he really is
10 guilty of the offense here or whether he's just lumped in with
11 a lot of other people?

12 That's what has to happen in this trial, is figure out
13 if he really did something that makes him guilty of the offense
14 or whether he's just getting lumped in with a big crowd. If
15 you were sitting in his shoes, how would you feel having you on
16 the jury?

17 A PROSPECTIVE JUROR: I mean, I think that --

18 THE COURT: That's the toughest question.

19 A PROSPECTIVE JUROR: It is because it's so real to be
20 afraid of that, especially in this court where everyone is from
21 here and experienced that day in so many ways. And I empathize
22 with that. I empathize with that fear and still wanting a fair
23 trial from your peers, who may not always feel like your peers.

24 But I believe firmly in listening to evidence, in
25 understanding that the law is very specific about what is and

1 isn't okay, and that it's written in a very specific way to try
2 and help remove those sorts of biases.

3 So I think that the defendant could select me with
4 confidence that I will listen as impartially as I think is
5 possible.

6 THE COURT: One was you, a member of your family, or
7 close friends directly affected by the events, what did you
8 have in mind there?

9 A PROSPECTIVE JUROR: I did leave my home during the
10 insurrection.

11 THE COURT: Right.

12 A PROSPECTIVE JUROR: Like, I physically left and
13 stayed away for a week while things turmoiled in the city.

14 THE COURT: How long was that then?

15 A PROSPECTIVE JUROR: We stayed away for a week, and
16 then we came back.

17 THE COURT: What does that mean, didn't leave your
18 home?

19 A PROSPECTIVE JUROR: We left our home, our apartment
20 in Northwest, as things started to unfold. We were afraid
21 enough that we left the district and went into Maryland to stay
22 with my brother for a week and did not --

23 THE COURT: You stayed with your brother for a week?

24 A PROSPECTIVE JUROR: Right, and did not return home.

25 THE COURT: Okay. Let me see if counsel want to ask

1 any follow-up. I can do it by phone. Do we have the phones
2 set up?

3 THE COURTROOM DEPUTY: Yes, we do.

4 (The following was heard sidebar.)

5 MR. ROSEN: Can Your Honor hear me?

6 THE COURT: Yes.

7 MR. ROSEN: No further follow-up from the government.

8 MS. WEST: I would like to know what prompted her to
9 think that she had to leave the district, whether she thought
10 she was in danger and why.

11 THE COURT: Okay.

12 (The following was heard in open court.)

13 THE COURT: During that week when you left your home,
14 what prompted you to do that?

15 A PROSPECTIVE JUROR: Why did I leave my home? We had
16 heard on the internet that there were rumors that there were
17 people, not just attacking the Capitol building, but they had
18 been going into neighborhoods to burn apartment buildings, so
19 we were afraid for our safety.

20 THE COURT: Okay. And who were you living with at the
21 time?

22 A PROSPECTIVE JUROR: My fiance.

23 THE COURT: Okay. Thank you very much. You can step
24 down.

25 A PROSPECTIVE JUROR: Thank you.

1 (Prospective juror exited the courtroom.)

2 THE COURT: Any challenge for cause?

3 MS. WEST: Yes, Your Honor, from the defense. We
4 would strike her for cause, Your Honor. She said that she left
5 her home because she heard that there were people attacking
6 people in apartment buildings which, as this Court has probably
7 heard, that is not -- I have never heard that before. That's
8 not true. And I don't believe that she could get past that,
9 because the way she labeled January 6, she used the word
10 insurrection.

11 She also noted her positive feelings about the
12 congressional hearings and how they laid out information that
13 had not been seen before.

14 So I don't believe that this juror could be fair and
15 impartial and listen to the evidence.

16 THE COURT: That's denied. She convinced me she's a
17 very thoughtful and careful person who will conscientiously
18 follow the Court's instructions.

19 We will go to 184.

20 THE COURTROOM DEPUTY: Juror 0184.

21 (Prospective juror entered the courtroom.)

22 THE COURT: If you will speak right into that
23 microphone so everybody can hear you. Question 7 was any
24 member of the group gone to law school or worked as a lawyer in
25 a law office.

1 A PROSPECTIVE JUROR: Yes, I was a legislature, a
2 partner in a law firm.

3 THE COURT: Where was that?

4 A PROSPECTIVE JUROR: Here in D.C.

5 THE COURT: What was the firm?

6 A PROSPECTIVE JUROR: It was at the time named
7 Woodley & McGillivary. It's now transformed to McGillivary,
8 Steele & Elkin post my departure.

9 THE COURT: What kind of practice did you have?

10 A PROSPECTIVE JUROR: Labor and employment.

11 THE COURT: What are you doing now?

12 A PROSPECTIVE JUROR: I run a cabinet shop.

13 THE COURT: A little different.

14 A PROSPECTIVE JUROR: A little different.

15 THE COURT: Okay. How long did you do the legal
16 practice?

17 A PROSPECTIVE JUROR: 13 years.

18 THE COURT: Okay. Did you ever do any criminal cases?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: Okay. And then there's a question about
21 any member of the group arrested for, convicted of, charged
22 with or a victim or witness to a crime.

23 A PROSPECTIVE JUROR: I guess I must have mismarked
24 that. I thought I answered affirmatively to the -- sorry.

25 THE COURT: Family or close friend or you?

1 A PROSPECTIVE JUROR: No, I think I must have marked
2 the wrong box then. My intention was to mark that I have been
3 following the cases in the media.

4 THE COURT: Okay. Well, that's 19. Tell us more
5 about that then.

6 A PROSPECTIVE JUROR: I suppose as an ex-attorney, I
7 just pick up -- I read the papers. I read about these stories
8 on a regular basis.

9 THE COURT: Okay. Tell me more about that.

10 A PROSPECTIVE JUROR: It actually could be at any
11 time. It could be a Supreme Court case or a trial. I don't
12 particularly cover -- well, I guess I keep an eye on labor and
13 employment law issues primarily. But, you know, it's hard to
14 miss some of the discussion in the press about these trials.

15 THE COURT: Okay. And then you were asked, have you
16 followed the investigation of January 6 in the news media or on
17 the internet.

18 A PROSPECTIVE JUROR: Sorry. That's the question I
19 thought I was answering. I apologize.

20 THE COURT: Okay. Any reason you can think of you
21 wouldn't be fair and impartial if you were seated here?

22 A PROSPECTIVE JUROR: No, Your Honor.

23 THE COURT: Okay. Counsel have any other follow-up
24 you want to ask?

25 (The following was heard sidebar.)

1 MR. ROSEN: Nothing on behalf of the government.

2 MS. WEST: I would like to know what he reads to get
3 the stories about January 6 and whether or not he's read legal
4 opinions regarding these cases.

5 (The following was heard in open court.)

6 THE COURT: What kinds of things do you read to learn
7 about January 6?

8 A PROSPECTIVE JUROR: What kinds of materials, Your
9 Honor? Just Washington Post.

10 THE COURT: The Post, okay.

11 A PROSPECTIVE JUROR: Yeah.

12 THE COURT: Okay. You are not reading legal memos
13 or -- legal memos?

14 A PROSPECTIVE JUROR: Certainly not involving the
15 January 6 affairs.

16 THE COURT: Okay. Thank you very much.

17 (Prospective juror exited the courtroom.)

18 THE COURT: Any challenge for cause?

19 Sorry about that. Okay. We will go to 1650.

20 THE COURTROOM DEPUTY: Juror 1650.

21 (Prospective juror entered the courtroom.)

22 THE COURT: You can take your mask off while you are
23 talking there.

24 A PROSPECTIVE JUROR: Okay. Thanks.

25 THE COURT: The first question was, served in the

1 military?

2 A PROSPECTIVE JUROR: Relative has.

3 THE COURT: What was that?

4 A PROSPECTIVE JUROR: Navy, my dad.

5 THE COURT: Your dad was in the Navy? Okay.

6 Next one was member of the group gone to law school,
7 served as a lawyer.

8 A PROSPECTIVE JUROR: I work at a law firm. I'm not a
9 lawyer.

10 THE COURT: Where do you work?

11 A PROSPECTIVE JUROR: Foley and Lardner.

12 THE COURT: Okay. How long have you been there?

13 A PROSPECTIVE JUROR: About six years.

14 THE COURT: What do you do?

15 A PROSPECTIVE JUROR: I am a research analyst.

16 THE COURT: What is your background?

17 A PROSPECTIVE JUROR: In terms of education or --

18 THE COURT: Yeah.

19 A PROSPECTIVE JUROR: I have a BA from GW in American
20 literature. And then I got into doing legal research, so I
21 have an IP kind of background. That's most of the work I do.

22 THE COURT: And Foley and Lardner was the first law
23 firm you worked for?

24 A PROSPECTIVE JUROR: No. I worked for a few.

25 THE COURT: Where?

1 A PROSPECTIVE JUROR: I worked at Blank Rome,
2 Dickstein Shapiro, Shaw Pittman.

3 THE COURT: Oh, several.

4 A PROSPECTIVE JUROR: Yeah, Wilmer Cutler. So it's
5 been a while.

6 THE COURT: Okay. Good. All civil work, or have you
7 done any criminal?

8 A PROSPECTIVE JUROR: Yeah, it's all civil.

9 THE COURT: No criminal work?

10 A PROSPECTIVE JUROR: Not that I can remember.

11 THE COURT: Okay. Any reason you can think of you
12 wouldn't be a fair and impartial juror if you were seated here?

13 A PROSPECTIVE JUROR: No.

14 THE COURT: Any follow-up by counsel?

15 (The following was heard sidebar.)

16 MR. ROSEN: No, Your Honor. And the next time, if
17 there's no follow-up, I will just stand up, the Court
18 permitting.

19 MS. WEST: Same here, Your Honor, nothing.

20 (The following was heard in open court.)

21 (Prospective juror exited the courtroom.)

22 THE COURT: All right. We will go to 1437.

23 THE COURTROOM DEPUTY: Juror 1437.

24 (Prospective juror entered the courtroom.)

25 THE COURT: You can take your mask off while we are

1 talking here. If you would speak in the microphone here.

2 Someone went to law school?

3 A PROSPECTIVE JUROR: Sorry, repeat that.

4 THE COURT: Someone went to the law school?

5 A PROSPECTIVE JUROR: I work for a legal organization,
6 but I am not a lawyer.

7 THE COURT: Okay. Where do you work?

8 A PROSPECTIVE JUROR: I work for an environmental
9 rights organization.

10 THE COURT: What do you do?

11 A PROSPECTIVE JUROR: I'm the fundraising director.

12 THE COURT: I'm sorry?

13 A PROSPECTIVE JUROR: Fundraising director.

14 THE COURT: How long have you been there?

15 A PROSPECTIVE JUROR: Six years.

16 THE COURT: Okay. Then you had someone either
17 arrested, convicted, or charged with a crime or victim or
18 witness to a crime.

19 A PROSPECTIVE JUROR: I have had things stolen from
20 me; bikes stolen, purses stolen. That's about it.

21 THE COURT: Anybody ever apprehended in any of those?

22 A PROSPECTIVE JUROR: Not to my knowledge.

23 THE COURT: Is that here in D.C.?

24 A PROSPECTIVE JUROR: (Nodding head.)

25 THE COURT: On the street?

1 A PROSPECTIVE JUROR: My bike was stolen from inside
2 of our building, and my purse was stolen at restaurants. This
3 happened twice.

4 THE COURT: Okay. Satisfied with how the police
5 responded?

6 A PROSPECTIVE JUROR: There was police response?
7 Yeah, I filed police reports for all three of them.

8 THE COURT: Are you satisfied with how the police
9 responded?

10 A PROSPECTIVE JUROR: I never got my stuff back, but
11 it is what it is.

12 THE COURT: You live or work near the Capitol?

13 A PROSPECTIVE JUROR: I live about a mile from the
14 Capitol.

15 THE COURT: Where do you live?

16 A PROSPECTIVE JUROR: Mount Vernon Square, Mount
17 Vernon right north of us.

18 THE COURT: Okay. And you watched this live on TV
19 that day?

20 A PROSPECTIVE JUROR: Yeah, I was watching the news
21 that morning and working from home and watched it as it all
22 unfolded.

23 THE COURT: And you did say you thought you could put
24 that aside and decide this case just on the evidence you saw
25 here at the trial, is that right?

1 A PROSPECTIVE JUROR: Yes, I have served on a jury
2 before, so I have -- you know, aware of how to, like, think
3 about the law and think about the evidence and would like to
4 think I could do that here too.

5 THE COURT: Okay. Any reason you couldn't be a fair
6 and impartial juror if you were chosen to serve here?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Tell me how much you followed the
9 investigation here. Did you watch the TV coverage?

10 A PROSPECTIVE JUROR: I would say I would follow it
11 just like a normal person reading news articles and major
12 updates about it obviously.

13 THE COURT: Like in the Post or --

14 A PROSPECTIVE JUROR: Yeah, yeah. I mean, I wasn't
15 one of those people that was watching all the hearings. I was,
16 like, reading news articles about them afterwards. And, you
17 know, in D.C. it's hard to avoid. And yeah, I was interested
18 in it, so...

19 THE COURT: Okay. Tell me your impression, if you
20 can, of that day and what you have followed that has led you to
21 what kind of impression?

22 A PROSPECTIVE JUROR: I mean, it was a pretty major
23 event. I wasn't happy that it was happening, both in my city
24 and also that people were breaking into the Capitol and there
25 seemed to be violence going on, and obviously people died on

1 both sides of it. So, you know, I'm glad that these cases are
2 going to trial because I think that's important. But yeah, I
3 generally don't think it was a good thing.

4 You know, I am very supportive of protesters. I am
5 very supportive of activism and people's right to protest. I
6 think there's always like a line you have to be -- you can't
7 cross. And so was that line crossed on January 6? Probably I
8 guess that's what the Court is trying to determine, so...

9 THE COURT: Any reason you couldn't follow the law and
10 decide whether this defendant really crossed that line under
11 the instructions I give to this jury?

12 A PROSPECTIVE JUROR: Yeah.

13 THE COURT: That's what you would have to do here is
14 decide what the facts are here in this case, whether this
15 defendant really crossed the line of the instructions I would
16 give the jury. Do you think you could do that fairly?

17 A PROSPECTIVE JUROR: Yeah. I mean, I think that's
18 what the purpose of these trials is, for each individual
19 defendant to plead -- you know, for the government to give
20 their case and defendants to give their case, and for us as the
21 jury to determine that. And that's, you know, why I do think I
22 could be an impartial juror, because on my last jury, I was
23 really impressed with everybody and how thoughtful our jury was
24 at examining the evidence --

25 THE COURT: That's what --

1 A PROSPECTIVE JUROR: -- and think about the law and
2 how to apply it even if we didn't particularly agree with the
3 circumstances. So that would be my hope, is that --

4 THE COURT: What is the last case you were on?

5 A PROSPECTIVE JUROR: It was 2019. It was a drug case
6 here in D.C.

7 THE COURT: I have found my juries contentious too.
8 Now I will ask you the hardest question. If you are sitting
9 over there in his seat, would you want somebody like you on
10 your jury in this kind of case where you have some views?

11 A PROSPECTIVE JUROR: Yeah, I think so, because like I
12 said, I respect the court systems and I respect the rule of
13 law. I almost went to law school. I didn't end up going, but,
14 you know, I think what we have in this country is really
15 important. And I have even said to friends, like my friends
16 who always talk about how to get out of jury duty, I tell them,
17 like, I don't think you should try to get out of it.

18 THE COURT: Right.

19 A PROSPECTIVE JUROR: Like, I have friends that have
20 had very bad jury experiences, and I have always said that I
21 was really impressed with my jury, and if I ever was a
22 defendant, hopefully I will never be, that I would want to have
23 the type of jury I had. So yeah.

24 THE COURT: I'm glad to hear that. Was that in this
25 court or across the street?

1 A PROSPECTIVE JUROR: It was in this building. I
2 think it was across the room -- across the hallway in that
3 courtroom, so...

4 THE COURT: Any follow-up by counsel?

5 (The following was heard sidebar.)

6 MS. WEST: Your Honor, I'm not sure you asked her
7 about question No. 8, which is arrested, convicted, or charged
8 with a crime. And I see that that is crossed on the list.

9 And I would like to know whether or not they reached a
10 verdict in her case and whether or not it was civil or
11 criminal.

12 And she made a statement that she said that the
13 government and the defendant each have to give a case. And I
14 want to make sure that she understands the defendant does not
15 have to give a case and whether or not she would hold that
16 against the defendant if he did not do a case.

17 MR. ROSEN: Your Honor, I don't have any additional
18 follow-up, and I don't disagree with Ms. West's proposed
19 questions.

20 (The following was heard in open court.)

21 THE COURT: I think there's another question I didn't
22 ask you about. You, a member of your family or friends
23 arrested for or charged with a crime or victim or witness to a
24 crime?

25 A PROSPECTIVE JUROR: I have an extended family member

1 that was charged with a crime, but that was a cousin, so I
2 don't know if that counts as immediate or close. But
3 otherwise, no one else that's close.

4 THE COURT: What was that one?

5 A PROSPECTIVE JUROR: My cousin, ten years ago, was
6 charged -- I don't actually know what the charge was, but it
7 was, like, kind of like petty crime stuff. It was up in
8 Boston. But he was convicted and went to jail for a few years.

9 THE COURT: What was the crime?

10 A PROSPECTIVE JUROR: He was involved -- I don't know
11 what the actual crime was. He was involved with people who
12 were -- I think there was something to do with parking meters
13 and maybe parking meters being broken into and being stolen.
14 And he was caught up with someone else, and they got in a fight
15 with people, and because he had a record, I think they kind of
16 threw the book at him, so...

17 THE COURT: From what you know, and I know you may not
18 know all the facts, was he fairly treated by the criminal
19 justice system?

20 A PROSPECTIVE JUROR: I guess. I mean, I don't have a
21 lot of opinion -- I wasn't like super close with him back then.
22 We are closer now. But I know he's very much like, I never
23 want to go back and I want to live my life straight. And I'm
24 like, great, we are going to support you in every way we can.

25 THE COURT: In the case when you were on the jury, did

1 the jury reach a verdict?

2 A PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: Was that civil or criminal?

4 A PROSPECTIVE JUROR: Criminal.

5 THE COURT: It was a drug case?

6 A PROSPECTIVE JUROR: Drug case, yeah.

7 THE COURT: And in the -- I missed what the other
8 point was. Let me ask you.

9 Oh, I know what it was. I think you said something
10 about you understand the defendant doesn't have to put on a
11 case at all because the burden is on the government to prove
12 everything?

13 A PROSPECTIVE JUROR: Uh-huh.

14 THE COURT: So the defendant doesn't have to testify,
15 doesn't have to call any witnesses or do anything. The total
16 effort has to be by the government. The defendant doesn't have
17 the burden to even testify or call a witness or do anything.
18 Do you understand the government has the burden of proof --

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: -- and the burden of producing evidence?
21 You don't have any problem with that?

22 A PROSPECTIVE JUROR: No. In my last case, the
23 defendant didn't testify, and that wasn't an issue in how we
24 came to our conclusion.

25 THE COURT: Okay. Thank you very much.

1 A PROSPECTIVE JUROR: Thank you.

2 THE COURT: You can step down.

3 (Prospective juror exited the courtroom.)

4 THE COURT: Any challenge for cause?

5 MR. ROSEN: None on behalf of the government.

6 THE COURT: She will be in the group.

7 We will go to 18.

8 THE COURTROOM DEPUTY: Juror 0018.

9 (Prospective juror entered the courtroom.)

10 THE COURT: You can take your mask off while you are
11 talking there. If you will, talk into that microphone there so
12 everybody can hear you.

13 Someone served in the military, either you or a member
14 of your family?

15 A PROSPECTIVE JUROR: Sorry, what?

16 THE COURT: Someone served in the military?

17 A PROSPECTIVE JUROR: Oh, my grandfather.

18 THE COURT: Okay. What was he in?

19 A PROSPECTIVE JUROR: Navy.

20 THE COURT: Okay. The next was you live or work near
21 the Capitol?

22 A PROSPECTIVE JUROR: I'm about three blocks away.

23 THE COURT: Okay.

24 A PROSPECTIVE JUROR: Yeah.

25 THE COURT: And you were at or near the Capitol

1 January 6?

2 A PROSPECTIVE JUROR: I was at my house, so...

3 THE COURT: Okay. And you saw some of the TV coverage
4 live that day?

5 A PROSPECTIVE JUROR: I work remote a lot of times, so
6 I was home that day.

7 THE COURT: You were working from home that day?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: And then you have some hardship if you had
10 to serve?

11 A PROSPECTIVE JUROR: I have a funeral I was planning
12 on attending this Friday for a colleague of mine.

13 THE COURT: When is the funeral?

14 A PROSPECTIVE JUROR: Friday at noon.

15 THE COURT: Of who?

16 A PROSPECTIVE JUROR: A colleague of mine who I work
17 with --

18 THE COURT: Okay.

19 A PROSPECTIVE JUROR: -- or worked with, sorry.

20 THE COURT: Where is it?

21 A PROSPECTIVE JUROR: It's in Northern Virginia. Our
22 office is in Reston, so it's out that way.

23 THE COURT: Was this a close colleague or --

24 A PROSPECTIVE JUROR: So we have been together working
25 for about five years.

1 THE COURT: Will the family be upset if you didn't
2 show?

3 A PROSPECTIVE JUROR: I was planning on attending, so
4 I really wanted to go.

5 THE COURT: Let me consult with counsel.

6 (The following was heard sidebar.)

7 THE COURT: We have enough. I don't know how counsel
8 feel like they want to proceed.

9 MR. ROSEN: Your Honor, the government has no
10 objection to letting this particular juror go given the
11 hardship.

12 MS. WEST: We don't have the any objection.

13 THE COURT: All right.

14 (The following was heard in open court.)

15 THE COURT: I am going to leave you in the pool for
16 now, but I think we will have enough to let you go. We will
17 make sure. Okay. You can return to the courtroom and move to
18 the end of the list.

19 (Prospective juror exited the courtroom.)

20 THE COURT: 1928. Wait a minute before we call 1928.

21 In light of strong feelings on 20, is there any reason
22 to talk to 1928?

23 MR. ROSEN: No, Your Honor. I think that question
24 accurately captures what the Court was intending to get at.

25 MS. WEST: I don't object to letting him go.

1 THE COURT: Okay. 1928 is a challenge for cause
2 successfully. We will go to 1140.

3 THE COURTROOM DEPUTY: Juror 1140.

4 (Prospective juror entered the courtroom.)

5 THE COURT: You can pull your mask down while you are
6 there. Pull your mask down while you are there. But can you
7 talk right into the microphone if you would.

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Someone in the group had worked in law
10 enforcement. Who was that?

11 A PROSPECTIVE JUROR: Two of my friends, Michael
12 Pulliam and Rachel Pulliam. They work for MPD.

13 THE COURT: Uniformed officer?

14 A PROSPECTIVE JUROR: I believe she's a detective, and
15 he's -- yeah.

16 THE COURT: Okay. Do you ever talk about their
17 employment with them?

18 A PROSPECTIVE JUROR: Not in great detail, no.

19 THE COURT: Okay. And someone has gone to law school
20 or works as a lawyer?

21 A PROSPECTIVE JUROR: I work at a law firm.

22 THE COURT: Where do you work?

23 A PROSPECTIVE JUROR: Perkins Coie.

24 THE COURT: How long ago was that?

25 A PROSPECTIVE JUROR: I have been employed with them

1 since February 2021.

2 THE COURT: You have worked there?

3 A PROSPECTIVE JUROR: Yes, I currently work there.

4 THE COURT: What do you do?

5 A PROSPECTIVE JUROR: I'm their social media manager.

6 I'm their social media manager within the marketing

7 department.

8 THE COURT: Okay. Ever work on any criminal matters?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: You were watching things live on TV that
11 day?

12 A PROSPECTIVE JUROR: Yes, I was.

13 THE COURT: Tell me a little more about that.

14 A PROSPECTIVE JUROR: I just have, like, a live stream
15 on one of my monitors, so I was working but kind of just --

16 THE COURT: At Perkins Coie?

17 A PROSPECTIVE JUROR: No. This was because of COVID,
18 so I was at home watching it.

19 THE COURT: Okay.

20 A PROSPECTIVE JUROR: And at that time I was employed
21 with a different law firm, Arnold and Porter.

22 THE COURT: Okay. Tell me your impressions from that
23 and how they might have affected your ability to be a fair
24 juror here. Did it have any impact?

25 A PROSPECTIVE JUROR: Yeah. I mean, it was just more

1 so surreal than anything, the events that took place. So, you
2 know, it just was sort of -- and then conversing with people,
3 because, you know, we were all working, but it was a bit
4 distracting because of the events that were going on.

5 THE COURT: If you are seated here, any reason you
6 couldn't be a fair and impartial juror and decide the case here
7 based on the evidence you heard here at this trial?

8 A PROSPECTIVE JUROR: I don't see why there would be
9 any reason I wouldn't be able to, no.

10 THE COURT: Any follow-up by counsel?

11 MR. ROSEN: No, Your Honor.

12 (The following was heard sidebar.)

13 MS. WEST: With the two officers that he knows, what
14 did they tell him about January 6, and did either of them work
15 at the Capitol on January 6?

16 (The following was heard in open court.)

17 THE COURT: The discussion you had with the officers
18 about January 6, did either of them work at the Capitol on
19 January 6?

20 A PROSPECTIVE JUROR: Not to my knowledge, not on that
21 day.

22 THE COURT: What kind of discussion did you have with
23 them about January 6?

24 A PROSPECTIVE JUROR: Just more generally. We didn't
25 necessarily speak about, like, the events that took place in

1 the Capitol. It was more so just the event as a whole. But
2 no, they -- I mean, they are pretty professional. They don't
3 go into much detail.

4 THE COURT: I'm sorry, I couldn't hear that.

5 A PROSPECTIVE JUROR: I'm sorry. They are fairly
6 professional. They don't go into much detail about their
7 day-to-day operations. It was more so, are you okay mentally.
8 They said yes. But they weren't on the Hill on the day of the
9 event, no, not to my knowledge, no.

10 THE COURT: Okay. They didn't have any particular
11 views they expressed about it?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Thank you very much.

14 (Prospective juror exited the courtroom.)

15 THE COURT: Any challenge for cause?

16 MR. ROSEN: None on behalf of the government.

17 THE COURT: 0081.

18 THE COURTROOM DEPUTY: Juror 0081.

19 (Prospective juror entered the courtroom.)

20 THE COURT: If you will talk in that microphone right
21 there.

22 A PROSPECTIVE JUROR: Okay.

23 THE COURT: Where are you employed?

24 Where do you work?

25 A PROSPECTIVE JUROR: At Bridgeport Hospital.

1 THE COURT: What do you do?

2 A PROSPECTIVE JUROR: Nursing assistant.

3 THE COURT: How long have you been there?

4 A PROSPECTIVE JUROR: About two years.

5 THE COURT: Okay. Any reason you couldn't be a fair
6 and impartial juror if you were seated here?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Any follow-up by counsel?

9 MR. ROSEN: No, Your Honor.

10 (The following was heard sidebar.)

11 MS. WEST: Did we ask her about her checkmark on
12 No. 28?

13 MR. ROSEN: It's just the question of if she can read,
14 write, or speak English.

15 THE COURT: The answer was obviously yes.

16 MS. WEST: I'm just not sure if she checked 28 because
17 she can't read, write, or speak English, or if she can and
18 that's why she checked yes.

19 THE COURT: She just did to me. What do you want me
20 to ask her?

21 MS. WEST: If she can read English. I'm sure she can
22 if she's a nursing assistant and write. I mean, she can speak
23 it.

24 THE COURT: What is it you want me to ask her?

25 MS. WEST: Why is it she checked No. 28.

1 (The following was heard in open court.)

2 THE COURT: One of the counsel noticed that you said
3 to question 28, are you able to read, speak, and understand the
4 English language --

5 A PROSPECTIVE JUROR: Correct.

6 THE COURT: -- and you checked --

7 A PROSPECTIVE JUROR: Yes.

8 THE COURT: Why did you check that?

9 A PROSPECTIVE JUROR: You said am I able?

10 THE COURT: Yes.

11 You are?

12 A PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: Yes is the answer.

14 A PROSPECTIVE JUROR: Yeah.

15 THE COURT: Thank you.

16 A PROSPECTIVE JUROR: That's it?

17 THE COURT: You can step down.

18 A PROSPECTIVE JUROR: Okay.

19 (Prospective juror exited the courtroom.)

20 THE COURT: Any challenge for cause?

21 Go to 0006.

22 MR. ROSEN: Not on behalf of the government.

23 MS. WEST: Can we have the juror come in and ask about
24 why he believes he's a victim of a Ponzi scheme.

25 THE COURT: I'm sorry?

1 MS. WEST: With regard to juror 0006, is the Court
2 going to ask him to come in and ask why he's a victim of a
3 Ponzi scheme?

4 THE COURT: Yes.

5 MS. WEST: Thank you.

6 THE COURT: I assume it's a friend.

7 THE COURTROOM DEPUTY: Juror 0006.

8 (Prospective juror entered the courtroom.)

9 THE COURT: Sit right there. You can take your mask
10 off while you are there. Speak into the microphone so
11 everybody can hear you.

12 You have a notation on the questionnaire that you have
13 a friend that was, I guess, a victim of a Ponzi scheme.

14 A PROSPECTIVE JUROR: That was me.

15 THE COURT: Oh, it's you? Tell us a little more about
16 it.

17 A PROSPECTIVE JUROR: It was just an investment that I
18 made. It was a company that was supposed to do credit,
19 collecting bad debts, and so forth and some credible returns.
20 It was quite of a large -- it was a lot of people who became
21 victims.

22 THE COURT: I thought it was a friend. Okay. How
23 long ago was that?

24 A PROSPECTIVE JUROR: It was 2019, I believe, when
25 everything came to head. And then they recovered a lot of the

1 moneys, and it was this past year when they started making some
2 payouts of moneys they recovered.

3 THE COURT: That was reported to who, FBI or --

4 A PROSPECTIVE JUROR: FBI was involved. It was in the
5 state of Maryland. The FBI was involved, and then I guess
6 Maryland DOJ or...

7 THE COURT: Okay. Did that end up going to trial?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Did you testify?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: Okay. And did you recover some of the
12 money or all of the money?

13 A PROSPECTIVE JUROR: Recovered to date, recovered
14 about 50 percent of it, I think.

15 THE COURT: Well, that's something.

16 A PROSPECTIVE JUROR: It's better than nothing, yeah.

17 THE COURT: I don't hear that too often, actually.

18 How do you look back on that now?

19 A PROSPECTIVE JUROR: You know, I look back on it. I
20 kind of feel like I'm more like I should have been aware of red
21 flags. Like, I kind of beat myself up like, oh, you dummy. It
22 was too good to be true. You should have listened to the age
23 old advice, if something is too good to be true, you shouldn't
24 follow it. So I'm just happy to get some of the money back.

25 THE COURT: How did you find the criminal justice

1 system worked there?

2 A PROSPECTIVE JUROR: I mean, we were very -- we would
3 just get reports. But it seemed to work well. It wasn't -- we
4 would just get reports because they assigned like a receiver to
5 collect the moneys, and then we would just get reports from the
6 receiver. And then you would see whatever was in the news. I
7 wasn't really involved in the trial or anything. It was -- so
8 it was kind of more at a distance.

9 THE COURT: Did that have any impact on whether you
10 could be a fair juror in a case like this, do you think?

11 A PROSPECTIVE JUROR: I don't think so. Like I said,
12 I kind of look back and go, you know, like, I'm just more aware
13 to avoid, you know -- to be careful about where you put your
14 money going forward. I kind of more just, like, look out for
15 some of those red flags. So I kind of beat myself up more than
16 I'm kind of angry about anybody -- of course the person who did
17 it, but that doesn't do me any good. So to answer your
18 question, I don't think so.

19 THE COURT: Any reason you can think of you wouldn't
20 be a fair and impartial juror if you were seated here?

21 A PROSPECTIVE JUROR: No, there's no reason I can
22 think of.

23 THE COURT: What's your regular employment?

24 A PROSPECTIVE JUROR: I am a real estate agent.

25 THE COURT: Okay. Any follow-up by counsel?

1 MR. ROSEN: No, Your Honor.

2 MS. WEST: No, Your Honor.

3 THE COURT: Thank you very much, sir.

4 (Prospective juror exited the courtroom.)

5 THE COURT: Anyone want to try to qualify 2059?

6 MR. ROSEN: Not on behalf of the government, Your
7 Honor.

8 MS. WEST: We would ask the Court to bring her in.

9 THE COURT: I'm sorry?

10 MS. WEST: We would ask the Court to bring her in.

11 THE COURT: Okay. I can do it in one question. Okay.

12 MS. WEST: She's a rare bird.

13 THE COURTROOM DEPUTY: Juror 2059.

14 (Prospective juror entered the courtroom.)

15 THE COURT: You can pull your mask down while you are
16 there. If you will, speak right into the microphone so
17 everyone can hear you.

18 I will start with question 20 where it said, do you
19 have strong feelings or opinions about the events that took
20 place at the Capitol on January 6 that would make it difficult
21 for you to serve as a fair and impartial juror, and you said
22 yes.

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: Tell us a little more about that.

25 A PROSPECTIVE JUROR: Well, I was working for --

1 THE COURT: Speak into the microphone.

2 A PROSPECTIVE JUROR: I'm sorry. Can you hear me now?

3 At the time of January 6, I was working for President
4 Trump at the Department of Commerce. Prior to that, I had
5 worked for him directly in the White House as his special
6 assistant, director of media affairs. So I have a lot of
7 thoughts about January 6 on all sides.

8 THE COURT: And it would be difficult for you to be
9 fair and impartial?

10 A PROSPECTIVE JUROR: It would be very difficult for
11 me to be fair and impartial.

12 THE COURT: You are excused. Thank you very much.

13 (Prospective juror exited the courtroom.)

14 THE COURT: Go to 0092.

15 I will just do question 20 on this one.

16 THE COURTROOM DEPUTY: Juror 0092.

17 (Prospective juror entered the courtroom.)

18 THE COURT: You can pull your mask down and speak into
19 the microphone if you would, please.

20 On question 20, you were asked, do you have strong
21 feelings or opinions about the events that took place at the
22 Capitol on January 6 that would make it difficult for you to
23 serve as a fair and impartial juror. And you said yes. Tell
24 me a little more about that if you would.

25 A PROSPECTIVE JUROR: Your Honor, I have a few friends

1 who work on the Hill who were present for those events.

2 THE COURT: I'm sorry, I can't hear.

3 A PROSPECTIVE JUROR: My apologies. I have friends
4 who work on the Hill who were present for those events, and I
5 have strong feelings about that. In addition, I'm a veteran,
6 so I have strong feelings in general about January 6 overall.

7 THE COURT: Okay. Thank you very much. You are
8 excused.

9 A PROSPECTIVE JUROR: Thank you.

10 (Prospective juror exited the courtroom.)

11 THE COURT: 0843. We will do this one and one more
12 before we break for lunch.

13 THE COURTROOM DEPUTY: Juror 0843.

14 (Prospective juror entered the courtroom.)

15 THE COURT: If you will speak right into that
16 microphone so everybody can hear you, I just have a few
17 follow-ups here. 4 was someone worked in law enforcement.

18 A PROSPECTIVE JUROR: My uncle is a state trooper or
19 was a state trooper.

20 THE COURT: What was he?

21 A PROSPECTIVE JUROR: A state trooper. Sorry, I'm
22 nervous.

23 THE COURT: Where was that?

24 A PROSPECTIVE JUROR: Massachusetts. He's retired
25 now.

1 THE COURT: How long ago was that?

2 A PROSPECTIVE JUROR: He retired. I don't know when.

3 THE COURT: About how long ago?

4 A PROSPECTIVE JUROR: I have -- I'm not really that
5 close with him. Past five years.

6 THE COURT: Years back?

7 A PROSPECTIVE JUROR: Yeah, five years, maybe sooner.

8 THE COURT: Okay. Member of the group had been
9 arrested for or convicted of or charged with a crime or victim
10 or witness to a crime?

11 A PROSPECTIVE JUROR: I'm sorry, can you say it one
12 more time.

13 THE COURT: Member of the group, either your family or
14 friends or you, arrested for or convicted of or charged with a
15 crime or victim or witness to a crime?

16 A PROSPECTIVE JUROR: Oh, I witnessed a carjacking in
17 Navy Yard in 2021.

18 THE COURT: And where was that?

19 A PROSPECTIVE JUROR: In Navy Yard here in D.C.

20 THE COURT: And was anyone apprehended?

21 A PROSPECTIVE JUROR: I believe so. I didn't give a
22 statement to the police. I just called 911, and then I went
23 home.

24 THE COURT: And reported it.

25 A PROSPECTIVE JUROR: Yes, and there was National

1 Guard there. I didn't really have to report it because
2 National Guard was there.

3 THE COURT: The Guard was there?

4 A PROSPECTIVE JUROR: Yeah.

5 THE COURT: And you didn't testify or anything like
6 that?

7 A PROSPECTIVE JUROR: No, no. I just called 911, and
8 then I went home.

9 THE COURT: All right. Okay. And you saw the events
10 live at the Capitol that day?

11 A PROSPECTIVE JUROR: I misheard you. I just watched
12 it on TV live.

13 THE COURT: Okay. And then you followed it in the
14 news. Tell us a little about your impressions then from having
15 followed it on the news. Tell us about your impressions.

16 A PROSPECTIVE JUROR: The event of just everything?
17 Just a little startling. I mean --

18 THE COURT: Any reason you couldn't be a fair and
19 impartial juror if you were seated here?

20 A PROSPECTIVE JUROR: I don't think so.

21 THE COURT: You could decide whether this defendant
22 really broke the law by something that he did that day,
23 following my instructions on the law and considering the
24 testimony you heard here at the trial, decide if he actually
25 violated any of the rules?

1 There is a First Amendment right we start with that he
2 had, everybody has, but there are some lines that can be
3 crossed that day. I would instruct you about what the rules
4 were that day. Would you have any difficulty following that?

5 A PROSPECTIVE JUROR: I don't think so.

6 THE COURT: You are following the investigation sort
7 of meaning following it in the Post or --

8 A PROSPECTIVE JUROR: Yeah. It's D.C. You can't not
9 follow it. Twitter occasionally. But I don't like Twitter, so
10 kind of more high level. But you definitely got to follow
11 what's happening in your own city, so...

12 THE COURT: Did you watch any of the investigation
13 stuff on TV?

14 A PROSPECTIVE JUROR: Not really, no. I mean, if Jake
15 Tapper is on on the TV at work, maybe, but...

16 THE COURT: Okay. This one said, no matter what you
17 have seen or heard about the events at the Capitol, no matter
18 what opinions you may have formed, can you put all that aside
19 and decide this case only on the evidence you receive and
20 follow the law and decide the case in a fair and impartial
21 manner? And you said yes. That's right?

22 A PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Okay. Any follow-up by counsel?

24 MS. WEST: No, Your Honor.

25 THE COURT: I failed to ask you, what do you do now?

1 What's your job now?

2 A PROSPECTIVE JUROR: So I work for the United States
3 Postal Service for the past six months. Before that, I worked
4 in a trade association as a legislative analyst for the auto
5 aftermarket, and then I bartend part-time.

6 THE COURT: What was the one before?

7 A PROSPECTIVE JUROR: The one in the middle?

8 THE COURT: No, the one before postal, what was it?

9 A PROSPECTIVE JUROR: Before postal, I worked as a
10 legislative analyst for the auto aftermarket in, like --
11 legislative analyst -- it wasn't that long ago, a legislative
12 analyst for the auto aftermarket in a trade association.

13 THE COURT: Trade association. Okay. What do you do
14 for postal?

15 A PROSPECTIVE JUROR: I work on their government
16 affairs team. I'm a legislative policy support specialist.
17 Anytime Congress tweets about not getting their mail on time, I
18 am watching it.

19 THE COURT: Okay.

20 A PROSPECTIVE JUROR: So, sir, if you do not get your
21 mail on time, I'm very sorry. We are working on it.

22 THE COURT: Always. Okay. That's all we have. Thank
23 you very much. Glad to know somebody's after those postmen.

24 A PROSPECTIVE JUROR: We are working on it, I promise.

25 (Prospective juror exited the courtroom.)

1 THE COURT: All right. Any challenge for cause?

2 MR. ROSEN: No, Your Honor.

3 THE COURT: All right. We will go to 1233 before we
4 break for lunch then.

5 1233 cannot be located. So we will start back at
6 1:40. We will get the next 18 ready for copying, so we will
7 give you those copies now. We will start back at 1:40 going
8 through the list.

9 If you want to compare notes, what I show as
10 challenged are 0246. 0018 I moved to the end of the list.
11 2059 is struck. And 0092 is struck.

12 I will see you all back at 1:40 then.

13 MS. WEST: Yes, Your Honor.

14 THE COURT: Did you all get 1928?

15 MR. ROSEN: That's correct. That should be struck as
16 well, 2059 and 0092 and 246. So there are four, and 0018 to
17 the end of the list.

18 MS. WEST: Do you have three that have been struck --
19 excused?

20 THE COURT: Four.

21 MS. WEST: Four?

22 THE COURT: 0246.

23 MS. WEST: Yes.

24 THE COURT: 1928.

25 MS. WEST: Yes.

1 THE COURT: 2059 and 0092. Was 2059? Isn't that
2 right?

3 MS. WEST: Yes. So we move 1928 to the end?

4 THE COURT: Yeah, 1928, the one that wants to go to
5 the funeral.

6 MR. ROSEN: 0018.

7 MS. WEST: Oh, 0018, thank you. Got it.

8 THE COURT: He would go to the funeral on Friday if we
9 have enough for the pool, which I assume we do.

10 MS. WEST: Thank you, Your Honor.

11 (A recess was taken at 12:43 p.m.)

12 THE COURTROOM DEPUTY: We are back on the record in
13 Criminal Case 21-708, United States of America versus Leo
14 Christopher Kelly.

15 THE COURT: All right. I have -- is it 1233 next?

16 THE COURTROOM DEPUTY: Yes.

17 THE COURT: Okay.

18 THE COURTROOM DEPUTY: Juror 1233.

19 (Prospective juror entered the courtroom.)

20 THE COURT: You can pull your mask down. If you would
21 speak right into that microphone, everybody can hear you.

22 Someone in your group has served in the military?

23 A PROSPECTIVE JUROR: My boyfriend served in the
24 military.

25 THE COURT: Your?

1 A PROSPECTIVE JUROR: My boyfriend.

2 THE COURT: Where is he serving?

3 A PROSPECTIVE JUROR: He spent most of his time in
4 North Carolina. He was only in Syria for a couple months. He
5 wasn't really on the ground.

6 THE COURT: What service was he in?

7 A PROSPECTIVE JUROR: He did psychological operations.
8 I'm not entirely sure. Army, but outside of that, I don't know
9 specifics.

10 THE COURT: How long ago was that?

11 A PROSPECTIVE JUROR: I think he left two years ago.

12 THE COURT: Okay. And he's out now?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: And what do you do?

15 A PROSPECTIVE JUROR: I work at the International Spy
16 Museum.

17 THE COURT: International?

18 A PROSPECTIVE JUROR: Spy Museum.

19 THE COURT: Good. I like it.

20 A PROSPECTIVE JUROR: Thank you.

21 THE COURT: You started after it moved to the current
22 location?

23 A PROSPECTIVE JUROR: I have actually been with them
24 for seven years, so I was with them for both.

25 THE COURT: What do you do there?

1 A PROSPECTIVE JUROR: I run the media relations.

2 THE COURT: Good. You all have a bigger crowd now,
3 don't you?

4 A PROSPECTIVE JUROR: Oh, yeah. It's great.

5 THE COURT: I had some visiting relatives who went
6 there, and we really enjoyed it. But it was packed when we
7 went.

8 A PROSPECTIVE JUROR: Yeah, you can't go during spring
9 break or summer; it's just terrible.

10 THE COURT: Okay. You have someone who's gone to law
11 school or worked as a lawyer?

12 A PROSPECTIVE JUROR: Both of my parents are lawyers,
13 or I guess my mother's entirely retired. My dad is
14 semiretired. And I have a friend who's a lawyer.

15 THE COURT: And where are they?

16 A PROSPECTIVE JUROR: My father was a business and
17 bankruptcy litigator. And my mom, she was the deputy general
18 counsel at the Small Business Administration.

19 THE COURT: Where, here?

20 A PROSPECTIVE JUROR: Small Business Administration.

21 THE COURT: Here in D.C.?

22 A PROSPECTIVE JUROR: Here in D.C., yeah.

23 THE COURT: What kind of practice did your father
24 have?

25 A PROSPECTIVE JUROR: He was at -- it was then

1 Dickstein Shapiro. Now it's like Blank Rome or something.

2 THE COURT: Do they do criminal work, do you know?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: It's all civil

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: What does your brother do?

7 A PROSPECTIVE JUROR: I have no other family members.

8 THE COURT: Who is the third lawyer?

9 A PROSPECTIVE JUROR: Just a friend of mine.

10 THE COURT: Friend. What kind of practice does he
11 have?

12 A PROSPECTIVE JUROR: She's at the SEC.

13 THE COURT: FEC?

14 A PROSPECTIVE JUROR: SEC.

15 THE COURT: SEC?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. Does she do any criminal work
18 there?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: Did you see some of the Capitol events
21 live at that time?

22 A PROSPECTIVE JUROR: I did.

23 THE COURT: Tell us a little more about that.

24 A PROSPECTIVE JUROR: I don't know. It was all that
25 was going on that day, so...

1 THE COURT: You were at work that day?

2 A PROSPECTIVE JUROR: I was working from home that
3 day. I got off a Zoom call to many text messages checking in
4 on me. I was nowhere near that, but obviously then I turned on
5 the news, so...

6 THE COURT: Right. Okay. Tell us a little about how
7 that impacted you.

8 A PROSPECTIVE JUROR: I would say I went to Whole
9 Foods immediately just because I didn't know how long it would
10 go on for and I wanted to make sure I was stocked up, but
11 that's about it.

12 THE COURT: Okay. To what extent have you followed
13 the investigation then, sort of reading the Post articles and
14 much more than that or not?

15 A PROSPECTIVE JUROR: I mean, if it's -- I guess
16 really just if it's in the Post or the Times or on the Daily or
17 something. Nothing extensive, but I have been reading some of
18 it.

19 THE COURT: Okay. Any reason you couldn't be a fair
20 and impartial juror if you were seated here --

21 A PROSPECTIVE JUROR: I don't think so.

22 THE COURT: -- to decide whether this defendant really
23 did the offenses he's charged with?

24 A PROSPECTIVE JUROR: (Shaking head.)

25 THE COURT: Everybody has a First Amendment right, so

1 there were people who were just engaged in First Amendment
2 rights there. There were others who engaged in more than that.

3 A PROSPECTIVE JUROR: Sure.

4 THE COURT: And the jury here is going to have to
5 decide, in accordance with my instructions, whether the
6 defendant was engaged in something other than First Amendment
7 rights. Do you think you can do that fairly and impartially?

8 A PROSPECTIVE JUROR: I do.

9 THE COURT: Okay. And you answered the question, no
10 matter what you've seen or heard about the events there, no
11 matter what opinions you have formed, you could set that aside
12 and decide this case in a fair and impartial manner just on the
13 evidence. Do you think that's right?

14 A PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Okay. Let me see if counsel have any
16 other questions they wanted to ask.

17 MR. ROSEN: Not on behalf of the government.

18 MS. WEST: No, Your Honor. Thank you.

19 THE COURT: Okay. Thank you very much.

20 A PROSPECTIVE JUROR: Thank you.

21 (Prospective juror exited the courtroom.)

22 THE COURT: Any challenge for cause?

23 MR. ROSEN: No, Your Honor.

24 MS. WEST: No, Your Honor.

25 THE COURT: I will go to 1448 (sic), and I will just

1 start with 20. I thought she said yes. Let me look at 20
2 again. Yeah, 20 she says yes.

3 Is there a reason to question 1488?

4 MS. WEST: She has a yes on No. 20, Your Honor.

5 THE COURTROOM DEPUTY: Juror 1488.

6 (Prospective juror entered the courtroom.)

7 THE COURT: I will just do 20.

8 If you will speak into the microphone there, I just
9 have one question I wanted to follow up on. It said do you
10 have strong feelings or opinions about the events that took
11 place at the Capitol that would make it difficult for you to
12 serve as a fair and impartial juror, and you said yes.

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Tell me a little more about that.

15 A PROSPECTIVE JUROR: I felt like the election was
16 fair and --

17 THE COURT: I couldn't hear you.

18 A PROSPECTIVE JUROR: I said I felt like the election
19 was fair, and I didn't think it was appropriate for people to
20 be protesting.

21 THE COURT: And you think it would be hard to be a
22 fair juror?

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Any follow-up by counsel?

25 MR. ROSEN: No, Your Honor.

1 MS. WEST: No, Your Honor.

2 THE COURT: Okay. Thank you very much. You can step
3 down.

4 A PROSPECTIVE JUROR: You said I can step down?

5 (Prospective juror exited the courtroom.)

6 THE COURT: 1488 is stricken. We will go to 1994.

7 THE COURTROOM DEPUTY: 1994.

8 (Prospective juror entered the courtroom.)

9 THE COURT: You can pull your mask down if you would,
10 but speak into the microphone there so everybody can hear you.

11 A PROSPECTIVE JUROR: Sure.

12 THE COURT: Someone in your group has gone to law
13 school or worked as a lawyer?

14 A PROSPECTIVE JUROR: Yes. I'm a lawyer.

15 THE COURT: Okay. Where do you practice?

16 A PROSPECTIVE JUROR: At the FCC, Federal
17 Communications Commission. I am a litigator.

18 THE COURT: How long have you been there?

19 A PROSPECTIVE JUROR: Ten years.

20 THE COURT: Okay. Ever do any criminal practice?

21 A PROSPECTIVE JUROR: Some pro bono when I was at a
22 law firm.

23 THE COURT: When you were at a firm?

24 A PROSPECTIVE JUROR: Correct, yes, when I was at a
25 law firm.

1 THE COURT: And what kind of criminal cases did you
2 work on?

3 A PROSPECTIVE JUROR: Two death penalty cases. I
4 think that's it.

5 THE COURT: What firm were you at?

6 A PROSPECTIVE JUROR: I was at WilmerHale and Jenner &
7 Block.

8 THE COURT: Before you went to FCC, did --

9 A PROSPECTIVE JUROR: After grad school, I clerked and
10 worked at two law firms and been at the FCC.

11 THE COURT: Who did you clerk for?

12 A PROSPECTIVE JUROR: Judge Rogers here.

13 THE COURT: Oh, good.

14 A PROSPECTIVE JUROR: Judith Rogers, yes.

15 THE COURT: When she was on the court of appeals?

16 A PROSPECTIVE JUROR: Yes, she still is. She's
17 senior, but she's still here.

18 THE COURT: Okay. And then you live or work near the
19 Capitol?

20 A PROSPECTIVE JUROR: I live on Capitol Hill. I was
21 home with my family.

22 THE COURT: And were you there January 6?

23 A PROSPECTIVE JUROR: I was, yes.

24 THE COURT: At home?

25 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. And then you saw some of the stuff
2 live on TV because you were home?

3 A PROSPECTIVE JUROR: Right, or I was following it
4 through other media online, yes, at the time.

5 THE COURT: Okay. Now, you did answer the question
6 that, despite your being there on the Hill -- and you followed
7 the investigation, so tell us a little about following it,
8 because you also answered that you think you could be fair if
9 you were seated on the jury here. So tell us a little more
10 about that.

11 A PROSPECTIVE JUROR: I guess what I would say is that
12 I would -- you know, as a lawyer and officer of this Court
13 even, I would do my best to be fair, certainly. I have my own
14 ideas about the merits.

15 THE COURT: We know there is a First Amendment right.
16 It started with some First Amendment rights. And we know,
17 because I am going to instruct the jury, that there's a First
18 Amendment right, but we know that at some point people went
19 beyond that.

20 The jury here is going to have to figure out whether
21 this defendant violated some laws. I am going to try to
22 explain what the laws were that would be applicable that might
23 apply to him. The jury is going to have to figure out whether
24 they think this conduct that they find happened did any of
25 those things.

1 So we've got to figure out jurors that can apply that
2 law and be fair about it and whether you fit in that category
3 of being a fair juror and whether you know the drill from
4 having been a lawyer.

5 A PROSPECTIVE JUROR: Sure.

6 THE COURT: Do you know too much about this subject to
7 be a fair juror? Tell us a little more about that.

8 A PROSPECTIVE JUROR: I don't know a whole lot about
9 the First Amendment, if that's anyone's concern. I'm not a
10 First Amendment lawyer. I mean, at the FCC, there's a little
11 bit about that, but there's nothing about protests, for
12 example. I don't know anything about that specific area of
13 law.

14 I have my own political interpretation of what
15 happened on January 6. I would say I followed that coverage
16 fairly closely. I think everyone should on both sides be aware
17 of that. Of course. But I'm sure that would be true of almost
18 everybody you will see today.

19 But, you know, if you would ask me if I would do my
20 best to be fair, certainly I would. I think it's my duty and I
21 think every defendant is owed that, so I certainly would do
22 that.

23 THE COURT: To what extent have you followed the
24 investigation and stuff like that?

25 A PROSPECTIVE JUROR: Well, I was quite aware when

1 this happened, of course, living on the Hill and I guess
2 everyone in the U.S. was probably aware of this.

3 And then I was aware there was a long period before
4 anyone was charged and there was a lot of coverage about
5 whether anyone would be charged. I was following that.

6 I know that there have been some defendants already
7 who have either settled or the cases have gone to trial. But I
8 haven't followed that too closely, I have to say.

9 THE COURT: Did you watch any of the hearings in the
10 House, things like that?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: What was your impression from all of that?

13 A PROSPECTIVE JUROR: To be candid, my impression, it
14 was lawless and criminal is what it looked like to me.

15 THE COURT: Okay. If you were sitting over where the
16 defendant is sitting, would you want somebody with your
17 mind-set on the jury, or do you think that would be -- how
18 would you look at that? That's the hardest question.

19 A PROSPECTIVE JUROR: Sure. I understand. I guess it
20 depends on how many people you have in your pool. What I can
21 promise is that I will do my best to be fair. I think you may
22 find some people who are less immersed in this news coverage,
23 for example, and they might be a cleaner slate.

24 THE COURT: As a lawyer, how do you think you would
25 look at my instructions on the law and be faithful to following

1 my instructions on the law?

2 A PROSPECTIVE JUROR: That I can do, yes.

3 THE COURT: And follow my instructions?

4 A PROSPECTIVE JUROR: Yes.

5 Also, this relates to something you have asked me, but
6 I will say that the day that this happened, on January 6, was
7 quite alarming for everybody who lived in the neighborhood. I
8 should say that, that we all felt quite alarmed.

9 THE COURT: There's another question about do you have
10 an opinion about people who believe the 2020 presidential
11 election was stolen that would make it hard for you to serve as
12 a fair and impartial juror. Tell me a little bit about that
13 one.

14 A PROSPECTIVE JUROR: One of them, I changed my
15 answer. I think the question was do you have an opinion. I
16 have an opinion, but the end of the question was would that
17 prevent you from doing your job. And again, I would repeat, I
18 have an opinion, but I would do my best to do my job and be
19 fair.

20 THE COURT: Okay. And then you were asked, no matter
21 what you've seen or heard about the events of January 6, no
22 matter what opinions you may have formed, could you put that
23 aside and decide this case only on the evidence you receive in
24 court, follow the law, and decide the case in a fair and
25 impartial manner?

1 A PROSPECTIVE JUROR: And I answered that yes, that I
2 could do that, yes.

3 THE COURT: Okay. Let me see if counsel want to ask
4 any follow-up.

5 (The following was heard sidebar.)

6 MR. ROSEN: Not on behalf of the government.

7 MS. WEST: I would like the Court to follow up about,
8 he said it was a really -- I can't remember the word he used,
9 but the day it happened, it was a scary day. I would like to
10 know how he was affected, and the neighborhood he lives in,
11 what he did that day to make himself feel safe.

12 (The following was heard in open court.)

13 THE COURT: You said something about it was a scary
14 day that day in the neighborhood anyway where you lived. Tell
15 us a little more about that and then what you did to feel safer
16 that day and what you did in the neighborhood.

17 A PROSPECTIVE JUROR: Right. Well, I live not -- I
18 live six blocks from the Capitol, I guess, or eight blocks, so
19 what looked, you know, from the news coverage like a riot. And
20 we didn't know what would happen, if that could spill out into
21 our neighborhood, for example, and that would be dangerous,
22 scary.

23 It didn't come to that. You know, nothing bad
24 happened in my neighborhood specifically. It didn't move out
25 into Capitol Hill from the Capitol as far as I am aware.

1 THE COURT: Moved?

2 A PROSPECTIVE JUROR: It didn't move, you know, east
3 into the neighborhood. So in the end, it didn't come to that,
4 but when this was ongoing and no one knew what would happen, it
5 was scary.

6 THE COURT: But you were ready to move, you mean?

7 A PROSPECTIVE JUROR: No, I'm sorry. The violence or
8 the action, protests, whatever, did not move is what I mean.
9 It did not move closer to us.

10 THE COURT: But you were going to be ready if it did
11 is what you meant?

12 A PROSPECTIVE JUROR: Oh, I don't know. I guess we
13 could have fled. Yeah, we could have, yeah. My kids were home
14 that day, so yeah, we would have had to get out of there.

15 THE COURT: Okay. All right. Thank you very much,
16 sir.

17 (Prospective juror exited the courtroom.)

18 THE COURT: Challenge for cause?

19 MS. WEST: There is from the defense, Your Honor,
20 based on the fact that this juror had been personally affected
21 because of his close -- living next to the Capitol. What
22 really made it bad was the fact that his children were home and
23 he was afraid that the violence would, in fact, come close to
24 him even though it didn't.

25 THE COURT: That one is sustained.

1 MS. WEST: Okay.

2 THE COURT: We will go to 105.

3 THE COURTROOM DEPUTY: Juror 0105.

4 (Prospective juror entered the courtroom.)

5 THE COURT: You can pull your mask down.

6 A PROSPECTIVE JUROR: Thank you.

7 THE COURT: I have a couple of questions to ask.

8 There was a question, no matter what you have seen or heard
9 about the events at the Capitol, no matter what opinions you
10 formed, can you put all of that aside and decide this case on
11 the evidence here in court, follow the law, and decide this in
12 a fair and impartial manner? And you said yes. You have no
13 problem with that?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: What's your employment? What do you do?

16 A PROSPECTIVE JUROR: I work in an orthopedic office.

17 THE COURT: I'm sorry, I couldn't hear you.

18 A PROSPECTIVE JUROR: Orthopedic office.

19 THE COURT: What do you do?

20 A PROSPECTIVE JUROR: Receptionist.

21 THE COURT: Receptionist, okay. Here in D.C.?

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: How long have you been there?

24 A PROSPECTIVE JUROR: Eight years.

25 THE COURT: Eight years. Okay. I have been going for

1 a lot of orthopedic, as you can see, lately, so I value my
2 receptionist there too.

3 All right. Any follow-up by counsel?

4 MR. ROSEN: No, Your Honor.

5 MS. WEST: No, Your Honor.

6 THE COURT: Thank you very much.

7 (Prospective juror exited the courtroom.)

8 THE COURT: We will go to 2173.

9 Any challenge for cause?

10 MR. ROSEN: No, Your Honor.

11 MS. WEST: No, Your Honor.

12 THE COURTROOM DEPUTY: Juror 2173.

13 (Prospective juror entered the courtroom.)

14 THE COURT: You can pull your mask down. And if you
15 will, talk into the microphone so everybody can hear you.

16 A PROSPECTIVE JUROR: Sounds good.

17 THE COURT: Someone in your family or your friend is a
18 lawyer, works in a law office?

19 A PROSPECTIVE JUROR: I worked in a law firm in the
20 past.

21 THE COURT: Where was that?

22 A PROSPECTIVE JUROR: I worked at Hogan Lovells Law
23 Firm here in the city as a conflicts analyst from 2016 to 2020.

24 THE COURT: Okay. What was your job?

25 A PROSPECTIVE JUROR: I was a conflicts analyst.

1 THE COURT: Okay. And what is your employment now?

2 A PROSPECTIVE JUROR: I am a teacher.

3 THE COURT: Where do you teach?

4 A PROSPECTIVE JUROR: I teach at Kipp Connect Academy.
5 It's here in D.C.

6 THE COURT: What do you teach?

7 A PROSPECTIVE JUROR: I teach preschool.

8 THE COURT: Okay. How long have you been doing that,
9 since 2020?

10 A PROSPECTIVE JUROR: I have been doing that since the
11 beginning of this school year, in 2022.

12 THE COURT: What did you do before that?

13 A PROSPECTIVE JUROR: Before that, I worked for a
14 small commercial real estate group.

15 THE COURT: Small?

16 A PROSPECTIVE JUROR: Commercial real estate group.

17 THE COURT: Okay. And then before that, you were
18 working at that law office?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: For how long?

21 A PROSPECTIVE JUROR: I worked there from 2016 to
22 2020. I had also interned at the Worcester County District
23 Attorney's Office when I was in college.

24 THE COURT: What did you do there?

25 A PROSPECTIVE JUROR: I was a summer intern for the

1 ADAs.

2 THE COURT: What kind of things did you work on?

3 A PROSPECTIVE JUROR: I was mainly doing filing of
4 paperwork.

5 THE COURT: Okay. And then there's a question about
6 anyone you are close to live or work near the Capitol. Who is
7 that?

8 A PROSPECTIVE JUROR: My little sister currently works
9 on the Hill for a Congressperson from New Hampshire.

10 THE COURT: Does she live there too, or she just works
11 there?

12 A PROSPECTIVE JUROR: She just works there.

13 THE COURT: She works for a member of Congress?

14 A PROSPECTIVE JUROR: Yes, for a member of Congress.

15 THE COURT: From where?

16 A PROSPECTIVE JUROR: New Hampshire.

17 THE COURT: Okay. Was she there that day, do you
18 know?

19 A PROSPECTIVE JUROR: No. She started working for the
20 Congressperson this past year.

21 THE COURT: After all that. Okay.

22 A PROSPECTIVE JUROR: Yes.

23 THE COURT: And then in 27, you were asked, no matter
24 what you have heard or seen about the events at the Capitol and
25 no matter what opinions you may have formed, can you put all

1 that aside and decide this case only on the evidence you
2 receive in court, follow the law, and decide the case in a fair
3 and impartial manner, and you said yes. Is that right?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: No reason you couldn't be a fair and
6 impartial juror if you were seated here?

7 A PROSPECTIVE JUROR: Correct, there's no reason I
8 couldn't be fair and impartial.

9 THE COURT: Any follow-up by counsel?

10 (The following was heard sidebar.)

11 MS. WEST: I'm curious to know if he watched any of
12 the January 6 hearings and what he thought about those.

13 (The following was heard in open court.)

14 THE COURT: Did you watch any of the January 6
15 hearings?

16 A PROSPECTIVE JUROR: No, I have not watched any of
17 the January 6 hearings.

18 THE COURT: Okay. All right. Thank you very much.

19 (Prospective juror exited the courtroom.)

20 THE COURT: Any challenge for cause?

21 MR. ROSEN: No, Your Honor.

22 MS. WEST: No, Your Honor.

23 THE COURT: 1766, I will start with question 20.

24 THE COURTROOM DEPUTY: Juror 1766.

25 (Prospective juror entered the courtroom.)

1 THE COURT: If you would speak right in that
2 microphone there.

3 Question 20 was, do you have strong feelings or
4 opinions about the events that took place in the Capitol on
5 January 6 that would make it difficult for you to serve as a
6 fair and impartial juror? You answered yes. Tell me a little
7 more about that.

8 A PROSPECTIVE JUROR: So I am a private practice
9 psychiatrist, and I work mainly with victims of violent crimes.
10 I have seen members of the Capitol Police following the
11 incident on January 6, and I think I would have a hard time
12 being unbiased considering the amount of trauma that I have
13 spoken with people about their experience.

14 THE COURT: Okay. Speak to counsel.

15 (The following was heard sidebar.)

16 MS. WEST: We will agree to excuse her.

17 MR. ROSEN: No objection, Your Honor.

18 (The following was heard in open court.)

19 THE COURT: Thank you very much. You can step down.

20 (Prospective juror exited the courtroom.)

21 THE COURT: We will go to 1656, and I will start with
22 question 20.

23 THE COURTROOM DEPUTY: Juror 1656.

24 (Prospective juror entered the courtroom.)

25 THE COURT: You can pull off your mask and speak into

1 the microphone there, if you would, so everybody can hear your
2 answers.

3 A PROSPECTIVE JUROR: Can you hear me?

4 THE COURT: Yes. You can leave your mask down.

5 A PROSPECTIVE JUROR: Okay.

6 THE COURT: Question 20 was, do you have strong
7 feelings or opinions about the events that took place at the
8 Capitol on January 6 that would make it difficult for you to
9 serve as a fair and impartial juror? And you said yes. Tell
10 me a little more about that if you would.

11 A PROSPECTIVE JUROR: I thought it was offensive.

12 THE COURT: I'm sorry?

13 A PROSPECTIVE JUROR: I thought it was offensive. It
14 was disappointing.

15 THE COURT: Why would that make it --

16 A PROSPECTIVE JUROR: It made me sick to my stomach.

17 Excuse me?

18 THE COURT: Why would that make it impossible for you
19 to be a fair and impartial juror?

20 A PROSPECTIVE JUROR: Just because I didn't agree with
21 it.

22 THE COURT: So you think you could not be fair and
23 impartial on the jury?

24 A PROSPECTIVE JUROR: I don't think so.

25 THE COURT: Okay. Thank you very much. You can step

1 down.

2 (Prospective juror exited the courtroom.)

3 THE COURT: What a poor excuse. Is there a reason for
4 the Court to not tell him what I think?

5 MS. WEST: I agree.

6 THE COURT: I guess not. I assume you object? I
7 assume the government cannot do anything about it. And I
8 assume he will be struck.

9 The next two, is there a reason for the government to
10 call them in and go through that exercise?

11 MR. ROSEN: Respectfully, Your Honor, I think I know
12 where we are sort of heading on these questions, but I think we
13 should at least inquire as to question 20.

14 THE COURT: And show what dishonest people they are?
15 All right. Or maybe honest but stupid.

16 Bring in 1429. I guess it's not the Court's place to
17 tell them they're stupid, but... What a society we live in.

18 MS. WEST: We are doing our best to make it right,
19 Your Honor.

20 THE COURT: What a world.

21 THE COURTROOM DEPUTY: Juror 1429.

22 (Prospective juror entered the courtroom.)

23 THE COURT: If you will answer there in the microphone
24 so everybody can hear you.

25 Question 20 was, do you have strong feelings or

1 opinions about the events that took place at the Capitol on
2 January 6 that would make it difficult for you to serve as a
3 fair and impartial juror? And you said yes. Tell me a little
4 more about that one if you would.

5 A PROSPECTIVE JUROR: I just, as a D.C. resident, as
6 someone that was here during the events, it was a fairly
7 upsetting and traumatic day. I live downtown less than a mile
8 from the Capitol, so that day was pretty much happening in my
9 neighborhood. So, you know, it was a pretty emotional day and,
10 you know, it's something, like, as a D.C. resident within close
11 proximity of the Capitol is pretty upsetting.

12 THE COURT: So you don't think you could be fair if
13 you were seated on the jury?

14 A PROSPECTIVE JUROR: Possibly. It's just -- you
15 know, I think it was hard for any D.C. resident to possibly be
16 partial (sic) to it, but I know myself, it was a very emotional
17 day.

18 THE COURT: All right. Thank you very much.

19 A PROSPECTIVE JUROR: Thank you.

20 (Prospective juror exited the courtroom.)

21 THE COURT: We will go to 743.

22 THE COURTROOM DEPUTY: Your Honor, was he struck?

23 THE COURT: He's stricken.

24 THE COURTROOM DEPUTY: Okay.

25 THE COURT: The last three are stricken.

1 THE COURTROOM DEPUTY: Juror 0743.

2 (Prospective juror entered the courtroom.)

3 THE COURT: You can pull your mask down, and if you
4 will speak right into that microphone so everybody can hear
5 you.

6 On question 20, you were asked, do you have strong
7 feelings or opinions about the events that took place at the
8 Capitol on January 6 that would make it difficult for you to
9 serve as a fair and impartial juror in this case? And you said
10 yes. Tell us a little more about that if you would.

11 A PROSPECTIVE JUROR: Yeah, I have a coworker whose
12 child was at the daycare at the Capitol that day and had to
13 leave work early. And we were worried about him and his
14 daughter, and that had an impact on me.

15 THE COURT: You think that would make it difficult for
16 you to serve?

17 A PROSPECTIVE JUROR: If I am being honest, I would
18 try to be as fair as I could, but it definitely has colored my
19 opinions.

20 THE COURT: Okay. Speak to counsel.

21 (The following was heard sidebar.)

22 THE COURT: Any point in trying to qualify her?

23 MS. WEST: No, Your Honor. Your Honor, I think that
24 she also had No. 8, which is arrested or convicted or charged
25 with a crime. I would like to hear the answer to that

1 question. Thank you.

2 (The following was heard in open court.)

3 MS. WEST: I misunderstood, Your Honor, the previous
4 statement of the Court. I have nothing further.

5 THE COURT: I'm sorry?

6 (The following was heard sidebar.)

7 MR. ROSEN: Your Honor, if I may be heard briefly.
8 Obviously there are going to be a ton of people who have
9 experiences with January 6 living in the district. The
10 operative question from our perspective is not whether they had
11 emotions associated with January 6. It's whether they can be
12 fair and impartial.

13 So I think one of the curative questions that I would
14 at least be interested in asking is if the Court were to impose
15 the rules of law, as Your Honor will do, will they be able to
16 follow your instruction despite their own either personal
17 feelings on the matter or political feelings on the matter,
18 because I think that kind of strikes at the core of ultimately
19 whether a person can be fair.

20 MS. WEST: May I respond, Your Honor?

21 THE COURT: Yes.

22 MS. WEST: My only response to that is I don't
23 disagree with Mr. Rosen in that there are going to be a lot of
24 people there who had an emotional day that day. The problem is
25 if that emotion will cause them to not be able to be fair and

1 impartial to Mr. Kelly and how close they are to it.

2 So I think what we are doing here is we are just --
3 it's kind of a slippery slope, but, you know, how much emotion
4 and how did it affect you. I think simply asking one question
5 may not do it. We just may have to do a follow-up.

6 THE COURT: I will accept your challenge to the juror
7 anyway, so we will just strike her.

8 (The following was heard in open court.)

9 THE COURT: All right. You can step down.

10 (Prospective juror exited the courtroom.)

11 THE COURT: We will go to 109.

12 THE COURTROOM DEPUTY: Juror 0109.

13 (Prospective juror entered the courtroom.)

14 THE COURT: You can pull your mask down, and if you
15 will speak into that microphone so everybody can hear you.

16 A PROSPECTIVE JUROR: Okay.

17 THE COURT: One question says, any member of the group
18 ever served in the military? What did you have in mind there?

19 A PROSPECTIVE JUROR: It was my ex-husband. I just
20 acknowledged it.

21 THE COURT: I'm sorry?

22 A PROSPECTIVE JUROR: Ex-husband, just acknowledged
23 it.

24 THE COURT: I can't hear you.

25 A PROSPECTIVE JUROR: Ex-husband.

1 THE COURT: I never did hear you.

2 A PROSPECTIVE JUROR: Ex-husband.

3 THE COURT: Husband?

4 A PROSPECTIVE JUROR: Ex.

5 THE COURT: When did he serve?

6 A PROSPECTIVE JUROR: When? He was in for 30 years,
7 got out about 10 years ago.

8 THE COURT: Okay. What military was he in?

9 A PROSPECTIVE JUROR: Navy.

10 THE COURT: Navy. Okay. And he retired?

11 A PROSPECTIVE JUROR: He did.

12 THE COURT: At what rank?

13 A PROSPECTIVE JUROR: Oh, boy, he will probably kill
14 me because I don't remember.

15 THE COURT: Enlisted?

16 A PROSPECTIVE JUROR: Yes, he was the highest --
17 whatever the highest enlisted.

18 THE COURT: Okay. So you all lived all over the
19 world?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Where did you live?

22 A PROSPECTIVE JUROR: I wasn't with him for the
23 majority of it.

24 THE COURT: Oh, okay. The next was whether you could
25 set aside anything you have read or heard about the case and

1 about anybody charged in the case and decide this case just on
2 the evidence. You don't have any problem with that.

3 And then you were asked, have you been following the
4 investigation of the case in the news media? And you said yes.
5 Tell us a little more about that.

6 A PROSPECTIVE JUROR: Just read about it.

7 THE COURT: In the Post and things like that?

8 A PROSPECTIVE JUROR: Yeah, I just read about it in
9 publications, listen to different podcasts about it, yeah.

10 THE COURT: Okay. And then you were asked, do you
11 believe people who are charged with criminal offenses for their
12 participation are guilty of criminal wrongdoing? Tell me a
13 little bit more about that.

14 A PROSPECTIVE JUROR: I believe that evidence was
15 gathered, and they weren't being charged unless they had
16 gathered a significant amount of evidence.

17 THE COURT: But you know just because they have been
18 charged doesn't mean they are guilty?

19 A PROSPECTIVE JUROR: I do know that.

20 THE COURT: The government has to prove it at the
21 trial.

22 A PROSPECTIVE JUROR: True.

23 THE COURT: And the jury has got to decide if they are
24 really guilty or not guilty.

25 A PROSPECTIVE JUROR: Based upon what we hear?

1 THE COURT: Yeah.

2 A PROSPECTIVE JUROR: Yeah.

3 THE COURT: As we start the trial, you don't have any
4 problem if I instruct you that they start with a clean slate
5 and the jury has to presume that the defendant is innocent as
6 we start the trial?

7 A PROSPECTIVE JUROR: I don't have a problem with
8 that.

9 THE COURT: And the defendant comes in here, the
10 government has to put on evidence. The defendant doesn't have
11 to bring anything in. They don't have to testify. They don't
12 have to put on any evidence. They don't have to do anything.
13 The burden of proof is on the government. Do you understand
14 all that?

15 A PROSPECTIVE JUROR: I understand.

16 THE COURT: You don't have any problem with that?

17 A PROSPECTIVE JUROR: No, I don't.

18 THE COURT: Okay. You were asked, do you have an
19 opinion about people who believe the 2020 presidential election
20 was stolen that would make it hard for you to serve as a fair
21 and impartial juror in a case where the defendant is such a
22 person? You said yes. Tell me a little more about that one.

23 A PROSPECTIVE JUROR: Can you read the question again.
24 It was pretty quick when you read it and --

25 THE COURT: Do you have an opinion about people who

1 believe that the 2020 presidential election was stolen that
2 would make it hard for you to serve as a fair and impartial
3 juror in a case where the defendant is such a person?

4 A PROSPECTIVE JUROR: In hearing it a little bit more,
5 I don't believe that I have a problem with that. I do have a
6 problem with people who believe that the election was stolen,
7 but I don't believe that --

8 THE COURT: They are probably wrong.

9 A PROSPECTIVE JUROR: I'm sorry?

10 THE COURT: They are probably wrong, but that doesn't
11 mean that they did this offense or that, you know, they did
12 whatever is charged here. You can decide that.

13 A PROSPECTIVE JUROR: I understood that, yes, sir.

14 THE COURT: Based on the evidence you hear in the
15 courtroom, am I right?

16 A PROSPECTIVE JUROR: That is correct, sir.

17 THE COURT: As a juror --

18 A PROSPECTIVE JUROR: As a juror --

19 THE COURT: -- that would be your job.

20 A PROSPECTIVE JUROR: -- I would be understood that --

21 THE COURT: Could you do that fairly even though you
22 think they might have been wrong about that?

23 A PROSPECTIVE JUROR: If the evidence shows that they
24 didn't do it, then they didn't do it, whatever it is that it
25 is.

1 THE COURT: Another one is, do you have an opinion
2 about people who strongly supported President Trump that would
3 make it hard for you to serve as a fair and impartial juror in
4 a case where the defendant is such a person?

5 A PROSPECTIVE JUROR: I just have a real problem with
6 people who follow blindly Trump. Can I serve? Can I still
7 serve? I believe that I can. I just want it to be known that
8 I do have a problem.

9 THE COURT: I appreciate your honesty. That's what we
10 are looking for.

11 Any follow-up by counsel?

12 (The following was heard sidebar.)

13 MR. ROSEN: No, Your Honor.

14 MS. WEST: The defense would like to know what
15 podcasts she listens to to get her news.

16 THE COURT: Okay. Anything from the government?

17 MR. ROSEN: No, Your Honor.

18 (The following was heard in open court.)

19 THE COURT: Do you have any particular podcasts you
20 listen to?

21 A PROSPECTIVE JUROR: Oh, a lot of different podcasts.
22 Up First, Democracy Now, sometimes Chris Hayes, as far as news
23 ones. As far as news ones, those are the ones, yeah. NPR.

24 THE COURT: Okay. Thank you very much.

25 A PROSPECTIVE JUROR: Thank you.

1 (Prospective juror exited the courtroom.)

2 MS. WEST: Your Honor, the defense would move to
3 strike this juror for cause. One thing that the record will
4 not reflect in your colloquy was the grimacing on this juror's
5 face.

6 THE COURT: I'm sorry, I couldn't hear you.

7 MS. WEST: One of the things the record will not
8 reflect in your colloquy with this juror was the grimacing on
9 her face. Every time you asked a question, she frowned and
10 looked down. And she answered the question perhaps in a way
11 she thought that you wanted her to answer that question, but
12 she was definitely not convincing with the fact that she
13 thought that she said that she could be a fair juror. And what
14 really struck that home was your last question about people
15 that had -- were followers of Trump, and she said, I have a
16 problem with people that follow Trump blindly.

17 THE COURT: I thought she was very honest at the end,
18 and she will be struck. I do not think she could set that
19 aside.

20 We will go to 1895.

21 THE COURTROOM DEPUTY: Juror 1895.

22 (Prospective juror entered the courtroom.)

23 THE COURT: I got a few follow-up questions. One was
24 you had a schedule problem?

25 A PROSPECTIVE JUROR: Yeah. It kind of depends on a

1 couple different things. I haven't been able to clarify with
2 some clients if I can reschedule a trip. I was supposed to go
3 on Wednesday.

4 THE COURT: Tell me what they are.

5 A PROSPECTIVE JUROR: I'm supposed to be in Atlanta
6 for a meeting on Wednesday afternoon, and I just haven't been
7 able to confirm with a client if I can move it yet.

8 THE COURT: Oh, good. And then what was -- on 40 you
9 had another something about work, so that's the same question.

10 A PROSPECTIVE JUROR: No, that's different. I'm a
11 political consultant, so I have clients who are members of
12 Congress and work for staff and stuff. I wasn't sure where
13 that -- if that slotted in anywhere.

14 THE COURT: What is your employment?

15 A PROSPECTIVE JUROR: I work for a political
16 consulting firm called Axiom Strategies. We do, like,
17 advertisements for political campaigns.

18 THE COURT: Okay. What's the company?

19 A PROSPECTIVE JUROR: It's called Axiom Strategies.

20 THE COURT: What kind of political work do they do?

21 A PROSPECTIVE JUROR: Kind of everything. We are like
22 a 400-person national agency, so we pitch prospective
23 candidates and manage their campaigns. I do advertising -- I
24 run the advertising division.

25 THE COURT: Okay. In terms of a -- let's see. 7 was

1 a lawyer, somebody in your sphere?

2 A PROSPECTIVE JUROR: Yeah, my entire family. I'm the
3 only nonlawyer in my immediate family.

4 THE COURT: Who are the lawyers?

5 A PROSPECTIVE JUROR: My father, my brother,
6 sister-in-law, sister, brother-in-law, and my younger sister is
7 graduating law school.

8 THE COURT: Where does your father practice?

9 A PROSPECTIVE JUROR: Outside of Philadelphia.

10 THE COURT: What kind of practice does he have?

11 A PROSPECTIVE JUROR: He does mostly medical
12 malpractice and some family stuff.

13 THE COURT: Your brother?

14 A PROSPECTIVE JUROR: My brother works for a big law
15 firm in San Francisco. My sister-in-law works for Angels List,
16 I think it's called. And then my sister works for my dad, and
17 my brother-in-law works for a big firm in Philly.

18 THE COURT: Okay. And none of them has a criminal
19 practice?

20 A PROSPECTIVE JUROR: I don't think so. I think my
21 dad doesn't do criminal.

22 THE COURT: Okay. And then someone has been arrested,
23 convicted, or charged with a crime or victim or witness to a
24 crime?

25 A PROSPECTIVE JUROR: Yeah. I had a driving under the

1 influence.

2 THE COURT: You did. Okay. How long ago was that?

3 A PROSPECTIVE JUROR: Like six or seven years ago.

4 THE COURT: Anything about that experience would have
5 any impact on your ability to be a fair juror here?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: Okay. And you live or work near the
8 Capitol?

9 A PROSPECTIVE JUROR: Yeah. Our office is right by
10 the House office buildings.

11 THE COURT: Where is it? Oh, by the House office
12 building?

13 A PROSPECTIVE JUROR: Yeah, it's like First and D by
14 the Metro. We didn't go into the office that day.

15 THE COURT: Were you there that day?

16 A PROSPECTIVE JUROR: No. I was at my apartment. We
17 didn't go in the office that day.

18 THE COURT: Okay. And then you watched it live that
19 day though?

20 A PROSPECTIVE JUROR: Yeah, I was watching it, just
21 kind of had it on live and was watching it throughout the day.

22 THE COURT: Okay. And then 18 was no, anyone related
23 to the events at the Capitol that day?

24 A PROSPECTIVE JUROR: Yeah, I just have a lot of
25 friends and clients that were, like, in the -- like staff and

1 members of Congress and stuff who had to evacuate or go --

2 THE COURT: That were there?

3 A PROSPECTIVE JUROR: Yeah.

4 THE COURT: Okay. But not that were charged?

5 A PROSPECTIVE JUROR: No, no.

6 THE COURT: They worked there?

7 A PROSPECTIVE JUROR: They worked there, yeah.

8 THE COURT: Would that have an effect on your ability
9 to be a fair juror, do you think?

10 A PROSPECTIVE JUROR: No, I don't think so.

11 THE COURT: And then 19, you were asked about, have
12 you been following the investigation in the news media or on
13 the internet? Tell me a little more about that.

14 A PROSPECTIVE JUROR: I just follow -- I mean, oh,
15 this was about like following along?

16 THE COURT: January 6.

17 A PROSPECTIVE JUROR: Yeah. I mean, part of my job is
18 kind of being aware of developments in politics and stuff. I
19 mean, we're not doing anything, like, about this, but I don't
20 know kind of what's going to come up and what clients are going
21 to want to do and stuff.

22 THE COURT: Did you watch any of the congressional
23 hearings?

24 A PROSPECTIVE JUROR: A little bit, yeah, kind of on
25 in the background.

1 THE COURT: Okay. You were asked, no matter what you
2 have seen or heard about the events at the Capitol on
3 January 6, no matter what opinions you may have formed, can you
4 put all of that aside and decide this case only on the evidence
5 you receive in court, follow the law, and decide the case in a
6 fair and impartial manner? And you said yes. Tell me a little
7 more about that.

8 A PROSPECTIVE JUROR: I don't think I -- I don't
9 really have strong opinions on what I have -- I mean, I have
10 followed it. I kind of follow the news and Twitter and stuff.
11 But I haven't -- I think I could be impartial in terms of, you
12 know, putting that aside.

13 THE COURT: 33, has anyone filed a lawsuit or had a
14 lawsuit of any kind filed against you by anyone in court? And
15 you said, I couldn't quite -- some insurance accident?

16 A PROSPECTIVE JUROR: Yeah, I had -- we had, like, an
17 insurance company that refused to pay a claim.

18 THE COURT: In a car wreck or something?

19 A PROSPECTIVE JUROR: Yeah. And we had to sue the
20 insurance company. And the woman --

21 THE COURT: How long ago was that?

22 A PROSPECTIVE JUROR: That was at least ten years ago.
23 I think more.

24 THE COURT: And it was settled or what?

25 A PROSPECTIVE JUROR: Yeah. Well, it actually went to

1 court, just in front of a judge, and we won.

2 THE COURT: Anything about that have any effect on
3 your ability to be a fair juror here?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Didn't learn to hate all lawyers or
6 anything like that?

7 A PROSPECTIVE JUROR: No. My dad taught me that.

8 THE COURT: Okay. 37 was, reservations about whether
9 you could avoid all media coverage, and you said reservations
10 or concerns about your willingness -- your ability to follow
11 that instruction about media coverage.

12 I'm really just talking about media coverage of this
13 particular matter, about this case. I don't know that
14 necessarily there is going to be any coverage of this case.

15 A PROSPECTIVE JUROR: Right. That's kind of what I
16 thought you were asking earlier.

17 THE COURT: I obviously can't keep you from being
18 exposed to media coverage about January 6. I would say to the
19 jury during the time you are on the jury, I would just as soon
20 you not be exposed to anything about January 6 in general at
21 all, but I would not want you to be exposed to anything if
22 anything appeared about this particular case.

23 A PROSPECTIVE JUROR: Right.

24 THE COURT: Do you think you would have any problem
25 with doing that?

1 A PROSPECTIVE JUROR: Yeah, I think I can do that.

2 THE COURT: No problem?

3 A PROSPECTIVE JUROR: Right, correct.

4 THE COURT: Any reason then if you were seated here
5 you couldn't be a fair and impartial juror?

6 A PROSPECTIVE JUROR: No, I don't think so.

7 THE COURT: Okay. Counsel have any other suggestions
8 you all want?

9 (The following was heard sidebar.)

10 MR. ROSEN: Your Honor, on behalf of the government,
11 the only thing I would ask is he made a couple of references
12 that his work involves political consultancy, and then he
13 talked about how he had members of Congress or people
14 associated with members of Congress as clients on January 6 who
15 were inside of the U.S. Capitol.

16 I would ask him, if the Court is permitting, whether
17 or not he had specific conversations about what was happening
18 inside the building with either his clients or people present
19 and the feelings that were borne out of that.

20 MS. WEST: And, Your Honor, respectfully, I would ask,
21 if the government's evidence did not prove the charges against
22 Mr. Kelly, would he be able to return a verdict of not guilty
23 with the people that he represents, because they are members of
24 Congress. Thank you.

25 (The following was heard in open court.)

1 THE COURT: Did you have any discussion about -- I
2 take it some of your clients are members of Congress?

3 A PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: Did you have any discussion at that time
5 with any members that day or right in there about what was
6 going on?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Okay. If the evidence established to the
9 jury that the defendant was not guilty, following my
10 instructions on the law, and you found the evidence established
11 that the defendant was not guilty, would that pose any problem
12 for you in terms of you have clients that are members of
13 Congress?

14 A PROSPECTIVE JUROR: No, no, I don't think so.

15 THE COURT: That wouldn't be awkward for you to --

16 A PROSPECTIVE JUROR: No.

17 THE COURT: You would vote what you thought was the
18 evidence based on my instructions on the law? You would be
19 comfortable doing that?

20 A PROSPECTIVE JUROR: Correct.

21 THE COURT: That wouldn't be a problem for you?

22 A PROSPECTIVE JUROR: No. I disagree with my clients
23 all the time.

24 THE COURT: Okay. Any other question anybody wants?

25 Thanks very much.

1 (Prospective juror exited the courtroom.)

2 THE COURT: We'll go to 37, and I will ask 20.

3 Any challenge for cause there?

4 MR. ROSEN: No.

5 MS. WEST: No, Your Honor.

6 THE COURT: Okay.

7 THE COURTROOM DEPUTY: Juror 0037.

8 (Prospective juror entered the courtroom.)

9 THE COURT: You can pull your mask down, but talk
10 right into that microphone so everybody can hear you.

11 You were asked, do you have strong feelings or
12 opinions about the events that took place at the Capitol on
13 January 6 that would make it difficult for you to serve as a
14 fair and impartial juror? And you said yes. Tell me a little
15 more about that if you would.

16 A PROSPECTIVE JUROR: Very strong feelings about what
17 happened, how it occurred, the results of that, how it impacted
18 people locally who live in D.C.

19 THE COURT: I'm sorry, I can't hear you.

20 A PROSPECTIVE JUROR: The results of that and how it
21 impacted people who are here locally in D.C., how those people
22 who did the insurrection were treated versus people who have
23 been killed in the past just for approaching the Capitol
24 building. I feel very biased about how all of that has been
25 handled, and I think that would impact my ability to be fair on

1 this trial.

2 THE COURT: Okay. I will speak to counsel.

3 (The following was heard sidebar.)

4 THE COURT: Any objection to striking her?

5 MS. WEST: No, sir.

6 MR. ROSEN: No, Your Honor.

7 (The following was heard in open court.)

8 THE COURT: Thank you very much. You can return to
9 the jury office. You can step down.

10 A PROSPECTIVE JUROR: Okay. Thank you.

11 (Prospective juror exited the courtroom.)

12 THE COURT: 37 is stricken. We will go to 299.

13 THE COURTROOM DEPUTY: Juror 0299.

14 (Prospective juror entered the courtroom.)

15 THE COURT: You can pull your mask down. If you will
16 speak into that microphone so everybody can hear you, I just
17 have a few follow-ups.

18 Someone in your group went to law school or works in a
19 law office?

20 A PROSPECTIVE JUROR: Yes, two of my friends from
21 college. They are lawyers.

22 THE COURT: Where do they practice?

23 A PROSPECTIVE JUROR: Antitrust and corporate law.

24 THE COURT: And where do they work?

25 A PROSPECTIVE JUROR: One works as Kirkland & Ellis.

1 I don't know the name of the firm of the other friend.

2 THE COURT: Okay. Either one of them do any criminal
3 work, do you know?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Okay. You don't know, or they don't?

6 A PROSPECTIVE JUROR: No, they don't do criminal work.

7 THE COURT: Criminal cases, okay.

8 You watched the events on TV live at the time?

9 A PROSPECTIVE JUROR: Yes. I believe it was CNN.

10 THE COURT: Okay. What do you recall about that?

11 A PROSPECTIVE JUROR: It was a workday, so I was
12 working from home. I think I had CNN on my iPad in the
13 background, and it was mostly kind of footage.

14 The other thing too, for whatever reason, I remember
15 more of the after sunset and the CNN folks kind of on Capitol
16 grounds after the main event.

17 THE COURT: Right. Okay. And then you have been
18 following the investigation to some extent. Tell us a little
19 more about that.

20 A PROSPECTIVE JUROR: Mostly just kind of local news.
21 So if I read the Washington Post or the New York Times, you
22 know, major media, if I see a story about it, you know, for
23 example, Congress last year had a lot of focus on the
24 committee, so story about the committee, that kind of thing.

25 THE COURT: Did you watch any of those hearings?

1 A PROSPECTIVE JUROR: No. I may have seen clips on
2 the internet, but I didn't really watch it from start to
3 finish.

4 THE COURT: Okay. What's your job? What is your
5 employment?

6 A PROSPECTIVE JUROR: I work at a nonpartisan NGO, the
7 Pew Charitable Trusts.

8 THE COURT: Which trust?

9 A PROSPECTIVE JUROR: The Pew Charitable Trusts.

10 THE COURT: Pew, okay.

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: And what do they do? They are giving
13 money to -- what do they give money to?

14 A PROSPECTIVE JUROR: So we focus on state and local
15 government public policy, also environmental work on the
16 federal, international, and state levels, so like protecting
17 public parks or public lands, national parks, protecting
18 international fisheries, state fiscal policy, antibiotics, that
19 kind of stuff. Our sister organization does surveys and polls.

20 THE COURT: How did you get in with Pew?

21 A PROSPECTIVE JUROR: It was my first job out of
22 college. I applied, and it was my first job out of college.

23 THE COURT: Where did you go?

24 A PROSPECTIVE JUROR: I went to Pepperdine University
25 in Malibu, California.

1 THE COURT: Pretty good job.

2 A PROSPECTIVE JUROR: I got lucky.

3 THE COURT: Pew is well thought of.

4 27, you said, no matter what you heard and read or
5 seen at the events at the Capitol, no matter what opinions you
6 may have formed, can you put all that aside and decide the case
7 on the evidence you receive in court, follow the law, and
8 decide the case in a fair and impartial manner? You said yes.
9 Tell us a little more about that.

10 A PROSPECTIVE JUROR: I think it's mostly just part of
11 my job as someone who works at Pew, we are nonpartisan, so it's
12 live evidence based, data driven. So, like, a lot of my early
13 career, even to, like, the end of college, the last of my 20s
14 is, like, trying to be as objective and data driven as
15 possible. So, like, while you can have policy preferences or
16 personal opinions or feelings on things, I try to
17 compartmentalize that, if that makes sense.

18 THE COURT: Good. Any reason you couldn't be a fair
19 and impartial juror if you were seated here?

20 A PROSPECTIVE JUROR: Not to my knowledge, no.

21 THE COURT: Okay. Any follow-up by counsel?

22 MR. ROSEN: No, Your Honor.

23 THE COURT: Thank you very much.

24 (Prospective juror exited the courtroom.)

25 THE COURT: Any challenge for cause?

1 MS. WEST: No, Your Honor.

2 MR. ROSEN: No, Your Honor.

3 THE COURT: 1721.

4 THE COURTROOM DEPUTY: Juror 1721.

5 (Prospective juror entered the courtroom.)

6 THE COURT: If you will speak right into that
7 microphone so everybody can hear you.

8 A PROSPECTIVE JUROR: Okay.

9 THE COURT: One question was, someone in your group
10 has served in the military?

11 A PROSPECTIVE JUROR: Yes. I have a sister and I
12 got --

13 THE COURT: Speak into the microphone.

14 A PROSPECTIVE JUROR: I have a sister that's on
15 reserve, and I have family members that served.

16 THE COURT: Okay. Which family members?

17 A PROSPECTIVE JUROR: Uncles.

18 THE COURT: Uncle?

19 A PROSPECTIVE JUROR: (Nodding head.)

20 THE COURT: What does he serve in?

21 A PROSPECTIVE JUROR: He was in the Army.

22 THE COURT: Is he still there?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: He retired or --

25 A PROSPECTIVE JUROR: Retired.

1 THE COURT: Okay. From which service?

2 A PROSPECTIVE JUROR: Army.

3 THE COURT: Army. Okay. And your sister is in the
4 reserves of what service?

5 A PROSPECTIVE JUROR: Army as well.

6 THE COURT: Okay. Now, in 27, you were asked, no
7 matter what you have heard or seen about other events at the
8 Capitol on January 6, no matter what opinions you formed, can
9 you set all that aside and decide the case only on the evidence
10 you receive in court and follow the law, decide the case in a
11 fair and impartial manner? And you said yes. Tell me a little
12 more about that.

13 A PROSPECTIVE JUROR: Everyone deserves a fair trial.
14 I really didn't follow that much on January 6. I was going
15 through personal issues, so I wasn't really that involved into
16 the media as well.

17 THE COURT: Where were you?

18 A PROSPECTIVE JUROR: I lost my mother a couple days
19 before, so I was dealing with funeral arrangements.

20 THE COURT: Okay. I'm sorry to hear that. Where was
21 she?

22 A PROSPECTIVE JUROR: She was here.

23 THE COURT: Oh, she was here?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: And you went away?

1 A PROSPECTIVE JUROR: No. She passed away a day
2 before, and we had her funeral that day.

3 THE COURT: Okay. What's your job? What do you do
4 for a living?

5 A PROSPECTIVE JUROR: I'm a director for a nonprofit
6 called Dreaming Out Loud.

7 THE COURT: What is the name of it?

8 A PROSPECTIVE JUROR: Dreaming Out Loud.

9 THE COURT: What is that?

10 A PROSPECTIVE JUROR: We have two local farms in D.C.
11 We have farmers' markets. We run wholesale operations, support
12 a whole lot of farmers.

13 THE COURT: For?

14 A PROSPECTIVE JUROR: Farmers.

15 THE COURT: Farmers?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: That's interesting. Where do they come
18 from?

19 A PROSPECTIVE JUROR: I'm a chef, so when I came into
20 the organization, I started as, like, a cook, and then I moved
21 my way up. But the organization grew because it served the
22 community that I am from. And it got a farm in the
23 neighborhood that I grew up in. So when I came back from
24 college, I was looking for new work, and Dreaming Out Loud
25 found me.

1 THE COURT: It sounds pretty interesting. Okay.

2 There's another one about, under certain
3 circumstances, the government can obtain authorization from a
4 judge to search premises or electronic media, obtain evidence
5 including but not limited to emails, text messages, video
6 recordings, letters, financial information, other materials. I
7 will instruct you about that evidence presented at trial that
8 was legally obtained you can consider. Do you have concerns
9 about your ability to follow that instruction. You checked
10 that one. Do you know what you had in mind there?

11 A PROSPECTIVE JUROR: I thought it was saying, do you
12 have a problem with it being searched or being checked? And I
13 was like no. So I was like okay.

14 THE COURT: So you don't have any problems?

15 A PROSPECTIVE JUROR: I don't have any problems.

16 THE COURT: Any reason you couldn't be a fair and
17 impartial juror if you were seated here?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: Okay. Any follow-up by counsel?

20 MR. ROSEN: No, Your Honor.

21 THE COURT: Thanks very much you.

22 (Prospective juror exited the courtroom.)

23 THE COURT: Any challenge for cause?

24 MS. WEST: No, Your Honor.

25 THE COURT: All right. We will go to 1392.

1 THE COURTROOM DEPUTY: Juror 1392.

2 (Prospective juror entered the courtroom.)

3 THE COURT: Hi.

4 A PROSPECTIVE JUROR: Hi.

5 THE COURT: If you will speak in that microphone so
6 everybody can hear you.

7 A PROSPECTIVE JUROR: Sure.

8 THE COURT: I have a few follow-up questions.

9 I think No. 12 is, you saw the events on live TV at
10 the time. What do you recall about that?

11 A PROSPECTIVE JUROR: Oh, not much except mobs of
12 people.

13 THE COURT: Speak into the mike if you would.

14 A PROSPECTIVE JUROR: Not much except mobs of people
15 and people wrecking through doors and creating a --

16 THE COURT: Are you still working? Are you employed?

17 A PROSPECTIVE JUROR: I am retired now.

18 THE COURT: What were you doing before?

19 A PROSPECTIVE JUROR: What?

20 THE COURT: What was your employment before?

21 A PROSPECTIVE JUROR: I am a dentist.

22 THE COURT: Dentist. Okay. When did you retire?

23 A PROSPECTIVE JUROR: Three years ago.

24 THE COURT: Okay. So at the time of the January 6,
25 were you already retired?

1 A PROSPECTIVE JUROR: January 6, I was retired then,
2 yes.

3 THE COURT: Okay. Now, on 19, it had, have you been
4 following the investigation of the events of January 6 in the
5 news media and on the internet? And you said yes. Tell me a
6 little more about that.

7 A PROSPECTIVE JUROR: Basically I watched news every
8 day, you know, at least one MSNBC or CNN or whatever.

9 THE COURT: Can you speak more into the microphone.

10 A PROSPECTIVE JUROR: That's where they follow the
11 trials.

12 THE COURT: If you were seated on the jury here, is
13 there any reason you couldn't be a fair and impartial juror?

14 A PROSPECTIVE JUROR: I don't think so.

15 THE COURT: Okay. Where did you practice your
16 dentistry, here in D.C.?

17 A PROSPECTIVE JUROR: No. In Virginia.

18 THE COURT: Where?

19 A PROSPECTIVE JUROR: Lorton, Virginia.

20 THE COURT: Lorton. Okay. Let me see if counsel have
21 any follow-up they want to ask.

22 (The following was heard sidebar.)

23 MR. ROSEN: Nothing from the government.

24 MS. WEST: For the defense, Your Honor, we were not
25 able to hear the first question you asked him, and his response

1 was people going through doors. If the Court could repeat that
2 question, we would be very appreciative.

3 And the other thing is we wanted to know where he got
4 his news sources where he's following the news. Thank you.

5 THE COURT: Counsel weren't able to hear that first
6 answer you gave about what you observed that day about
7 observing on TV and you saw people going through doors and so
8 on.

9 A PROSPECTIVE JUROR: Yeah, I basically saw what
10 happened on January 16 (sic) as it was broadcast by the news.
11 Mostly I was watching CNN during that time. It did show crowds
12 of people, people charging through the barricades, people using
13 instruments to get through windows and break into the Capitol
14 and walking around in the Capitol and actually I think they
15 were in the House chambers. That's all I really saw.

16 THE COURT: Okay. And for the news you have been
17 following, what have your news sources been, like the Post and
18 things like this or --

19 A PROSPECTIVE JUROR: The Post, the Times, CNN, and
20 MSNBC.

21 THE COURT: Okay. You are not a social media person
22 probably.

23 A PROSPECTIVE JUROR: I'm not on social media. I'm
24 not on Facebook or anything, so...

25 THE COURT: And the Times meaning New York Times?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: Not Washington Times?

3 A PROSPECTIVE JUROR: No, New York Times.

4 THE COURT: Okay. Any other follow-up?

5 MR. ROSEN: No, Your Honor.

6 MS. WEST: No, Your Honor.

7 THE COURT: Thank you, sir. You can step down,
8 Doctor.

9 A PROSPECTIVE JUROR: Here?

10 THE COURT: Yes. Thank you.

11 (Prospective juror exited the courtroom.)

12 THE COURT: Any objection to 1392?

13 MR. ROSEN: No, Your Honor.

14 MS. WEST: No, Your Honor.

15 THE COURT: We will go to 382.

16 THE COURTROOM DEPUTY: Juror 0382.

17 (Prospective juror entered the courtroom.)

18 THE COURT: You can pull your mask down. If you will
19 speak into that microphone so everybody can hear you, I just
20 have a few follow-ups.

21 Someone was in the military. Someone served in the
22 military. Who was that?

23 A PROSPECTIVE JUROR: Yes, my sister and my brother
24 and my father.

25 THE COURT: What service were they in?

1 A PROSPECTIVE JUROR: Father, Marines. Sister, Army.
2 Brother, Navy.

3 THE COURT: Okay. Someone was in law enforcement?

4 A PROSPECTIVE JUROR: Yes. My father was a police
5 officer.

6 THE COURT: Where was he?

7 A PROSPECTIVE JUROR: Philadelphia, Pennsylvania.

8 THE COURT: Okay. Uniformed? Uniformed officer?

9 A PROSPECTIVE JUROR: Uniformed initially, and then he
10 became an undercover drug officer.

11 THE COURT: Okay. About when was that?

12 A PROSPECTIVE JUROR: He did it for the last 20-plus
13 years. He recently retired.

14 THE COURT: Okay. Anyone else?

15 A PROSPECTIVE JUROR: I think that question also asked
16 about attorneys. I am an attorney.

17 THE COURT: Yeah, the next one was attorneys.

18 A PROSPECTIVE JUROR: Okay.

19 THE COURT: Who is that?

20 A PROSPECTIVE JUROR: I am an attorney.

21 THE COURT: Where do you work?

22 A PROSPECTIVE JUROR: At the Securities and Exchange
23 Commission.

24 THE COURT: How long have you been there?

25 A PROSPECTIVE JUROR: 20 years.

1 THE COURT: Okay. Do you do any criminal cases there,
2 or you only bring civil?

3 A PROSPECTIVE JUROR: I am in the Office of General
4 Counsel, so I don't litigate at all.

5 THE COURT: Okay. Have you ever done any criminal
6 work?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Okay. And someone arrested for, convicted
9 of, or charged with a crime or victim or witness to a crime?

10 A PROSPECTIVE JUROR: I was a victim of a crime.

11 THE COURT: When was that?

12 A PROSPECTIVE JUROR: Back when I was 19.

13 THE COURT: Okay. Where was that, here?

14 A PROSPECTIVE JUROR: In Philadelphia, Pennsylvania.

15 THE COURT: What kind of crime was that?

16 A PROSPECTIVE JUROR: I'm sorry, Your Honor?

17 THE COURT: What kind of crime was it?

18 A PROSPECTIVE JUROR: Attempted sexual assault.

19 THE COURT: Okay. Was someone apprehended in that?

20 A PROSPECTIVE JUROR: No, they were not.

21 THE COURT: Okay. So you didn't testify?

22 A PROSPECTIVE JUROR: No, I did not.

23 THE COURT: Were you satisfied with how the
24 authorities handled it at the time?

25 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Did that have any impact on whether
2 you could be a fair juror here?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: You never testified?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Never got to that stage?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Okay. You saw the events at the Capitol
9 live on TV at the time?

10 A PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: Okay. Tell us a little more about that if
12 you would.

13 A PROSPECTIVE JUROR: I was home. It was on the news,
14 and I just was watching the events as they unfolded.

15 THE COURT: Okay. 15, it looked like maybe you marked
16 that out. There was going to be hardship, but maybe that was
17 resolved?

18 A PROSPECTIVE JUROR: Yes, but only if it went past
19 the 15th.

20 THE COURT: I'm sorry, I can't quite hear you.

21 A PROSPECTIVE JUROR: Your Honor, if it goes past
22 May 14 because --

23 THE COURT: Oh, it won't go past that.

24 A PROSPECTIVE JUROR: Okay.

25 THE COURT: Then you were asked, do you have an

1 opinion about people who believe the 2020 presidential election
2 as stolen that would make it hard for you to serve as a fair
3 and impartial juror in a case where the defendant is such a
4 person? Tell us a little more about that one.

5 A PROSPECTIVE JUROR: Based on my reading, it doesn't
6 appear that there is evidence to support that, and I guess I'll
7 just describe it as it seems like an irrational belief.

8 THE COURT: Okay.

9 MS. WEST: I'm sorry, Your Honor, I can't hear the
10 witness (sic).

11 THE COURT: Could you repeat that.

12 A PROSPECTIVE JUROR: I said, based on my reading, I
13 don't believe that there seems to be evidence to support that
14 belief, and so it just seems irrational to me.

15 THE COURT: Okay. Now, somebody might have believed
16 that and they could have demonstrated on the First Amendment
17 about that. That would have been okay. But if they -- I'll
18 give the jury instructions about other things they might have
19 done that would be unlawful. That's what the jury is going to
20 decide here under my instructions, if they did something that
21 would be criminal and unlawful beyond than just protesting
22 under the First Amendment.

23 Do you think it would be difficult as a juror to
24 decide that question because you thought that there was no
25 basis for them to be demonstrating in the first place?

1 A PROSPECTIVE JUROR: No, Your Honor.

2 THE COURT: Or do you think you could do that fairly?

3 A PROSPECTIVE JUROR: I could do that fairly.

4 THE COURT: That's the real question here.

5 A PROSPECTIVE JUROR: I could do that fairly, Your
6 Honor.

7 THE COURT: You are a lawyer. You know the
8 distinction there. They would still have a right, even if they
9 are wrong, about whether or not the election was stolen. They
10 would still have the right to protest about that under the
11 First Amendment. You understand that?

12 A PROSPECTIVE JUROR: Yes, I do, Your Honor.

13 THE COURT: Whether they went beyond that would be the
14 question for this jury. Whether they violated the criminal law
15 in engaging in more than just a First Amendment protest is what
16 this jury is going to have to decide.

17 And you would have to follow my instructions about how
18 you decide that criminal case if you were seated on the jury.
19 Do you think that would be a problem for you?

20 A PROSPECTIVE JUROR: No, Your Honor.

21 THE COURT: And as a lawyer, you could follow my
22 instructions on the law and apply the law that I give you?

23 A PROSPECTIVE JUROR: Yes, Your Honor.

24 THE COURT: Do you have any problem with that?

25 A PROSPECTIVE JUROR: No, Your Honor.

1 THE COURT: You have been there a long time now.

2 A PROSPECTIVE JUROR: Yes.

3 THE COURT: And haven't done any criminal law, so you
4 could follow my instructions about criminal law?

5 A PROSPECTIVE JUROR: Yes, Your Honor.

6 THE COURT: Okay. I like your smile when you say
7 that. All lawyers don't smile when a judge says that to them.

8 Now, there was also a question that said, no matter
9 what you've heard or seen about events at the Capitol on
10 January 6, no matter what opinions you may have formed, can you
11 put all that aside and decide this case only on the evidence
12 you receive in court, follow the law, decide the case in a fair
13 and impartial manner? And you said yes. So you don't have any
14 problem with that?

15 A PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: You think you could be a fair and
17 impartial juror if you were seated here?

18 A PROSPECTIVE JUROR: Yes, Your Honor.

19 THE COURT: Okay. That's what we are looking for. If
20 you were sitting over there in the defendant's seat, how would
21 you feel about having someone with your mind-set sitting over
22 there on that jury? That's the real critical question, isn't
23 it?

24 A PROSPECTIVE JUROR: Yes, Your Honor.

25 THE COURT: How would you feel about you sitting over

1 there in that seat if you were sitting over in his seat?

2 A PROSPECTIVE JUROR: You want my opinion?

3 THE COURT: Uh-huh.

4 A PROSPECTIVE JUROR: I think it would be a fair shot.

5 THE COURT: I'm sorry?

6 A PROSPECTIVE JUROR: It would be a fair shot.

7 THE COURT: You think it would be a fair shot?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Because you would look at the evidence,
10 decide if he really broke the law?

11 A PROSPECTIVE JUROR: Yes, Your Honor.

12 THE COURT: That's what you would do?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: And you would be fair?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: You wouldn't find him guilty unless he
17 really broke the law?

18 A PROSPECTIVE JUROR: Definitely.

19 THE COURT: Have you ever filed a lawsuit or had a
20 lawsuit filed against you by anyone in court?

21 A PROSPECTIVE JUROR: Is the question whether it
22 appeared in court or whether the lawsuit was filed or both?

23 THE COURT: Was filed, I guess.

24 A PROSPECTIVE JUROR: Whether it was filed, yes.

25 THE COURT: You?

1 A PROSPECTIVE JUROR: I have had a lawsuit filed
2 against me, and I have also filed a lawsuit, yes.

3 THE COURT: And in terms of what was that, what would
4 that be?

5 A PROSPECTIVE JUROR: Both were related to home
6 construction.

7 THE COURT: How long ago was that?

8 A PROSPECTIVE JUROR: I'm sorry?

9 THE COURT: How long ago was that?

10 A PROSPECTIVE JUROR: 2018, Your Honor.

11 THE COURT: Okay. Here in D.C.?

12 A PROSPECTIVE JUROR: Yes, Your Honor.

13 THE COURT: Okay. With the contractor?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: And how was it resolved?

16 A PROSPECTIVE JUROR: It was resolved with a
17 settlement.

18 THE COURT: Always is. Okay. Are you satisfied with
19 the outcome?

20 A PROSPECTIVE JUROR: Generally, yes.

21 THE COURT: Generally, right. That's the way
22 settlements are generally.

23 Is there another one too?

24 A PROSPECTIVE JUROR: Yes, Your Honor. Contractor in,
25 like, 2004 sued me for partial performance of a contract.

1 THE COURT: Okay. What kind of contract was that?

2 A PROSPECTIVE JUROR: Home construction.

3 THE COURT: Okay.

4 THE DEFENDANT: Different home.

5 THE COURT: How did that come out?

6 A PROSPECTIVE JUROR: It was -- actually, that one did
7 go to the judge, and it was found in my favor.

8 THE COURT: Okay. Better outcome?

9 THE DEFENDANT: Yes.

10 THE COURT: Anything about those experiences have any
11 effect on your ability to be a fair juror here, do you think?

12 A PROSPECTIVE JUROR: No, Your Honor.

13 THE COURT: Okay.

14 A PROSPECTIVE JUROR: There was also one more. I'm
15 sorry. There was one more lawsuit that was filed against a
16 previous employer.

17 THE COURT: What was that?

18 A PROSPECTIVE JUROR: I mean, it was filed against an
19 employer. It was an EEOC claim for racial discrimination.

20 THE COURT: Okay. This was while you were at the
21 agency?

22 A PROSPECTIVE JUROR: Yes, Your Honor.

23 THE COURT: What was the outcome there?

24 A PROSPECTIVE JUROR: That one actually did go to the
25 federal court too, and it was it found in favor of the

1 defendant.

2 THE COURT: Okay. That wouldn't have any impact here
3 either?

4 A PROSPECTIVE JUROR: No, Your Honor.

5 THE COURT: Okay. Let me see if counsel have any
6 follow-up they want to ask.

7 MR. ROSEN: No, Your Honor.

8 MS. WEST: No, Your Honor.

9 THE COURT: Okay. Thank you very much. You can step
10 down.

11 (Prospective juror exited the courtroom.)

12 THE COURT: Any challenge for cause?

13 MR. ROSEN: No, Your Honor.

14 THE COURT: Okay. We'll do 544.

15 MS. WEST: No, Your Honor.

16 THE COURTROOM DEPUTY: Juror 0544.

17 (Prospective juror entered the courtroom.)

18 THE COURT: You can pull your mask down while you are
19 there, and if you will speak right in the microphone there so
20 everybody can hear what you say.

21 A PROSPECTIVE JUROR: Okay.

22 THE COURT: Where are you employed now, and what is
23 your job?

24 A PROSPECTIVE JUROR: I am a behavior technician in a
25 DCPS school.

1 THE COURT: Okay. I don't have any other questions.
2 Counsel have any follow-up you want to ask?

3 MR. ROSEN: No, Your Honor.

4 (The following was heard sidebar.)

5 MS. WEST: Yes, Your Honor. There's very little on
6 this page. I would like to ask if she's followed the news at
7 all in the congressional hearings, and if so, what she thought
8 about that and whether she has followed January 6 in general.

9 (The following was heard in open court.)

10 THE COURT: Have you followed the news at all about
11 January 6 in general or followed the congressional hearings
12 about January 6?

13 A PROSPECTIVE JUROR: I'm sorry, what did you say?

14 THE COURT: Have you followed the news at all about
15 January 6 or followed the congressional hearings about that at
16 all?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Okay. Thank you very much. You can step
19 down.

20 (Prospective juror exited the courtroom.)

21 THE COURT: We will take ten minutes for a convenience
22 break. My expectation is to keep going as far as we can and
23 see if we can get enough for a panel today. I don't know what
24 we are going to do, but we will go as far as we can.

25 MS. WEST: Yes, sir.

1 THE COURT: But for everybody's convenience, we will
2 take ten minutes.

3 (A recess was taken at 3:31 p.m.)

4 THE COURTROOM DEPUTY: Juror 2148.

5 THE COURT: If you will come right up here, you can
6 take your mask off while you're there and talk into that
7 microphone right there.

8 I just have a few follow-ups. Someone was in the
9 military?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Who was that?

12 A PROSPECTIVE JUROR: My husband and my
13 brother-in-law.

14 THE COURT: Okay. What did your husband serve in?

15 A PROSPECTIVE JUROR: He was overseas in Germany and
16 Iraq.

17 THE COURT: Okay. In the Army?

18 A PROSPECTIVE JUROR: In the Army, yes.

19 THE COURT: Okay. And when did he get out?

20 A PROSPECTIVE JUROR: That was '96.

21 THE COURT: 19?

22 A PROSPECTIVE JUROR: 1996.

23 THE COURT: Okay. And then who was the other member?

24 A PROSPECTIVE JUROR: My brother-in-law.

25 THE COURT: Brother-in-law?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: When did he get out?

3 A PROSPECTIVE JUROR: Oh, that was about maybe seven
4 years ago.

5 THE COURT: Okay. Was he in the Army also?

6 A PROSPECTIVE JUROR: He was an intelligence officer.

7 THE COURT: Okay. And then someone in the group had
8 been arrested, convicted, or charged with a crime or victim or
9 witness to a crime?

10 A PROSPECTIVE JUROR: So I think I misunderstood the
11 question. I was a victim of a crime. I was carjacked.

12 THE COURT: When was that?

13 A PROSPECTIVE JUROR: That was 2021, June 2021.

14 THE COURT: Where was that?

15 A PROSPECTIVE JUROR: In Capitol Hill.

16 THE COURT: Anyone apprehended in that?

17 A PROSPECTIVE JUROR: Huh?

18 THE COURT: Anyone apprehended in that crime?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: Okay. So you never testified about it or
21 anything?

22 A PROSPECTIVE JUROR: Excuse me?

23 THE COURT: You never testified about it or anything
24 like that?

25 A PROSPECTIVE JUROR: No, no. They never got back to

1 me, no. They didn't find the people who did that.

2 THE COURT: Were you injured?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Do you live or work near the Capitol?

5 A PROSPECTIVE JUROR: I work in Washington, D.C., yes.

6 THE COURT: Where?

7 A PROSPECTIVE JUROR: And I live in (sic) the Capitol
8 here.

9 THE COURT: Near there? Near the Capitol?

10 A PROSPECTIVE JUROR: Yes, Hill East.

11 THE COURT: Okay. And were you near there on
12 January 6?

13 A PROSPECTIVE JUROR: I drove by there in the morning
14 when I drove to work. That's when I saw all the people coming
15 and gathering.

16 THE COURT: Okay. And tell us a little more about
17 that. What happened that day then that you saw?

18 A PROSPECTIVE JUROR: I mainly saw it in the morning
19 when I drove by. So I saw the people with the flags like going
20 towards the Capitol in the wider area.

21 And then later that day, I drove back home, but I had
22 to -- I couldn't go through the city no more, so at that time
23 of the day, I didn't see anything. I just drove home, which is
24 in Hill East. So where I live, everything was quiet. And then
25 on TV, when I was home, I saw what happened.

1 THE COURT: Okay. What kind of news coverage of that
2 did you follow?

3 A PROSPECTIVE JUROR: I mainly watch -- you mean the
4 channels I watched? CNN and MSNBC.

5 THE COURT: Okay. There was a question about, do you
6 have an opinion about people who strongly support President
7 Trump that would make it hard for you to serve as a fair and
8 impartial juror in a case where the defendant is such a person?
9 You said yes. Tell me a little more about that one if you
10 would.

11 A PROSPECTIVE JUROR: I don't agree with what
12 President Trump does or say.

13 THE COURT: I'm sorry, I couldn't hear you.

14 A PROSPECTIVE JUROR: I said I don't agree with what
15 President Trump did or what he says or what he stands for. So
16 I have a strong opinion about people who follow him, if that
17 answers the question.

18 THE COURT: I can't hear that, I'm sorry. Speak more
19 in the microphone if you would.

20 A PROSPECTIVE JUROR: It's better like this?

21 THE COURT: Yes.

22 A PROSPECTIVE JUROR: Okay. So I do not agree what
23 Mr. President does or what he stands for. So people who follow
24 him, I am having a hard time to understand or agreeing with
25 them. I just don't.

1 THE COURT: All right. But if you were on the jury,
2 it would be up to the jury whether the defendant committed a
3 crime, whether he committed a criminal offense. It wouldn't
4 matter what Mr. Trump said or did. So I'm not sure I
5 understand why your opinion about Mr. Trump would make it hard
6 for you to be a fair member of a jury.

7 A PROSPECTIVE JUROR: I don't -- that was my first
8 thought when I heard your question.

9 THE COURT: I can't hear you.

10 A PROSPECTIVE JUROR: I said that was my first thought
11 when I heard the question a few hours back when we had to put
12 affirmative checkoff on the board -- on the piece of paper.

13 THE COURT: Can I speak to counsel.

14 (The following was heard sidebar.)

15 THE COURT: I don't understand her words. Do you
16 understand her words?

17 MS. WEST: I can't understand anything.

18 MR. ROSEN: So I understand her. I don't understand
19 the last question that was inquired upon which had to do with
20 the former president. What I think I understood her saying was
21 that she has strong feelings about the former president and
22 whether someone -- or couldn't understand whether someone would
23 support him. But I didn't hear the linkage between that and,
24 you know, being able to be a fair and impartial juror. And I
25 didn't understand that.

1 THE COURT: That's what I asked her, and she didn't
2 answer, I guess.

3 MS. WEST: What I heard was her first thought was that
4 she could not be impartial.

5 THE COURT: That's what she said on the questionnaire,
6 so I will just strike her.

7 MS. WEST: Okay.

8 (The following was heard in open court.)

9 THE COURT: Thank you very much.

10 A PROSPECTIVE JUROR: Thank you.

11 THE COURT: You can step down.

12 (Prospective juror exited the courtroom.)

13 THE COURT: We will go to No. 86.

14 THE COURTROOM DEPUTY: Juror 0086.

15 (Prospective juror entered the courtroom.)

16 THE COURT: You can pull your mask down. You can
17 speak right into the microphone so we can hear you better.

18 A PROSPECTIVE JUROR: Hello.

19 THE COURT: So everybody can hear you.

20 A PROSPECTIVE JUROR: All right.

21 THE COURT: One of the questions that you were asked
22 was, do you believe people charged with criminal offenses for
23 their participation in events at the Capitol on January 6 are
24 likely guilty of crime wrongdoing? Tell me a little more about
25 that if you would.

1 A PROSPECTIVE JUROR: I mean, I watched what happened,
2 and I've read a little bit of what has already --

3 THE COURT: Speak into the microphone.

4 A PROSPECTIVE JUROR: I have read a little bit about
5 what has -- like, since then, what has happened. And I think
6 the brazen nature of a lot of the people that went that day
7 came through with a lot of the exhibits that I imagine come
8 through in the trial just on social media, just put out there
9 for the world.

10 THE COURT: You understand that kind of runs headlong
11 into the proposition when we go to court that a defendant is
12 considered not guilty until the government comes forward with
13 evidence. So as we start the trial, we wouldn't say that he's
14 likely guilty just because he's been charged.

15 A PROSPECTIVE JUROR: I understand that. I think the
16 question was whether I had like a feeling, right?

17 THE COURT: Right.

18 A PROSPECTIVE JUROR: There was a follow-up question
19 about whether or not I could be impartial.

20 THE COURT: Right.

21 A PROSPECTIVE JUROR: But my feeling, which is a
22 personal thing, is that based off of what I have seen and
23 experienced --

24 THE COURT: Okay. Let me ask you this one then. The
25 next one was, do you have an opinion about people who believe

1 that the 2020 presidential election was stolen that would make
2 it hard for you to serve as a fair and impartial juror in a
3 case where the defendant is such a person? And you said yes.
4 Tell me a little more about that one.

5 A PROSPECTIVE JUROR: I think the terminology stolen
6 is, I think, the hardest part to deal with in that case. I
7 know that there have been elections that I don't agree with.
8 Stealing an election is kind of antidemocratic and kind of goes
9 against a lot of what I personally believe in, so I don't know
10 if you want me to expound more but...

11 THE COURT: There's another one that said, do you have
12 an opinion about people that strongly support President Donald
13 Trump that would make it hard for you to serve as a fair and
14 impartial juror on a case where the defendant is such a person.
15 And you said yes. Tell me a little bit more about that one.

16 A PROSPECTIVE JUROR: I think the rhetoric that comes
17 out of most of what I have heard from supporters of President
18 Trump is aggressive and it is, I think, hard to stomach just in
19 general.

20 I'm sorry, what was the overall question? Honestly, I
21 find listening to both -- I prefer to read if it's in the news
22 at this point rather than even hear him speak.

23 THE COURT: In terms of what?

24 A PROSPECTIVE JUROR: Just some of the things that he
25 says and the way he says it and the teasing, it's easier to

1 read it rather than listen to it. Similar to, like, hearing
2 his supporters speak about what they believe, I prefer to just
3 read it rather than actually hear the aggression or the venom
4 that goes along with it.

5 THE COURT: Okay. Can I speak to counsel.

6 (The following was heard sidebar.)

7 MR. ROSEN: Your Honor, if I may?

8 THE COURT: Yes.

9 MR. ROSEN: I think one of the disconnects here is
10 that people are expressing their political opinions, which they
11 are entitled to. And then there's that last clause in each of
12 these questions which says, such that you would be unable to be
13 fair. But then when they are on the stand, she just clarified,
14 at least with respect to one of those questions, that she
15 effectively could do her job. Then she answered a different
16 question.

17 I'm just concerned about following up potentially with
18 a curative question that explains that they have a duty that
19 this Court will impose and they will have to follow the law
20 regardless of what exhibits they may or may not have seen on
21 social media. I think that's the nail on the head from my
22 perspective.

23 MS. CUBBAGE: Your Honor, if I may be heard. I
24 believe she said she can't even stomach the sound of President
25 Trump's rhetoric or listening to his followers. There's going

1 to be exhibits in this case in which she would be required to
2 have to listen to, not only President Trump himself, but to
3 other people speaking and talking, specifically the defendant.
4 And if she's already so biased that she can't listen on her
5 own, then there's no way she can sit here in an unbiased manner
6 and take in the evidence. That would be our position.

7 THE COURT: I think further questioning is not
8 warranted.

9 (The following was heard in open court.)

10 THE COURT: Thank you very much. You can step down.

11 A PROSPECTIVE JUROR: Thank you.

12 (Prospective juror exited the courtroom.)

13 THE COURT: She's struck for cause.

14 We will go to 2148.

15 I don't disagree with the government. There may be a
16 retooling of the questions next time. But with things that
17 she's already expressed, this could drag out forever if we go
18 that route.

19 MR. ROSEN: I understand, Your Honor.

20 THE COURT: And, frankly, I don't think she could be
21 salvaged.

22 THE COURTROOM DEPUTY: Juror 2148.

23 (Prospective juror entered the courtroom.)

24 THE COURT: If you pull your mask down and you can
25 speak -- you can sit down there. You can speak at that

1 microphone so everybody can hear your answer. I just have one
2 or two questions for you.

3 What is your current employment? What do you do for a
4 living?

5 A PROSPECTIVE JUROR: Well, right now, I am not
6 employed. I am doing, like, self -- well, I am basically
7 picking up trash metal around, and that's how I'm making money
8 right now. The only one working at home is my wife.

9 THE COURT: Okay. What's your regular employment?

10 A PROSPECTIVE JUROR: Well, I used to work at the
11 Ronald Reagan Building. I quit that job on, I believe, 2019.
12 And I was also working at the Mario Marques on Massachusetts
13 Avenue. I was working two full-time jobs for five years
14 straight. I quit one. I kept the Mario Marques for -- I stay
15 there for almost five years and also do -- I was doing Uber at
16 the time and Lyft.

17 THE COURT: And then what happened?

18 A PROSPECTIVE JUROR: And then I just, after the
19 pandemic hit, I had no job, so I was just picking up metal on
20 the street, and that's how I make a little money now to support
21 my family.

22 THE COURT: Okay. Any follow-up by counsel?

23 MR. ROSEN: No, Your Honor.

24 MS. WEST: No, Your Honor.

25 THE COURT: Okay. Thank you very much.

1 A PROSPECTIVE JUROR: Thank you.

2 (Prospective juror exited the courtroom.)

3 THE COURT: Any challenge for cause?

4 MR. ROSEN: No, Your Honor.

5 MS. WEST: No, Your Honor.

6 THE COURT: 254.

7 THE COURTROOM DEPUTY: Juror 0254.

8 (Prospective juror entered the courtroom.)

9 THE COURT: If you will pull your mask down, then if
10 you can speak into the microphone there so everybody can hear
11 your answers.

12 What is your employment? What do you do for a living?

13 A PROSPECTIVE JUROR: I am a manager for a research
14 company.

15 THE COURT: Okay. On the live TV on Capitol --

16 A PROSPECTIVE JUROR: Streaming on the internet, sir,
17 yes.

18 THE COURT: I'm sorry?

19 A PROSPECTIVE JUROR: Streaming on the internet, not
20 the actual TV, but the internet, the Washington Post website.

21 THE COURT: To what extent have you followed the news
22 accounts since that time?

23 A PROSPECTIVE JUROR: I'm sorry?

24 THE COURT: To what extent have you followed the news
25 accounts since that time?

1 A PROSPECTIVE JUROR: Yeah, I have followed the news.

2 THE COURT: That's mostly the Post and --

3 A PROSPECTIVE JUROR: Yeah, Post and NPR.

4 THE COURT: Okay. Did you watch the hearings on the
5 Hill with that, watch any of those hearings on the Hill about
6 the Capitol?

7 A PROSPECTIVE JUROR: No, just like slippers on the
8 news headlines, but no.

9 THE COURT: There was a question 27 about, no matter
10 what you have seen or heard about the events at the Capitol, no
11 matter what opinions you have formed, you can put that aside
12 and decide this case only on the evidence and decide it in a
13 fair and impartial manner? You said yes.

14 So is there any reason you couldn't be a fair and
15 impartial juror then if you were seated here?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Okay. And then 40, there was a catchall
18 question that said, is there some other reason that it might be
19 difficult for you to sit as a fair and impartial juror, and you
20 put --

21 A PROSPECTIVE JUROR: I don't think this will affect
22 my ability. I thought it fair to disclose to the defense. My
23 brother-in-law is in senior administration in the Biden
24 administration.

25 THE COURT: What is your brother-in-law's position?

1 A PROSPECTIVE JUROR: He's chief of staff.

2 THE COURT: Chief of staff?

3 A PROSPECTIVE JUROR: Yes.

4 THE COURT: Currently?

5 A PROSPECTIVE JUROR: Currently chief of staff, yes.

6 THE COURT: Okay. Any follow-up by counsel?

7 MR. ROSEN: Not on behalf of the government.

8 MS. WEST: No, Your Honor.

9 THE COURT: Thanks very much.

10 (Prospective juror exited the courtroom.)

11 THE COURT: Any challenge for cause?

12 MR. ROSEN: No, Your Honor.

13 MS. WEST: There is, Your Honor. I didn't believe we
14 needed to follow up. His brother-in-law is the chief of staff
15 of the Biden administration, which has gone after President
16 Trump and all his followers with a vengeance, so it's
17 impossible for him to vote not guilty and go home and face his
18 brother-in-law.

19 THE COURT: That's denied.

20 2167.

21 He just answered a question under oath directly
22 contradicting what you asserted.

23 THE COURTROOM DEPUTY: 2167.

24 (Prospective juror entered the courtroom.)

25 THE COURT: You can pull your mask down and speak into

1 that microphone so everybody can hear you if you would.

2 A PROSPECTIVE JUROR: Okay.

3 THE COURT: I just have a few follow-up questions.

4 One is someone was in the military?

5 A PROSPECTIVE JUROR: No. My husband was in the
6 Secret Service.

7 THE COURT: Secret Service. Okay. Did he retire?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. And then -- all right. So that was
10 in law enforcement?

11 A PROSPECTIVE JUROR: Right.

12 THE COURT: Okay. Someone is in law enforcement.

13 And then someone is in another law enforcement place
14 also?

15 A PROSPECTIVE JUROR: My brother is an attorney in
16 Austin.

17 THE COURT: Is an attorney?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Where is he?

20 A PROSPECTIVE JUROR: Tax division, Texas tax
21 division.

22 THE COURT: Does he do any criminal work, do you know?

23 A PROSPECTIVE JUROR: Some.

24 THE COURT: Okay. Where does he do that?

25 A PROSPECTIVE JUROR: There in Austin.

1 THE COURT: Here in D.C.?

2 A PROSPECTIVE JUROR: Yes -- no, not in D.C., in
3 Austin.

4 THE COURT: In Austin?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. And then you saw the live coverage
7 of the Capitol on January 6?

8 A PROSPECTIVE JUROR: Yes, I did.

9 THE COURT: Okay. And then how much did you follow
10 after that? Did you follow the news coverage to some extent?

11 A PROSPECTIVE JUROR: Yeah, some.

12 THE COURT: Mostly the Post or what?

13 A PROSPECTIVE JUROR: Yeah, just on TV. I don't have
14 a TV in my office at work, and so just when I get home or
15 whatever.

16 THE COURT: Okay. Where do you work?

17 A PROSPECTIVE JUROR: I have a studio at a place
18 called Otis Street Arts Complex.

19 THE COURT: Okay. What kind of art do you do?

20 A PROSPECTIVE JUROR: I'm a sculptor. Used to be an
21 engineer, but I decided to quit and become a sculptor.

22 THE COURT: Where is your studio?

23 A PROSPECTIVE JUROR: Otis Street Arts Complex.

24 THE COURT: Did you watch any of the House
25 investigation on TV, or did you just follow it on the news?

1 A PROSPECTIVE JUROR: That was on C-SPAN, and I don't
2 get C-SPAN at the studio, no.

3 THE COURT: Okay. Now, on the questionnaire, there's
4 a question, no matter what you have seen or heard about the
5 events at the Capitol, no matter what opinions you formed, can
6 you put all that aside and decide this case just on the
7 evidence you receive here in court, follow the law, and decide
8 the case in a fair and impartial manner? And you said yes.

9 A PROSPECTIVE JUROR: Yes, I have a math degree, and I
10 tend to be very logical. And so --

11 THE COURT: So you think you can be a fair and
12 impartial juror?

13 A PROSPECTIVE JUROR: I think I can.

14 THE COURT: Okay. Thank you.

15 And I ask counsel if they have any follow-up they want
16 to ask.

17 MR. ROSEN: No, Your Honor.

18 MS. WEST: No, Your Honor.

19 THE COURT: Okay. Thank you very much. You can step
20 down.

21 A fair and logical sculptor will be welcome on the
22 jury.

23 (Prospective juror exited the courtroom.)

24 THE COURT: Any challenge?

25 On 0126, can we strike this person on the answer yes

1 to 20? Any objection?

2 MR. ROSEN: Just for the record, for juror 2167, no
3 objection -- no motion is what I meant to say.

4 THE COURT: No motion on 176 from the defendant?

5 MS. WEST: 2167, I think it is.

6 THE COURT: I mean 2167, yeah.

7 MS. WEST: No motion.

8 THE COURT: Any objection to striking 176?

9 MS. WEST: May I have a moment, Your Honor?

10 THE COURT: On the basis of the answer yes to 20.

11 MS. WEST: No objection.

12 THE COURT: 176 is stricken.

13 We will go to 0054.

14 THE COURTROOM DEPUTY: Juror 0054.

15 (Prospective juror entered the courtroom.)

16 THE COURT: You can pull your mask down and answer the
17 questions therein to the microphone so everybody can hear you
18 if you would.

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Someone went to law school?

21 A PROSPECTIVE JUROR: Yes. That's myself.

22 THE COURT: Okay. Do you practice now?

23 A PROSPECTIVE JUROR: I do.

24 THE COURT: Where do you work?

25 A PROSPECTIVE JUROR: Downtown here in D.C.

1 THE COURT: I'm sorry?

2 A PROSPECTIVE JUROR: Here, downtown, in D.C.

3 THE COURT: What do you do?

4 A PROSPECTIVE JUROR: I'm an intellectual property
5 attorney.

6 THE COURT: Okay. Have you ever done any criminal
7 practice?

8 A PROSPECTIVE JUROR: I have not.

9 THE COURT: Okay. You watched the live coverage
10 January 6 --

11 A PROSPECTIVE JUROR: I did.

12 THE COURT: -- on TV?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Where were you?

15 A PROSPECTIVE JUROR: I was home.

16 THE COURT: Okay. And you followed some news
17 coverage. How much news coverage have you seen?

18 A PROSPECTIVE JUROR: The news coverage leading up to
19 the events, the day of, and then several days thereafter.

20 THE COURT: Okay. Mostly Post and TV?

21 A PROSPECTIVE JUROR: Local news channels, yes.

22 THE COURT: And did you follow the recent hearings in
23 Congress on that? Did you watch any of that?

24 A PROSPECTIVE JUROR: I did not, no.

25 THE COURT: Okay. Did you have some hardship if you

1 were seated here?

2 A PROSPECTIVE JUROR: Yes, Your Honor. I work
3 full-time. I have a private practice at my law firm. I also
4 have a 13-month-old at home. My husband works full-time as
5 well. So I am in the office three days a week, but then due to
6 some family businesses, I travel with my family up to Delaware
7 on Thursdays and Fridays. I do understand that this case is
8 scheduled to go the whole week. So if I was required to stay,
9 I would just try to have to figure out coverage for my
10 13-month-old son. He would probably have to go to work with my
11 husband who, again, just owns family businesses up in Delaware.
12 And then I would need to try to, again, find child care for him
13 and just logistics concerning child care.

14 THE COURT: Right. Okay. You were also asked, do you
15 believe that people who are charged with criminal offenses for
16 their participation in the events at the Capitol are likely
17 guilty of criminal wrongdoing. Tell me a little more about
18 that.

19 A PROSPECTIVE JUROR: I think it's probably part those
20 beliefs and those thoughts are just due in part to actually
21 witnessing the events that day and leading up to it. I live
22 downtown just several blocks from the White House. And just
23 like in seeing the coverage on TV and seeing just the events
24 and then again hearing thereafter, I mean, these events took
25 place at a federal building, and again, I think that's just my

1 personal thought. I think the words I probably hung on to are
2 likely guilty, not saying that they absolutely were or were
3 not, but --

4 THE COURT: Or that you as a juror would find them
5 guilty.

6 A PROSPECTIVE JUROR: Correct, right.

7 THE COURT: You understand the difference as a lawyer?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: All right. The next one is, do you have
10 an opinion about people who believe the 2020 presidential
11 election was stolen that would make it hard for you to serve as
12 a fair and impartial juror in a case where the defendant is
13 such a person?

14 A PROSPECTIVE JUROR: I'm sorry, I don't remember
15 answering that question in the affirmative.

16 THE COURT: So think about the question again. Do you
17 have an opinion about people who believe that the 2020
18 presidential election was stolen that would make it hard for
19 you to serve as a fair and impartial juror in a case where the
20 defendant is such a person?

21 A PROSPECTIVE JUROR: No. The answer to that would be
22 no. Sorry.

23 THE COURT: Okay. And then think about this one. Do
24 you have an opinion about people who strongly support President
25 Trump that would make it hard for you to serve as a fair and

1 impartial juror in a case where the defendant is such a person?

2 A PROSPECTIVE JUROR: No, I do not.

3 THE COURT: When you think about that, a lawyer is not
4 going to answer that that way, are they?

5 A PROSPECTIVE JUROR: Right. That's why I apologize.
6 I might not have heard the question.

7 THE COURT: Okay. And you did answer another one that
8 said, no matter what you've seen or heard about the events at
9 the Capitol, no matter what opinions you have formed, can you
10 put all that aside and decide the case on the evidence you
11 received in court, follow the law, and decide the case in a
12 fair and impartial manner based on the evidence? You don't
13 have any problem with that?

14 A PROSPECTIVE JUROR: No, I don't have a problem with
15 that.

16 THE COURT: You could be fair and impartial if you had
17 to serve here?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. And that notion about whether or
20 not the defendant starts with the notion that he could be
21 guilty because he's been charged, you don't have any problem
22 with the concept that we presume he's innocent as we start the
23 trial? You know all that --

24 A PROSPECTIVE JUROR: I do know that, yes.

25 THE COURT: -- from law school?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: Even though you are doing patent law or
3 whatever you are doing, intellectual property, we still start
4 with the presumption he's innocent, and the government has to
5 prove it.

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: He doesn't have to testify. He doesn't
8 have to take the stand. He doesn't have to produce any
9 evidence. You understand all that?

10 A PROSPECTIVE JUROR: Yes, I do.

11 THE COURT: You could follow my instructions on the
12 law if you were seated here and be a fair and impartial juror?

13 A PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: Okay. Let me see if counsel have any
15 follow-up they want to ask.

16 MR. ROSEN: Not on behalf of the government.

17 THE COURT: We are getting fairly desperate for
18 jurors, I will tell you up front.

19 (Prospective juror exited the courtroom.)

20 THE COURT: Any challenge for cause?

21 MR. ROSEN: No, Your Honor.

22 MS. WEST: I am really concerned about her child
23 situation. I would hate for her to be sitting in that jury
24 thinking about her husband taking care of her 13-month-old. I
25 wouldn't let my husband take care of my kids. That and her

1 comment would most likely find the person guilty, I would ask
2 for her to be struck for cause just based on that comment.

3 THE COURT: That's denied. And she will remain in the
4 pool.

5 Let's go to 697. She's a smart young lady. She can
6 handle it. I'm sure I'm not supposed to say young lady.

7 MS. WEST: In Texas, they called me little lady.

8 THE COURT: I didn't say that.

9 (Prospective juror entered the courtroom.)

10 THE COURT: Come forward right here in this chair
11 right here. You can remove your mask and speak into the
12 microphone.

13 A PROSPECTIVE JUROR: Right here?

14 THE COURT: Right there. I just have a few
15 follow-ups. Take your mask off and speak into that microphone
16 so everybody can hear your answers.

17 A PROSPECTIVE JUROR: Okay.

18 THE COURT: Belong to a group or organization active
19 in law enforcement or crime prevention?

20 A PROSPECTIVE JUROR: I am part of a neighborhood
21 listserv that just gets updates about --

22 THE COURT: What neighborhood group is that?

23 A PROSPECTIVE JUROR: I live in Hill East, so near the
24 Potomac Avenue Metro, where there was a shooting recently. So
25 it was formed after that in February. Just, like, we get

1 updates about what our ANC members are doing about crime and
2 safe passage around the Metro.

3 THE COURT: Okay. And then you or someone has gone to
4 law school?

5 A PROSPECTIVE JUROR: I'm an attorney.

6 THE COURT: Where do you practice?

7 A PROSPECTIVE JUROR: I am -- I practice here and in
8 Virginia. And I am a member of the New York bar. I am an
9 attorney with the Airline Pilots Association, and I do union
10 side labor law.

11 THE COURT: And their offices are here in D.C.?

12 A PROSPECTIVE JUROR: Their offices are in McLean,
13 Virginia.

14 THE COURT: Okay. And that's mostly labor law?

15 A PROSPECTIVE JUROR: It's entirely labor law, yeah.

16 THE COURT: Have you ever done a criminal practice?

17 A PROSPECTIVE JUROR: Never done a criminal practice,
18 no.

19 THE COURT: And then a member of the group that we
20 were talking about arrested for, convicted of, or charged with
21 a crime or victim or witness to a crime?

22 A PROSPECTIVE JUROR: One of my neighbors was in the
23 Metro during the Potomac Avenue Metro shooting. She's a close
24 friend of mine and was a victim and a witness in that shooting.

25 THE COURT: The recent one there?

1 A PROSPECTIVE JUROR: In February yes.

2 THE COURT: In the Metro Center?

3 A PROSPECTIVE JUROR: No, at the Potomac Avenue Metro.

4 THE COURT: Oh, Potomac Avenue Metro?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: Does that have any effect on your ability
7 to be a fair juror in this case?

8 A PROSPECTIVE JUROR: No.

9 THE COURT: She was not shot herself.

10 A PROSPECTIVE JUROR: She was not shot herself, no.

11 THE COURT: And then you live or work near the
12 Capitol?

13 A PROSPECTIVE JUROR: I live at 16th and E Street
14 Southeast, so it's technically Hill East.

15 THE COURT: 16 blocks anyway?

16 A PROSPECTIVE JUROR: 16 blocks, yeah.

17 THE COURT: And then to some extent, you followed news
18 about the January 6 thing. Tell us to what extent you followed
19 that.

20 A PROSPECTIVE JUROR: To the extent that there have
21 been like updates on NPR. I listen to, like, NPR One often, so
22 sometimes there are updates there. And then I occasionally
23 listen to the Hashtag Sisters in Law podcast, which sometimes
24 has updates about what's going on with prosecutions, but I
25 haven't specifically followed it.

1 THE COURT: Okay. Sisters in Law is the name of it?

2 A PROSPECTIVE JUROR: Yes, Hashtag Sisters in Law.

3 THE COURT: I wouldn't know that one. How is it?

4 A PROSPECTIVE JUROR: I mean, I think it's interesting
5 because, since I don't do any kind of criminal law, it's like a
6 totally different world to me, so...

7 THE COURT: Did you follow any of the congressional
8 hearings they had recently on this?

9 A PROSPECTIVE JUROR: I did. Like, sometimes my
10 partner would show me, like, highlights, but I didn't watch any
11 of the hearings.

12 THE COURT: Okay. Now, there was a question on the
13 questionnaire about no matter what you have seen or heard about
14 the events of January 6, no matter what opinions you may have
15 formed, could you put that all aside and decide this case only
16 on the evidence you receive in court, follow the law, and
17 decide the case in a fair and impartial manner? And you said
18 yes.

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: So you wouldn't have any problems sitting
21 on this trial if you were seated here?

22 A PROSPECTIVE JUROR: I would not have any problems.

23 THE COURT: Okay. And then have you ever filed a
24 lawsuit or had a lawsuit of any kind filed against you? Tell
25 us more about that.

1 A PROSPECTIVE JUROR: Yeah. I -- we had an issue with
2 a contractor with an addition that was being built, and we had
3 filed an arbitration case against them, and then also against
4 two third-party inspectors in D.C. Superior Court. That case
5 was filed in the fall, and we just settled it last week,
6 construction.

7 THE COURT: Okay. Anything about that experience have
8 any effect on your ability to be a fair juror here, do you
9 think?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: Okay. That's all your house there at 16th
12 you are talking about?

13 A PROSPECTIVE JUROR: Yes, 16th and E Street
14 Southeast, yes.

15 THE COURT: Any follow-up by counsel?

16 MR. ROSEN: No, Your Honor.

17 MS. WEST: No, Your Honor.

18 THE COURT: Thank you very much.

19 A PROSPECTIVE JUROR: Thank you.

20 (Prospective juror exited the courtroom.)

21 THE COURT: Any challenge for cause?

22 MS. WEST: No.

23 MR. ROSEN: No, Your Honor.

24 THE COURT: Okay. Go to 1121.

25 THE COURTROOM DEPUTY: Juror 1121.

1 (Prospective juror entered the courtroom.)

2 THE COURT: You can leave your mask off while you are
3 there on the stand. If you will, talk right into that
4 microphone.

5 Can you tell me how you make your living or how you
6 are employed.

7 A PROSPECTIVE JUROR: I am a CNA nurse.

8 THE COURT: I'm sorry?

9 A PROSPECTIVE JUROR: Certified nursing assistant.

10 THE COURT: Where do you work?

11 A PROSPECTIVE JUROR: Deanwood Rehabilitation Center.

12 THE COURT: Okay. Where is that?

13 A PROSPECTIVE JUROR: Northeast.

14 THE COURT: Okay. I think, as I read this, you struck
15 out all your yeses, so you don't have any answers yes, right?
16 It looks like the way that's --

17 A PROSPECTIVE JUROR: I put X on there. At first I
18 put yes, but I put X because it said put an X on it. At first
19 I put yes, and then I put X. Then it said put X, not yes.

20 THE COURT: So then 4 would be someone in the
21 military?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: 4 is someone that worked for law
24 enforcement. Okay. Who is that?

25 A PROSPECTIVE JUROR: My granddaughter's mother,

1 Special Police.

2 THE COURT: Here in D.C.?

3 A PROSPECTIVE JUROR: D.C., yes.

4 THE COURT: Okay. Where does she work?

5 A PROSPECTIVE JUROR: She work at -- I don't know what
6 company, but it's like a shelter or something like that.

7 THE COURT: Okay. And then 8 would be, someone
8 arrested for, convicted of, or charged with a crime or victim
9 or witness to a crime?

10 A PROSPECTIVE JUROR: Victim of a crime.

11 THE COURT: Who was that?

12 A PROSPECTIVE JUROR: My son was murdered in 2006.

13 THE COURT: Okay. Anyone apprehended for that?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: And they went to trial?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: And they were convicted?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Anything about that?

20 (Phone ringing.)

21 A PROSPECTIVE JUROR: Sorry.

22 Sorry. I was trying to turn it off.

23 THE COURT: That's okay. Anything about that
24 experience have any effect on your ability to be a fair juror
25 in a case like this, do you think?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: You watched the events live on TV on
3 January 6 then?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: What do you remember about that?

6 A PROSPECTIVE JUROR: I just remember everything that
7 was happening, all the people running inside the place messing
8 up everything. And I remember a lady passed away. Somebody
9 shot her.

10 THE COURT: I'm sorry. I couldn't hear the last
11 thing.

12 A PROSPECTIVE JUROR: Somebody shot a lady there, I
13 think the police.

14 THE COURT: Okay. How much have you followed this in
15 the news since then?

16 A PROSPECTIVE JUROR: I haven't really seen it after
17 that.

18 THE COURT: Okay. You were asked if you believe
19 people were charged with criminal offenses for their
20 participation in the events at the Capitol on January 6 are
21 likely guilty of criminal wrongdoing. You said yes. Tell me a
22 little more about that.

23 A PROSPECTIVE JUROR: Are they likely guilty? I don't
24 know if all of them are guilty. They have to be proven guilty.

25 THE COURT: You understand that? Okay.

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: So as we start the trial, you don't have
3 any problem that we presume they are innocent?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: And it could be they are guilty, but --

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: -- but we start the trial, we presume they
8 are innocent. The government has to come to court with
9 evidence and prove they are really guilty.

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: You don't have any problem with that
12 concept?

13 A PROSPECTIVE JUROR: No.

14 THE COURT: Okay. And, in fact, there's another
15 question on here where you are asked, no matter what you have
16 seen or heard about the events at the Capitol on January 6, no
17 matter what opinions you have, could you put that all aside and
18 decide this case only on the evidence you hear here in court?

19 A PROSPECTIVE JUROR: Yes. They have to be proven --

20 THE COURT: Do you think that's right?

21 A PROSPECTIVE JUROR: Yes, I think that's right. They
22 have to be proven guilty.

23 THE COURT: And you don't have the reason you couldn't
24 be a fair and impartial juror if you were seated here?

25 A PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: Okay. Any follow-up by counsel?

2 MR. ROSEN: No, Your Honor

3 (The following was heard sidebar.)

4 MS. WEST: Yes, Your Honor. I just wondered if you
5 could ask her specifically where she gets her news about any of
6 the January 6 things that she watches.

7 (The following was heard in open court.)

8 THE COURT: Whatever news you come upon about the
9 January 6 things, where do you get that from?

10 A PROSPECTIVE JUROR: The news?

11 THE COURT: Yes.

12 A PROSPECTIVE JUROR: TV news. The TV news, on the
13 news when it was happening.

14 THE COURT: What do you watch on TV?

15 A PROSPECTIVE JUROR: Just the news.

16 THE COURT: The local news?

17 A PROSPECTIVE JUROR: Local news in the morning.

18 THE COURT: What channel do you watch?

19 A PROSPECTIVE JUROR: Channel 5.

20 THE COURT: Okay. Channel 5?

21 A PROSPECTIVE JUROR: Around 7:00 in the morning.

22 THE COURT: 7:00 in the morning?

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Thank you.

25 (Prospective juror exited the courtroom.)

1 THE COURT: Any challenge for cause?

2 MS. WEST: No, Your Honor.

3 MR. ROSEN: No, Your Honor.

4 THE COURT: Okay. Go to 842.

5 THE COURTROOM DEPUTY: Juror 0842.

6 (Prospective juror entered the courtroom.)

7 A PROSPECTIVE JUROR: Hello.

8 THE COURT: You can pull your mask down while you're
9 there and speak right into that microphone so everybody can
10 hear you if you would.

11 The first question was, having heard a brief
12 description of the case, do you know or have you heard anything
13 about the case? You said yes.

14 A PROSPECTIVE JUROR: Yes. Well, I was speaking about
15 the general cases for January 6, not specifically this case.

16 THE COURT: Okay. Any member of the group, meaning
17 family or friends, arrested for, convicted of, or charged with
18 a crime or victim or witness to a crime? What did you have in
19 mind there?

20 A PROSPECTIVE JUROR: I was the victim of a simple
21 assault in the summer of 2006.

22 THE COURT: 2006?

23 A PROSPECTIVE JUROR: 2006.

24 THE COURT: Were you injured?

25 A PROSPECTIVE JUROR: No, not majorly.

1 THE COURT: Was someone apprehended?

2 A PROSPECTIVE JUROR: Yes.

3 THE COURT: Did they go to trial?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: Did you testify at the trial?

6 A PROSPECTIVE JUROR: I did.

7 THE COURT: Were they convicted?

8 A PROSPECTIVE JUROR: They were.

9 THE COURT: Okay. Were you satisfied with the
10 outcome?

11 A PROSPECTIVE JUROR: Kind of. I thought -- honestly,
12 I thought the judge's ruling was a little harsh.

13 THE COURT: Okay. Did that have any effect on whether
14 you can be a fair juror here, do you think?

15 A PROSPECTIVE JUROR: I don't think so.

16 THE COURT: Any effect here at all?

17 A PROSPECTIVE JUROR: Yeah.

18 THE COURT: Do you have a hardship you wanted to
19 raise?

20 A PROSPECTIVE JUROR: Excuse me?

21 THE COURT: You had a hardship you wanted to raise
22 about serving.

23 A PROSPECTIVE JUROR: Oh, is that the question about
24 scheduling? Yeah. So I'm a journalist, and I am going to New
25 York on Wednesday to receive a prize. So I wouldn't be able to

1 be here on Wednesday.

2 THE COURT: What is the prize?

3 A PROSPECTIVE JUROR: The prize is the Lucas Award.

4 THE COURT: The what?

5 A PROSPECTIVE JUROR: The Lucas Award. It's given by
6 Columbia University.

7 THE COURT: There's not another time it can be
8 rescheduled or anything?

9 A PROSPECTIVE JUROR: I don't think so. I mean, I
10 don't know.

11 THE COURT: Who is presenting it, do you know?

12 A PROSPECTIVE JUROR: It's a prize that's given
13 annually from Columbia University. There's a big dinner for
14 it.

15 THE COURT: How many are given?

16 A PROSPECTIVE JUROR: Two.

17 THE COURT: And it's a dinner?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: When is it given?

20 A PROSPECTIVE JUROR: It's at 6:00. Let me
21 double-check; I can tell you precisely. Yeah, 6:00.

22 THE COURT: What's your job? What are you doing now?

23 A PROSPECTIVE JUROR: I'm a staff writer with the New
24 Yorker.

25 THE COURT: What is the Lucas Award?

1 A PROSPECTIVE JUROR: The Lucas Award is an award
2 given each year for book of outstanding merit.

3 THE COURT: What is yours?

4 A PROSPECTIVE JUROR: I am the coauthor of a book
5 named His Name is George Floyd. It's a biography of George
6 Floyd and how his life interacted with institutional racism.

7 THE COURT: That's a big deal.

8 A PROSPECTIVE JUROR: It's a really big deal.

9 THE COURT: It was a big deal.

10 A PROSPECTIVE JUROR: Yeah.

11 THE COURT: Even I know about that.

12 A PROSPECTIVE JUROR: Yeah, yeah, yeah, yeah. We were
13 a finalist for the National Book Award, and we are hoping to
14 win the Pulitzer Prize on Monday.

15 THE COURT: Well, we are desperate for jurors, but we
16 are not that desperate. I will excuse you.

17 A PROSPECTIVE JUROR: Okay then. Am I done here?

18 THE COURT: You are excused.

19 (Prospective juror exited the courtroom.)

20 THE COURT: Go to 1586.

21 Even I know that's a big deal.

22 THE COURTROOM DEPUTY: Juror 1586.

23 (Prospective juror entered the courtroom.)

24 THE COURT: You can pull your mask down while you are
25 there and just speak right into that microphone so everybody

1 can hear your answers.

2 One was, has any member of the group ever been
3 arrested for, convicted of, or charged with a crime or victim
4 or witness to a crime?

5 A PROSPECTIVE JUROR: I'm sorry, I couldn't hear you.

6 THE COURT: Member of either your family or your close
7 friend or you arrested for, convicted of, or charged with a
8 crime or victim or witness to a crime?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Okay. You checked yes on the form.

11 A PROSPECTIVE JUROR: Well, I have like a car's been
12 broken into.

13 THE COURT: I'm sorry?

14 A PROSPECTIVE JUROR: My car has been broken into, so
15 something like that. That's about it.

16 THE COURT: How long ago was that?

17 A PROSPECTIVE JUROR: In college, so probably over ten
18 years ago.

19 THE COURT: Where did you go to college?

20 A PROSPECTIVE JUROR: North Carolina.

21 THE COURT: Okay. What is your current employment?
22 Where are you working now?

23 A PROSPECTIVE JUROR: I'm an engineer with the
24 Department of Defense.

25 THE COURT: With Department of Defense?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: Where do you work?

3 A PROSPECTIVE JUROR: Fort Belvoir.

4 THE COURT: Okay. Civilian employee?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: For Department of Defense?

7 A PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. You watched live TV on the
9 January 6?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Where were you, at home or at work?

12 A PROSPECTIVE JUROR: Home.

13 THE COURT: Where do you live?

14 A PROSPECTIVE JUROR: Northeast D.C.

15 THE COURT: Northeast. Okay.

16 And then you were asked, no matter what you have heard
17 or seen about events at the Capitol, no matter what opinions
18 you have formed, can you put all that aside and decide the case
19 only on the evidence you receive in court, follow the law, and
20 decide the case in a fair and impartial manner? And you said
21 yes. So any reason you couldn't be a fair and impartial juror
22 if you were seated here then?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Okay. Either counsel have any follow-up
25 you want me to ask about?

1 MR. ROSEN: No, Your Honor.

2 (The following was heard sidebar.)

3 MS. WEST: Yes, Your Honor. I don't feel like we know
4 much about this man's knowledge of January 6 and whether he
5 watched any news about it or the committee hearings. And I
6 would like the Court to ask that, please.

7 (The following was heard in open court.)

8 THE COURT: To what extent did you watch any news
9 coverage about January 6, or how much do you really know about
10 any of that?

11 A PROSPECTIVE JUROR: To what extent? You said
12 following? I haven't been following it much since that day.
13 Just randomly I will hear it on the news.

14 THE COURT: Speak into the mike.

15 A PROSPECTIVE JUROR: I said I haven't been following
16 it much since that day, but I will hear it randomly on the
17 news.

18 THE COURT: What kind of news do you listen to?

19 A PROSPECTIVE JUROR: What kind of news do I listen
20 to?

21 You said what kind of news do I listen to?

22 THE COURT: Yeah.

23 A PROSPECTIVE JUROR: Just local news.

24 THE COURT: What channel?

25 A PROSPECTIVE JUROR: Fox 5 DC or -- I think it's CBS

1 also.

2 THE COURT: Okay. Thanks very much.

3 A PROSPECTIVE JUROR: All right.

4 (Prospective juror exited the courtroom.)

5 THE COURT: Any challenge for cause to 1586?

6 MS. WEST: No, Your Honor.

7 MR. ROSEN: No, Your Honor.

8 THE COURT: We will take 366.

9 THE COURTROOM DEPUTY: Juror 0366.

10 (Prospective juror entered the courtroom.)

11 THE COURT: You can pull your mask down. If you will
12 speak into the microphone so everybody can hear your answers, I
13 just have a few questions for you.

14 Member of your family, friends, or you arrested for or
15 convicted of or charged with a crime or victim or witness to a
16 crime? You know what you had in mind there?

17 A PROSPECTIVE JUROR: Just that my house was broken
18 into. That was all.

19 THE COURT: How long ago was that?

20 A PROSPECTIVE JUROR: Seven or eight years ago now.

21 THE COURT: Here in D.C.?

22 A PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Anyone ever apprehended in that?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: Satisfied with how the police responded at

1 the time?

2 A PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: Okay. There's also a question about
4 member of a group or organization that you are a member of, law
5 enforcement or crime prevention?

6 A PROSPECTIVE JUROR: When you read the question
7 earlier, I'm on Next-Door Neighbor, so there are those alerts,
8 but that's it.

9 THE COURT: Okay. That's just in your neighborhood?

10 A PROSPECTIVE JUROR: And citywide, yes, I guess.

11 THE COURT: Okay. Where is that?

12 A PROSPECTIVE JUROR: It's just a listserv that just
13 says different things about the neighborhood.

14 THE COURT: Okay. And then you were asked about if
15 you can put aside anything you have learned about the events of
16 January 6 and any opinions you might have formed about it.
17 Have you got any opinions about January 6 you need to set
18 aside?

19 A PROSPECTIVE JUROR: No.

20 THE COURT: Okay. So you don't have any problem with
21 being a fair and impartial juror here?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: Okay. And there was another question you
24 were asked about. It says, no matter what you have seen or
25 heard about the Capitol January 6, no matter what opinions you

1 may have formed, can you put those all aside and decide this
2 case on the evidence you receive in court, follow the law, and
3 decide this case in a fair and impartial manner? And you said
4 yes, that you don't have any problem with that.

5 A PROSPECTIVE JUROR: That's correct.

6 THE COURT: What's -- how do you make a living? What
7 is your employment?

8 A PROSPECTIVE JUROR: I'm the clinical director for a
9 therapy agency.

10 THE COURT: What kind of therapy?

11 A PROSPECTIVE JUROR: Grief and trauma.

12 THE COURT: Where are they located?

13 A PROSPECTIVE JUROR: Upper Connecticut Avenue.

14 THE COURT: I know where that is.

15 Any follow-up, counsel.

16 (The following was heard sidebar.)

17 MS. WEST: Yes, Your Honor. We would ask that you ask
18 her if she's read any, in her work, any grief therapy that
19 January 6 officers have had or if she's actually treated
20 anybody who has had trauma from January 6.

21 (The following was heard in open court.)

22 THE COURT: In your work, have you treated anyone from
23 January 6 about grief therapy. In your work, have you done any
24 of that kind of work?

25 A PROSPECTIVE JUROR: Not to my awareness, no.

1 THE COURT: Okay. Thank you.

2 (Prospective juror exited the courtroom.)

3 THE COURT: Any challenge for cause?

4 MS. WEST: No, Your Honor.

5 MR. ROSEN: No, Your Honor.

6 THE COURT: All right. 0016.

7 THE COURTROOM DEPUTY: Juror 0016.

8 (Prospective juror entered the courtroom.)

9 THE COURT: I just have a few follow-ups, so you can
10 pull your mask down and speak into the microphone so everybody
11 can hear your answers if you would.

12 A PROSPECTIVE JUROR: All right.

13 THE COURT: The first is someone served in the
14 military in your family or friends?

15 A PROSPECTIVE JUROR: I just have a college friend
16 that had previously served. We are not that close, but I just
17 thought to put it down just in case.

18 THE COURT: Okay. And then someone had been arrested
19 for, convicted of, or charged with a crime or been a victim or
20 witness to a crime?

21 A PROSPECTIVE JUROR: I wasn't sure if solicitation is
22 considered a crime. Like, a brother of mine was in college,
23 and there were police officers that had sort of, I guess, had
24 been prostitutes. And he and his friend were then -- I guess,
25 in that situation, accepted the offer from the prostitutes, who

1 were police officers. And so he was taken into the jail, but
2 then he just ended up getting community service. It was his
3 first offense.

4 THE COURT: Okay.

5 A PROSPECTIVE JUROR: I don't know if that's an actual
6 crime.

7 THE COURT: Yeah, I don't know either. In any event,
8 it wouldn't have any effect on you here?

9 A PROSPECTIVE JUROR: Okay.

10 THE COURT: I mean, it wouldn't have any effect on you
11 here?

12 A PROSPECTIVE JUROR: I don't think this case is
13 anything at all similar to that.

14 THE COURT: You saw the live TV coverage that day of
15 January 6?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Where were you?

18 A PROSPECTIVE JUROR: I was at home, and I had news
19 media on. I think I was just -- I was working, actually. I
20 was working remotely.

21 THE COURT: From home?

22 A PROSPECTIVE JUROR: And so I put on the news
23 station. I actually don't know why I ended up putting it on,
24 but -- and so I saw people pretty much early on, actually, and
25 throughout and all the way up to the fence going down. So I

1 watched that happen and then people passing the fence. And
2 there were very few police officers around at that time.

3 THE COURT: At that point, yeah.

4 A PROSPECTIVE JUROR: At that point in time. And so
5 the news media was reporting that. And people had kind of
6 entered, and I saw people climb or scale the walls as well as
7 go into the building. And so I remember being distracted from
8 work because it was the middle of the day and the news media
9 was happening. I was switching back and forth between
10 different news stations just because there was different
11 coverage happening. I don't typically watch news media
12 closely. I mostly read or radio, so that was kind of an
13 anomaly for me, but it was a big event.

14 THE COURT: It was pretty dramatic that day.

15 A PROSPECTIVE JUROR: Yes, it was. Yeah, I mean, I
16 think for a long time I was just watching trying to understand
17 what was happening. And it just -- it looked like people were
18 going in and kind of browsing. And it seemed pretty shocking
19 that there wouldn't be enough police officers or enough fences
20 or enough guidance. But then you sort of saw the Congress --
21 the people in Congress were also -- it started getting reported
22 that they were scared. So then it escalated.

23 So at first it was a bit of just how could this happen
24 and what is happening, but then later, it definitely escalated
25 and there was news of the woman that was shot. And it wasn't

1 clear, like, where that had happened. And people from within
2 Congress were coming out and looking. And there was, like, a
3 door so the people in the public that had come in were very
4 close to the people that were in Congress.

5 So I recall it pretty vividly because I was trying to
6 figure out what was happening. I don't really understand. And
7 then people seemed to come in and not really know where they
8 were or where they were going as well as just based on the
9 footage because the journalists were alongside the people that
10 were coming in as well.

11 THE COURT: To what extent have you followed news
12 coverage since then?

13 A PROSPECTIVE JUROR: About this particular issue?

14 THE COURT: Yes.

15 A PROSPECTIVE JUROR: Not very closely at all. I do
16 remember right after the event, there was a lot of coverage.
17 And I was reading quite a bit because it was connected to the
18 election and the election results. And so I remember that
19 being something I followed pretty closely, but then afterwards,
20 more recently, I really have not been tuning in as much.

21 THE COURT: And then there was a question about, no
22 matter what you've heard or seen about the events on January 6,
23 no matter what opinions you have formed, can you put all that
24 aside and decide this case only on the evidence you receive in
25 court, follow the law, and decide this case in a fair and

1 impartial manner? And you said yes because you think you could
2 be a fair and impartial juror if you were seated here?

3 A PROSPECTIVE JUROR: Yes, I do think as citizens, we
4 are each owed that, and I -- yes.

5 THE COURT: Did you watch any of the congressional
6 hearings they had about this recently on TV?

7 A PROSPECTIVE JUROR: There were so many hearings.
8 The hearings more recently?

9 THE COURT: Yes. The House had some hearings about it
10 recently.

11 A PROSPECTIVE JUROR: No.

12 THE COURT: You didn't watch any of that?

13 A PROSPECTIVE JUROR: Not that. I did watch -- no. I
14 watched the hearing -- the impeachment hearings a long time
15 ago. That one I followed. But that's not related to this,
16 so...

17 THE COURT: Any follow-up by counsel?

18 A PROSPECTIVE JUROR: Pardon me.

19 THE COURT: I asked if counsel had any follow-up they
20 wanted me to ask.

21 MR. ROSEN: No, Your Honor.

22 MS. CUBBAGE: I do.

23 (The following was heard sidebar.)

24 MS. WEST: Has she ever had occasioning in her work to
25 work with the criminal justice system or criminal laws?

1 (The following was heard in open court.)

2 THE COURT: Have you ever had occasion in your work to
3 work with the criminal justice system or criminal law?

4 A PROSPECTIVE JUROR: I'm sorry?

5 A JUROR: Have you ever had occasion in your work to
6 work with criminal justice or criminal law?

7 A PROSPECTIVE JUROR: No. In college I used to be a
8 resident assistant, so I would be responsible for the students
9 in the dorm. And so then I would have to work with, you know,
10 students when they have alcohol poisoning or something like
11 that. I would have to work with the law enforcement on campus.
12 But that was when -- that was a long time ago. That was
13 between 2003 and 2007.

14 THE COURT: Okay. Thank you very much.

15 (Prospective juror exited the courtroom.)

16 THE COURT: Any challenge for cause?

17 MS. WEST: No, Your Honor.

18 MR. ROSEN: No, Your Honor.

19 THE COURT: We will go to 1070.

20 THE COURTROOM DEPUTY: Juror 1070.

21 (Prospective juror entered the courtroom.)

22 THE COURT: If you will speak into the microphone so
23 everyone will hear your answers. You listed someone named
24 Acecia Thomas-Baker. Who was that?

25 A PROSPECTIVE JUROR: That was one of the other jurors

1 that was here. We attended undergrad together.

2 THE COURT: Okay. Have you talked to her here?

3 A PROSPECTIVE JUROR: Yeah, we were out -- we were
4 communicating.

5 THE COURT: Okay. Let me see what her number is.
6 0037.

7 Okay. Someone in law enforcement?

8 A PROSPECTIVE JUROR: Correct. So the reason I
9 selected that, I don't work directly in law enforcement, but I
10 am a part of the Bureau of Diplomatic Security, which is the
11 law enforcement branch of the State Department.

12 THE COURT: Okay. Where do you work?

13 A PROSPECTIVE JUROR: That's where I'm employed. I'm
14 an IT program manager for the Department of State.

15 THE COURT: What is your job?

16 A PROSPECTIVE JUROR: IT program manager.

17 THE COURT: Program manager?

18 A PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: For?

20 A PROSPECTIVE JUROR: For the Bureau of Diplomatic
21 Security. That's the law enforcement branch within the State
22 Department.

23 THE COURT: Within the State Department?

24 A PROSPECTIVE JUROR: Yes.

25 THE COURT: It's Homeland Security?

1 A PROSPECTIVE JUROR: No, Department of State.

2 THE COURT: Department of State?

3 A PROSPECTIVE JUROR: Correct.

4 THE COURT: IT?

5 A PROSPECTIVE JUROR: Correct.

6 THE COURT: And you all are doing international?

7 A PROSPECTIVE JUROR: Correct. So I interact with the
8 special agents that work within the Department of State.

9 THE COURT: Right. Okay. And then someone that you
10 know is either a lawyer or has gone to law school. Who is
11 that?

12 A PROSPECTIVE JUROR: Correct. My best friend is an
13 attorney. He works as a JAG officer in the U.S. Air Force.

14 THE COURT: I like JAG. Where does he work?

15 A PROSPECTIVE JUROR: He's currently stationed in
16 Alabama, but he's about to be stationed in Germany.

17 THE COURT: At?

18 A PROSPECTIVE JUROR: He's about to be stationed in
19 Germany. He's in training in Alabama.

20 THE COURT: Where is he from, here?

21 A PROSPECTIVE JUROR: He's originally from Southern
22 Virginia.

23 THE COURT: Okay. So he does criminal cases if he's
24 in JAG, I guess?

25 A PROSPECTIVE JUROR: I'm sorry?

1 THE COURT: He does criminal cases, I guess, if he's
2 in JAG?

3 A PROSPECTIVE JUROR: I would assume, yes. I'm not a
4 hundred percent sure, though.

5 THE COURT: Have you talked to him about his current
6 work?

7 A PROSPECTIVE JUROR: No, not in detail.

8 THE COURT: Okay. Do you live or work at or near the
9 Capitol?

10 A PROSPECTIVE JUROR: Correct. I live on 77 Eighth
11 Street, which is a few blocks up.

12 THE COURT: Right. Tell us about any familiarity you
13 have with January 6.

14 A PROSPECTIVE JUROR: Basic knowledge, just what I
15 have seen and read in news articles, what I have seen on TV,
16 and basic media.

17 THE COURT: How did you follow, the Post, or news, or
18 how do you --

19 A PROSPECTIVE JUROR: A combination of both. Social
20 media, news, internet, just general ways of consuming it. So
21 it wasn't something that I looked directly for, but when it was
22 in the news, it was everywhere.

23 THE COURT: What news do you follow, channel 5,
24 channel 4?

25 A PROSPECTIVE JUROR: It varies, CNN, Fox 5 DC for

1 local news. Again, social media, headlines that may come
2 across generally on the internet.

3 THE COURT: One of the lawyers is going to ask you
4 what podcasts do you watch.

5 A PROSPECTIVE JUROR: Do I work?

6 THE COURT: No. Do you watch podcasts?

7 A PROSPECTIVE JUROR: Random ones. Not news-related
8 podcasts.

9 THE COURT: News, you are watching CNN?

10 A PROSPECTIVE JUROR: Yeah, it would be CNN, Fox 5 DC,
11 or read an article that may be on the internet.

12 THE COURT: Did you watch any of the hearings they had
13 recently about January 6?

14 A PROSPECTIVE JUROR: No, I have seen the headlines
15 when they have come across, but not directly.

16 THE COURT: Right. Okay. You are the kind of juror
17 we are looking for. Okay. You don't have any -- well, you
18 said on the questionnaire -- it says, no matter what you've
19 seen or heard about it, no matter what opinions you might have
20 formed, you can put all that aside and decide this case just on
21 the evidence? You don't have any problem with that?

22 A PROSPECTIVE JUROR: Correct.

23 THE COURT: You can be a fair and impartial juror if
24 you were seated here?

25 A PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: You don't have any problem with that?

2 A PROSPECTIVE JUROR: Correct.

3 THE COURT: There's one other that you said. You
4 believe people charged with criminal offenses for their
5 participation in the events at the Capitol on January 6 are
6 likely guilty of criminal wrongdoing. Tell me a little more
7 about that one.

8 A PROSPECTIVE JUROR: I would say yes, the people who
9 stormed the Capitol, I believe that's a criminal offense. If
10 you broke the law and went against the security protocols that
11 we have established to move forward, I would say yes.

12 THE COURT: But you understand there was a right of
13 protest that day?

14 A PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: They didn't go into the Capitol to violate
16 the law about going in there. They could have been up there
17 protesting. So the jury has to decide whether they really
18 broke the law following my instructions on the law. So they
19 could have been a right of protest, but if they went in and
20 broke the law, the jury is going to have to decide.

21 It's not just because they were there. They had to
22 have broken the law. The jury is going to have to decide
23 whether they broke the law, follow my instructions about
24 whether they broke the law when they went in. Do you have a
25 problem with that?

1 A PROSPECTIVE JUROR: I don't have a problem with
2 that. The perspective that I have and what I understand now,
3 that's the way I feel. If I said anything otherwise, it
4 wouldn't be truthful.

5 THE COURT: You can follow my instructions on the law?

6 A PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: Okay. I mean, there's a First Amendment
8 right to protest, but even a protest has to be within the
9 bounds of the law. And I will give the jury the law that they
10 have to follow when they are deciding whether this is a lawful
11 protest. Some parts of it clearly were not.

12 A PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: We know that just from watching TV. You
14 can tell.

15 A PROSPECTIVE JUROR: Agreed.

16 THE COURT: Beating out the window and breaking down
17 the doors you know was not.

18 But I will give the jury instructions. Do you have
19 any problem with following my instructions on the law?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Any follow-up counsel want me to
22 ask about?

23 (The following was heard sidebar.)

24 MR. ROSEN: None for the government.

25 MS. WEST: I have a few, Your Honor. One, he lives

1 close to the Capitol. I want to know if it affected his
2 neighborhood that day.

3 It sounds to me like he's made up his mind that if you
4 are charged with a crime, you are already guilty is what I
5 heard. So I would like the Court to inquire if he understands
6 the concept of innocent until proven guilty, because he said,
7 if you are charged, what you have done is unlawful. That's
8 what concerns me.

9 (The following was heard in open court.)

10 THE COURT: Since you live there in that neighborhood
11 around the Capitol, did that have any effect on your
12 neighborhood, that incident that day?

13 A PROSPECTIVE JUROR: That's where I currently live.
14 I previously lived in Columbia Heights.

15 THE COURT: Oh, you were in Columbia Heights then?

16 A PROSPECTIVE JUROR: Correct.

17 THE COURT: One thing you said is a little bit
18 problematic. That is, just because you are charged doesn't
19 mean, of course, that you are guilty.

20 The defendant, as he starts this trial, obviously we
21 consider him not guilty until the government comes in and
22 proves you guilty beyond a reasonable doubt. The defendant
23 doesn't have to take the stand, doesn't have to testify,
24 doesn't have to put on any evidence. It's the government's
25 burden to prove him guilty.

1 So we might think, because he's been charged, he's
2 guilty, but that's not the law. The law is the defendant comes
3 in an innocent man as we start the trial. The burden is on the
4 government to prove him guilty. Do you have any problem with
5 following the law on that?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: I mean, that's the law. We start the
8 trial with the presumption of innocence. Every person is
9 entitled to the presumption of innocence when we start the
10 trial. And the government has to prove that he actually
11 committed an offense.

12 As we start the trial, we come in when we start that
13 he is innocent as we start this trial. Do you have any problem
14 at all with that?

15 A PROSPECTIVE JUROR: No. I shouldn't have any
16 issues.

17 THE COURT: All right. Thank you very much, sir.

18 A PROSPECTIVE JUROR: Thanks.

19 (Prospective juror exited the courtroom.)

20 THE COURT: All right. Any challenge for cause?

21 MS. WEST: The defense challenges him for cause. He's
22 already made up his mind. He said everyone who has been
23 charged, what they did was unlawful. We would ask the Court to
24 strike him for cause.

25 THE COURT: I think I got across to him and I accept

1 his answer, that he believes me and will follow my
2 instructions. So the challenge is denied. We will go to 1753.

3 THE COURTROOM DEPUTY: Juror 1753.

4 (Prospective juror entered the courtroom.)

5 THE COURT: You can pull your mask down and speak
6 there in the microphone so everybody can hear your answers.

7 A PROSPECTIVE JUROR: Okay.

8 THE COURT: We just have a few more questions. Thanks
9 for your patience.

10 A PROSPECTIVE JUROR: Sure.

11 THE COURT: Someone is in law enforcement?

12 A PROSPECTIVE JUROR: Yes, my nephew. He's works for
13 the Capitol Police. He's a Capitol Police officer.

14 THE COURT: I'm sorry?

15 A PROSPECTIVE JUROR: My nephew is a Capitol Police
16 officer.

17 THE COURT: Where does he work?

18 A PROSPECTIVE JUROR: In the Capitol.

19 THE COURT: What is his name?

20 A PROSPECTIVE JUROR: Michael Persons, III. Michael
21 Persons, III.

22 THE COURT: And he's -- was he working there
23 January 6?

24 A PROSPECTIVE JUROR: No.

25 THE COURT: When did he start?

1 A PROSPECTIVE JUROR: He started last year, I think
2 about December.

3 THE COURT: Okay. Have you ever talked to him about
4 this, January 6 or anything about that?

5 A PROSPECTIVE JUROR: No. He's secretive.

6 THE COURT: And some member of the group served in the
7 military?

8 A PROSPECTIVE JUROR: My brother and my uncle. I have
9 a few uncles.

10 THE COURT: What military were they in?

11 A PROSPECTIVE JUROR: My uncle, he's the Army, and my
12 brother is the Air Force. They are both retired.

13 THE COURT: Both retired from the military?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: And then someone in the group arrested for
16 or convicted or charged with a crime or victim or witness to a
17 crime?

18 A PROSPECTIVE JUROR: I have been arrested twice.

19 THE COURT: Okay. For what?

20 A PROSPECTIVE JUROR: My ex-husband and I, we've
21 gotten --

22 THE COURT: I'm sorry?

23 A PROSPECTIVE JUROR: My ex-husband and I have gotten
24 into a fight and, yeah, and that was pretty much --

25 THE COURT: Was that here in D.C.?

1 A PROSPECTIVE JUROR: No, in Maryland, PG, Prince
2 George's.

3 THE COURT: What was the outcome?

4 A PROSPECTIVE JUROR: The case was dismissed.

5 THE COURT: Okay. Anything about that have any effect
6 on your ability to be a fair juror here?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Were you fairly treated by the criminal
9 justice system there, do you think?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Were you convicted of anything
12 there?

13 A PROSPECTIVE JUROR: No.

14 THE COURT: Okay. Are you still married?

15 A PROSPECTIVE JUROR: No, no, never.

16 THE COURT: I didn't think so from your look.

17 Anyone you are close to live or work at the Capitol?

18 A PROSPECTIVE JUROR: No, no.

19 THE COURT: Okay. And do you live or work at or near
20 the Capitol?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Okay. I thought this was a yes on 10.

23 Anyone you are close to live or work at or near the Capitol?

24 A PROSPECTIVE JUROR: Live?

25 THE COURT: Live.

1 A PROSPECTIVE JUROR: No, we don't live near there.

2 THE COURT: Or work at or near the Capitol.

3 A PROSPECTIVE JUROR: My nephew works at the Capitol.

4 THE COURT: What does he do?

5 A PROSPECTIVE JUROR: He's a --

6 THE COURT: Oh, now he's with Capitol Police?

7 A PROSPECTIVE JUROR: Yes.

8 THE COURT: Oh, that's now, though?

9 A PROSPECTIVE JUROR: Yes, currently.

10 THE COURT: Okay. To what extent have you followed
11 the publicity about the whole January 6 incident?

12 A PROSPECTIVE JUROR: Just whatever the news coverage
13 was, not too, too much.

14 THE COURT: What kind of publicity have you followed,
15 like the Post or the TV?

16 A PROSPECTIVE JUROR: TV, television.

17 THE COURT: What do you watch, Channel 5?

18 A PROSPECTIVE JUROR: Channel 9.

19 THE COURT: Channel 9. Okay.

20 A PROSPECTIVE JUROR: I don't watch too much news.

21 THE COURT: Everyone's got their own channel that they
22 watch. You usually watch 9?

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: Do you follow the Post, or do you
25 follow --

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Okay. And did you watch any of those
3 congressional hearings they had recently about --

4 A PROSPECTIVE JUROR: No.

5 THE COURT: You didn't follow that?

6 A PROSPECTIVE JUROR: No. I was working at the time
7 of those hearings.

8 THE COURT: There's another one about, no matter what
9 you have heard or seen about the events at the Capitol
10 January 6, no matter what opinions you have formed, can you set
11 all that aside and decide this case just on the evidence you
12 receive in court, follow the law, and decide the case in a fair
13 and impartial manner? And you said yes. So you think you
14 could be a fair and impartial juror if you were seated here?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: You don't have any problem with that?

17 A PROSPECTIVE JUROR: No, I don't have a problem.

18 THE COURT: I think the only other -- well, I have two
19 other questions, I guess. Do you have any trouble paying
20 attention for long periods of time? You said yes.

21 A PROSPECTIVE JUROR: I do.

22 THE COURT: Tell me about that.

23 A PROSPECTIVE JUROR: My mind starts to wander
24 sometimes. And it's just a monotone setting. You know, it
25 just get a little busy, my mind gets a little busy sometimes.

1 THE COURT: If you are sitting next to somebody and
2 they punch you, that would get your mind back on it?

3 A PROSPECTIVE JUROR: Yes, definitely.

4 THE COURT: If I tell the juror next to you to punch
5 you once in a while, that would be okay?

6 A PROSPECTIVE JUROR: That might, yes.

7 THE COURT: I'm pretty friendly with my jurors, so I
8 could probably talk to the one next to you, right?

9 A PROSPECTIVE JUROR: Right.

10 THE COURT: Okay. There's one other question I want
11 to ask you about, and that is this one. It says, do you
12 believe that people who are charged with criminal offenses for
13 their participation in the events at the Capitol on January 6
14 are likely guilty of wrongdoing? You said yes. Tell me more
15 about that one.

16 A PROSPECTIVE JUROR: From what I saw, there was law
17 enforcement involved, from what I understand, telling them not
18 to enter the Capitol building.

19 THE COURT: So we know there's some people that did.

20 A PROSPECTIVE JUROR: They did.

21 THE COURT: Now, as to whether this defendant is
22 guilty, you know that as we start this trial, he's presumed to
23 be innocent --

24 A PROSPECTIVE JUROR: Okay.

25 THE COURT: -- in a criminal case?

1 He doesn't have any burden to testify or to put on any
2 evidence or call any witnesses. The burden is on the
3 government to prove him guilty. You understand that?

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: And he can sit here and do nothing and be
6 declared innocent because, as we start this trial, he is
7 innocent.

8 A PROSPECTIVE JUROR: Okay.

9 THE COURT: You don't have any problem with that?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: The burden is on the government to prove
12 him guilty with evidence as we start the trial. You don't have
13 any problem with that burden of proof?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: And I will instruct the jury on that. You
16 don't have any problem with that?

17 A PROSPECTIVE JUROR: No, I don't.

18 THE COURT: You can follow my instruction on that?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Any other follow-up counsel want to make?

21 MS. WEST: No, Your Honor.

22 MR. ROSEN: No, Your Honor.

23 THE COURT: Thank you very much. And thanks for your
24 patience waiting all this time.

25 A PROSPECTIVE JUROR: Thank you.

1 (Prospective juror exited the courtroom.)

2 THE COURT: Any challenge for cause?

3 MS. WEST: No, Your Honor.

4 MR. ROSEN: No, Your Honor.

5 THE COURT: Okay. We just have two more. 330.

6 THE COURTROOM DEPUTY: Juror 0330.

7 (Prospective juror entered the courtroom.)

8 THE COURT: You can pull your mask down while you're
9 there and have a seat and speak into that microphone so
10 everybody can hear your answers if you would. Thanks for your
11 patience as we have tried to get through this.

12 I just have a few follow-up questions. No. 9 was, do
13 you live or work near the Capitol? And you said yes.

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: Where is that?

16 A PROSPECTIVE JUROR: Ninth and Penn Southeast.

17 THE COURT: 11 was, were you at or near the Capitol
18 January 6?

19 A PROSPECTIVE JUROR: Yes.

20 THE COURT: Where were you?

21 A PROSPECTIVE JUROR: I worked for Verizon at the
22 time, and I was parked over at 30 E Street.

23 THE COURT: Okay. And then did you have any effect in
24 your neighborhood from the January 6 events, actually?

25 A PROSPECTIVE JUROR: No.

1 THE COURT: Now, to what extent did you follow the
2 news, and what kind of news coverage did you follow from the
3 events?

4 A PROSPECTIVE JUROR: I mean, pretty much anything on
5 TV.

6 THE COURT: TV. What sort of TV coverage do you
7 watch? Do you watch Channel 5?

8 A PROSPECTIVE JUROR: No. I watch CNN, MSNBC, PBS.

9 THE COURT: Okay. And did you happen to watch the
10 recent congressional hearings they had about this, or did you
11 not watch any of that?

12 A PROSPECTIVE JUROR: No, I didn't see that.

13 THE COURT: Do you read the Post, or you don't read
14 the Post usually?

15 A PROSPECTIVE JUROR: No. Ten years ago maybe.

16 THE COURT: Lots of people don't. Some do.

17 A PROSPECTIVE JUROR: Yeah, yeah. No, I mean, with
18 the internet...

19 THE COURT: Okay. Now, you were asked one question
20 about, no matter what you have heard or seen about the events
21 at the Capitol on January 6, no matter what opinions you may
22 have formed, can you put all that aside and decide this case
23 only on the evidence you receive in court, follow the law, and
24 decide the case in a fair and impartial manner? And you said
25 yes.

1 So you think you could be a fair and impartial juror
2 if you were seated here?

3 A PROSPECTIVE JUROR: Yes, I do.

4 THE COURT: Which is good. You were asked another
5 question, though, about, do you have an opinion about people
6 who strongly support President Donald Trump that would make it
7 hard for you to serve as a fair and impartial juror in a case
8 where the defendant is such a person? Tell me a little more
9 about that one.

10 A PROSPECTIVE JUROR: I just don't like him. And
11 since high school, I grew up in New Jersey, and he was in the
12 news all the time up there.

13 THE COURT: But in terms of whether this defendant is
14 really guilty of this offense, could you decide this case
15 fairly?

16 A PROSPECTIVE JUROR: Yes, I could.

17 THE COURT: Even though he may be a Trump supporter?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: That's the question.

20 A PROSPECTIVE JUROR: Yes, I think I could.

21 THE COURT: And, you know, as we start this trial, I
22 will tell you up front, we presume this defendant is not
23 guilty. Every defendant is entitled to that. He doesn't have
24 to call any witnesses. He doesn't have to testify. He doesn't
25 have to put on any evidence. The burden is on the government

1 to prove him guilty beyond a reasonable doubt whether he's a
2 Trump supporter or not. It doesn't matter. Do you understand
3 that?

4 A PROSPECTIVE JUROR: Yes, I do.

5 THE COURT: Do you have any problem at all with that?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: The government has to come in here, and
8 they have to prove -- and he has a First Amendment right to
9 protest that day. Whether Trump won the election or not, he's
10 entitled to protest that. Whether Trump is right about that,
11 he has a right to protest.

12 He doesn't have the right to break the law. I will
13 give the jury instructions on what would be breaking the law,
14 and the jury is going to have to decide whether he broke the
15 law. I'll give the jury instructions about how to decide that.
16 So your function would be to decide whether he really broke the
17 law. Do you have any problem with doing that fairly?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: That's what your job would be. You don't
20 have any problem with that?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Okay. Let me see if counsel have any
23 follow-up they want me to ask.

24 MS. WEST: No, Your Honor.

25 MR. ROSEN: No, Your Honor.

1 THE COURT: Thank you very much. You can step down.

2 (Prospective juror exited the courtroom.)

3 THE COURT: Any challenge for cause?

4 MS. WEST: No, Your Honor.

5 MR. ROSEN: No, Your Honor.

6 THE COURT: Okay. Go to 277.

7 THE COURTROOM DEPUTY: Juror 277.

8 (Prospective juror entered the courtroom.)

9 THE COURT: If you will speak right in that microphone
10 so everybody can hear your answers, I have a few follow-up
11 questions. I apologize for being so long delayed. Trying to
12 get as far as we can today.

13 Someone in law enforcement?

14 A PROSPECTIVE JUROR: My wife was a former AUSA.

15 THE COURT: Where did she work?

16 A PROSPECTIVE JUROR: She's now at the Securities and
17 Exchange Commission.

18 THE COURT: She's now?

19 A PROSPECTIVE JUROR: SEC now. She was an AUSA for
20 about 15, 20 years -- 18 years, something like that.

21 THE COURT: Where?

22 A PROSPECTIVE JUROR: Indianapolis and then at EOUSA
23 for about two years. That ended in 2006, so she's been at the
24 SEC since 2006.

25 THE COURT: What is your employment?

1 A PROSPECTIVE JUROR: I'm sorry?

2 THE COURT: What is your employment?

3 A PROSPECTIVE JUROR: I work at the State Department.

4 THE COURT: What do you do?

5 A PROSPECTIVE JUROR: I'm a human rights and conflict
6 policy officer. I work for our international religious freedom
7 office.

8 THE COURT: How long have you been there?

9 A PROSPECTIVE JUROR: 2011.

10 THE COURT: Okay. And who served in the military?

11 A PROSPECTIVE JUROR: I did.

12 THE COURT: Where did you serve?

13 A PROSPECTIVE JUROR: I was in the Navy from 1987 to
14 1991.

15 THE COURT: Okay.

16 A PROSPECTIVE JUROR: I was on a ship out of
17 San Diego, served in Operation Desert Storm and Desert Shield.

18 THE COURT: Okay. At that time we were where, in
19 Iraq?

20 A PROSPECTIVE JUROR: That was the -- Saddam's
21 invasion -- I was in the Persian Gulf.

22 THE COURT: Okay. And then went to law school and
23 worked as a lawyer in the law office. Was your wife, before
24 she was an AUSA then --

25 A PROSPECTIVE JUROR: She was a -- I'm not a lawyer.

1 She is. She went to Stetson Law School, graduated in 1982, I
2 think, and then briefly clerked for a district court judge
3 briefly and then a circuit court judge, Eleventh Circuit, Joe
4 Hatchett.

5 THE COURT: Oh, yeah.

6 A PROSPECTIVE JUROR: Former Supreme Court justice of
7 Florida, and then went to the U.S. Attorney's Office in
8 Indianapolis.

9 THE COURT: She clerked for a district judge in
10 Florida too?

11 A PROSPECTIVE JUROR: Yes. I'm trying to remember the
12 name of it. It was just briefly.

13 THE COURT: And then clerked for Hatchett?

14 A PROSPECTIVE JUROR: Yes, clerked for Hatchett for a
15 year.

16 THE COURT: Great guy. Then she went to the U.S.
17 Attorney's Office?

18 A PROSPECTIVE JUROR: In Indianapolis, yes.

19 THE COURT: Good office.

20 A PROSPECTIVE JUROR: Yeah.

21 THE COURT: And then you have someone arrested for,
22 convicted of, or charged with or victim or witness to a crime.

23 A PROSPECTIVE JUROR: I have had my house broken into
24 once. I have had my car broken into many times. We had our
25 home vandalized and had the cops called.

1 THE COURT: Okay.

2 A PROSPECTIVE JUROR: A car blew up in front of our
3 house one time.

4 THE COURT: You live in D.C.?

5 A PROSPECTIVE JUROR: Yes. This was a long time ago.
6 It's much better now. It was, you know, nothing traumatic or
7 unusual really. It was just some street crime.

8 THE COURT: Why did you move to D.C.?

9 A PROSPECTIVE JUROR: For my wife's work, but we love
10 it. We love it here. We live on Capitol Hill. We moved here
11 for my wife's work, and then I got a job at the State
12 Department.

13 THE COURT: Where do you all live on Capitol Hill?
14 Don't tell me the exact address.

15 A PROSPECTIVE JUROR: No, but it's on East Capitol.
16 It's a little past Lincoln Park, so about three quarters of a
17 mile from the Capitol or a mile.

18 THE COURT: And where were you January 6? You were
19 home or --

20 A PROSPECTIVE JUROR: I was home working but did see
21 some of it because I was out on the street at one point doing
22 some errands and things, and, you know, so...

23 THE COURT: What did you see?

24 A PROSPECTIVE JUROR: Well, this was really around
25 3:00 or 4:00 in the afternoon, and I just was around Fourth

1 Street and saw some of the crowds. And there were people
2 walking up and down our street going to and fro from the
3 Capitol. I saw them.

4 THE COURT: Right. Did that impact your neighborhood
5 much, or you all were far enough away that it didn't really --

6 A PROSPECTIVE JUROR: Where we are, we were far enough
7 away. The Capitol is -- I mean, the impact is -- I hope this
8 doesn't sound silly, but the Capitol is a bit of an open space
9 for the neighborhood, and when they put the fences up
10 afterwards --

11 THE COURT: Obviously that impacted everything.

12 A PROSPECTIVE JUROR: Right, closed off the roads and
13 stuff.

14 THE COURT: And you couldn't even get around then.

15 A PROSPECTIVE JUROR: No. You couldn't drive your
16 car.

17 THE COURT: That does have an impact?

18 A PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: The fencing in particular?

20 A PROSPECTIVE JUROR: The fencing in particular.

21 THE COURT: Yeah.

22 A PROSPECTIVE JUROR: That was the major impact in
23 terms of sort of our lives, lifestyle, transportation.

24 THE COURT: Or if you ran, for example, I mean,
25 people -- I had friends who ran, and that was --

1 A PROSPECTIVE JUROR: That's what I did. I exercised.
2 I used the Capitol as an exercise. It's a place where people
3 exercise just because it's green space and it's open. So it
4 was a little difficult.

5 THE COURT: How much did you follow the news coverage
6 then? To what extent did you follow the news coverage?

7 A PROSPECTIVE JUROR: I would not say that I have
8 followed any cases in detail. But I have followed, you know,
9 the general -- you know, I have read articles on the January 6
10 commission or the committee and the investigation, and I have
11 read articles, you know, just general articles. I have not
12 followed any specific cases.

13 THE COURT: Did you watch any of the hearings they had
14 in the House, the January 6 hearings?

15 A PROSPECTIVE JUROR: I probably did. I would say
16 that I did not spend an awful lot of time watching them, but
17 I'm sure that I watched some of it, you know, at least clips.

18 THE COURT: All right. Let me see if I'm missing
19 anything here.

20 A PROSPECTIVE JUROR: One thing I should probably tell
21 you, I think I marked this, is that in 2021 -- I worked at the
22 State Department, but during 2021, I was a Senate staffer for a
23 year. I don't think that had much effect in terms of January 6
24 or any of that.

25 THE COURT: So you missed a few things in 2021.

1 A PROSPECTIVE JUROR: Well, I was on the -- I was
2 working with people who may have been more deeply affected by
3 this than I because they were permanent Hill employees.

4 THE COURT: Right.

5 A PROSPECTIVE JUROR: I was not one. I just happened
6 to get a, what they call a detail onto Capitol Hill for a year.
7 You know, but it was not -- none of the people that I worked
8 with were involved or personally, you know, affected by the
9 day.

10 THE COURT: So when they talk about were you or any
11 members of your family or close friends directly affected, what
12 did you have in mind there?

13 A PROSPECTIVE JUROR: Well, I think that's what I was
14 thinking about. The effect being, you know, two things, the
15 closing off of the neighborhood.

16 THE COURT: Right.

17 A PROSPECTIVE JUROR: I don't know how deep that
18 effect is, but it wasn't nothing. And then, you know, the fact
19 that I knew staffers and people like that who may have been
20 affected; although, it wasn't -- the people I mostly know are
21 not people who were directly there working that day --

22 THE COURT: Right.

23 A PROSPECTIVE JUROR: -- in the building.

24 THE COURT: Right. Now, you were asked, no matter
25 what you've heard or seen about the events January 6, no matter

1 what opinions you may have formed, could you put all that aside
2 and decide this case only on the evidence you receive in court,
3 follow the law, and decide the case in a fair and impartial
4 manner? And you said yes.

5 A PROSPECTIVE JUROR: I believe I could.

6 THE COURT: So you think you could be a fair and
7 impartial juror --

8 A PROSPECTIVE JUROR: I believe I could, yes.

9 THE COURT: -- if you were seated here?

10 A PROSPECTIVE JUROR: I won't deny that I have
11 opinions about what happened that day, but I don't think those
12 opinions are about any particular person.

13 THE COURT: And that doesn't mean this defendant did
14 anything. We don't know yet --

15 A PROSPECTIVE JUROR: Right. That's what I mean.

16 THE COURT: -- what this defendant did that day.

17 A PROSPECTIVE JUROR: Right.

18 THE COURT: You could be as fair as any other person I
19 put in the box to decide what this defendant did?

20 A PROSPECTIVE JUROR: I believe I can be. Your Honor,
21 I do have one issue, which is I don't know how long the trial
22 is supposed to last.

23 THE COURT: We hope Friday.

24 A PROSPECTIVE JUROR: Okay. I have a vacation planned
25 on May 15, so I didn't know if it was going to go that long.

1 THE COURT: I do not anticipate that's a problem. I
2 certainly don't.

3 A PROSPECTIVE JUROR: Okay. I just wanted to make
4 sure.

5 THE COURT: I can't promise it won't go until Monday
6 having taken a lot longer today than I expected to.

7 Let me see if counsel have anything they want to ask
8 in addition.

9 (The following was heard sidebar.)

10 MR. ROSEN: No, Your Honor.

11 MS. WEST: No, Your Honor. Thank you.

12 THE COURT: We will see you at 2:00 tomorrow when I
13 have everybody coming back.

14 A PROSPECTIVE JUROR: Okay.

15 (Prospective juror exited the courtroom.)

16 THE COURT: Let me say to counsel then, counsel, what
17 I show in my notes, we have now -- let's see. That was --

18 MS. WEST: Your Honor, I don't mean to interrupt.

19 THE COURT: There's no challenge on 277, right?

20 MS. WEST: Yes, I want to make a challenge for cause
21 on 277 for the following reasons: His wife was an assistant
22 United States attorney. He worked on the Hill especially as a
23 Senate staffer. He saw what happened on January 6. His
24 neighborhood was affected. In fact, his words were, it wasn't
25 nothing. And he saw firsthand how it affected people that day.

1 MR. ROSEN: Your Honor, may I respond?

2 THE COURT: Yes.

3 MR. ROSEN: I don't really -- I mean, the comment
4 about it wasn't nothing seems to be pretty par for the course
5 for most jurors, fair or not fair. That being said, he
6 answered every question with respect to whether he could be a
7 fair and impartial juror as crystal clear as possible. And
8 throughout his questioning, though he had connections, which is
9 the whole point of inquiring as to the existence of these
10 facts, he nevertheless made it clear that he could be a fair
11 and impartial juror.

12 THE COURT: I found him to be very credible, and I
13 deny the challenge.

14 MS. WEST: Okay.

15 THE COURT: All right. I think if we had had a little
16 more time, we might could have made it with the original panel
17 of 59. But the time pressure of not requiring the jurors 50
18 through 59 to stay here tonight when there are child care
19 issues and other issues, I excused them and have required them
20 to report back -- 49 through 59. I excused them and have
21 required them to report back at 2:00 when we will resume
22 tomorrow.

23 In the event that we do not reach enough in the panel
24 to seat the jury, I have ordered an extra 15 to appear at
25 2:00 tomorrow as well. They will be summoned and appear. But

1 we may have enough with these original 59 to seat them.

2 If we don't have enough with that original 59, I will
3 have to have a separate voir dire and read the questions to
4 those that are not in the original 59. But I will try to do it
5 with the original 59 so we don't have to have a separate
6 voir dire.

7 And then if we can seat the panel out of the original
8 59, we would be able to go on to opening statements and maybe
9 the first witness. But because of the prior funeral
10 arrangements, we will not be able to convene until
11 2:00 tomorrow, which I understand may then affect whether or
12 not we run over to Monday. I don't know anything else I can
13 do.

14 I will say I have never had a jury selection that I
15 couldn't complete in one day until this trial in a criminal
16 case, but some of the answers were somewhat unusual today for
17 me. I don't know if I could work on those questions better to
18 hone that down somewhat. Maybe some work on the questions
19 would have enabled me to go better on that but I did the best I
20 could.

21 It's an unusual set of circumstances where so many
22 people have had so much that they could read and hear about the
23 case. To try to make sure we get a fair jury is an effort, I
24 think.

25 Anything else you all want to put on the record today?

1 MR. ROSEN: Your Honor, I don't want to prolong the
2 day any further. I know that the parties do have -- obviously
3 Your Honor saw and denied our motion in limine. We expect that
4 the opening statement relating to the defendant will be very
5 much centered on the restricted perimeter and demonstrations
6 and protests and permits, some of which the government believes
7 is relevant.

8 So we don't need to decide this obviously right now,
9 but I do want to put on the record that before anybody opens,
10 obviously we will, when the evidence comes in, be objecting, so
11 to the extent the defense opens on something that is then later
12 not proven, we just want to make sure that everybody is on
13 notice of that.

14 THE COURT: Okay.

15 MS. WEST: During the breaks today, Your Honor, and at
16 lunch, we have actually met with the government. We are trying
17 to work out stipulations and still working on the jury
18 instructions.

19 One thing that I think is really important for us
20 during trial is that it's been your practice in the past to
21 say, government, what's your preview for tomorrow.

22 THE COURT: Say that?

23 MS. WEST: Government, what's your preview for
24 tomorrow. So we would like to know the night before at least
25 who the witnesses are tomorrow.

1 We believe we have gotten all the Jencks, but we have
2 found some things that were not turned over, and we will show
3 them to the government because we are going to use them in our
4 case. We found them on the Relativity platform.

5 THE COURT: Okay.

6 MS. WEST: Thank you, Your Honor.

7 MR. ROSEN: Just so the record is clear, as Your Honor
8 already knows, if it's on the Relativity platform, it's because
9 the government turned it over. So I just want the record to
10 reflect that.

11 THE COURT: I understand. Are you expecting to get to
12 your first witness tomorrow?

13 MR. ROSEN: We would hope so. And as we told defense
14 counsel, we would expect that Captain Tia Summers from the
15 United States Capitol Police would be our first witness.

16 THE COURT: What is --

17 MR. ROSEN: She's an overview witness relating to the
18 U.S. Capitol Police.

19 THE COURT: We are not going to get beyond her anyway.

20 MR. ROSEN: Probably not.

21 THE COURT: All right. I will see you all tomorrow.

22 (The trial adjourned at 5:49 p.m.)

23 - - -

24

25

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

5/23/23

s/ Tammy Nestor
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A JUROR: [1] 177/5
A PROSPECTIVE
JUROR: [958] 22/18
22/20 22/22 22/25
23/5 23/7 23/21 23/24
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