

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	Case No. 1:21-cr-748 (JEB)
WILLIAM MERRY,	:	
	:	
Defendant.	:	

NOTICE OF FILING REGARDING SENTENCING EXHIBITS

The United States, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the government has provided the below exhibits, which were cited in the government’s Sentencing Memorandum, to the Court in advance of the sentencing hearing in the above-captioned matter. These exhibits have been provided to the defense as well.

- Exhibit 1 (“20210106_123230_”) – a video recorded by the defendant, William Merry, as he marched on Pennsylvania Avenue towards the Capitol on January 6, 2021;
- Exhibit 2 (“IMG_5270”) – a video recorded by Paul Westover depicting the advance of Westover, Merry, and Emily Hernandez (the “trio”) past a dismantled police barricade near the Peace Circle on Capitol grounds;
- Exhibit 3 (“FB video at barricades”) – a video recorded by Westover and posted to his Facebook account depicting rioters forcibly removing a bike rack barricade just below the northwest scaffolding set up for the presidential inauguration at the Capitol;
- Exhibit 4 (“IMG_5273”) – a video recorded by Westover showing law enforcement’s efforts to disperse the crowd gathered at the Capitol, including through the use of munitions;

- Exhibit 5 (“IMG_5282”) – a video recorded by Westover from the foot of the northwest scaffolding in which he states he was “tear gassed”;
- Exhibit 6 (“20210106_133754”) – a video recorded by Merry in which he states he was going to “storm the motherf*****,” in reference to the Capitol;
- Exhibit 7 (“IMG_5283”) – a video recorded by Westover in which the trio climbs the stairwell beneath the northwest scaffolding;
- Exhibit 8 (“IMG_5284”) – a video recorded by Westover in which the trio ascends the steps to the Upper West Plaza of the Capitol;
- Exhibit 9 (“IMG_5287”) – a video recorded by Westover depicting the trio’s initial breach of the Capitol through the Senate Wing Door;
- Exhibit 10 (“IMG_0848 (Crypt)”) – a video recorded by Merry in which the trio travel through the Crypt of the Capitol;
- Exhibit 11 (“IMG_0849”) – a video recorded by Merry depicting the moment rioters smashed Speaker Pelosi’s office sign as well as the trio’s time in the Rotunda of the Capitol;
- Exhibit 12 (“9d7de52208ae7577d9e67f47ea88ab40”)¹ – a video recorded by an individual present in the Capitol depicting Hernandez picking up a shard of the Speaker’s broken sign;
- Exhibit 13 (“ITV News Inside US Capitol”) – clip from ITV News broadcast depicting Hernandez and Merry holding up the shard of Speaker Pelosi’s sign;

¹ The government initially provided to the Court a lengthier version of the video clips comprising Exhibits 12 and 13 but has since provided corrected, shortened clips that are relevant to these proceedings.

- Exhibit 14 (“Parler video (Jrvuhv6m0dkt)”) – open source footage taken from the Parler account of an individual present in the Capitol, which depicts the trio walking through the Rotunda; and
- Exhibit 15 (“Hernandez interview (audio)”) – a video recovered from Hernandez’s cell phone depicting a woman asking Hernandez to display the stolen shard of the Speaker’s sign on Capitol grounds.

Respectfully submitted,

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