

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

UNITED STATES OF AMERICA :
 :
 v. : **Criminal No. 1:22-cr-00265-RC-1**
 :
TIMOTHY WAYNE WILLIAMS :
 :
 Defendant. :

**MOTION IN LIMINE REGARDING
JUDICIAL NOTICE OF “STOP THE STEAL” RALLY**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby submits the following motion *in limine* regarding evidence of the “Stop the Steal” rally which the defendant said he attended, of which the Court can take judicial notice.

I. BACKGROUND

On January 6, 2021, Congress assembled in a Joint Session at the United States Capitol to declare the winner of the 2020 presidential election by reviewing and certifying the Electoral College ballots. The defendant was aware of this proceeding, and he wanted to stop it.

The government has charged the defendant, Mr. Timothy Wayne Williams, with four crimes relating to Congress’s meeting at the United States Capitol on January 6, 2021, to certify the Electoral College vote for president. First, he is charged with entering and remaining in a restricted building (18 U.S.C. § 1752(a)(1)). Second, he is charged with disorderly or disruptive conduct in a restricted building (18 U.S.C. § 1752(a)(2)). Third, he is charged with disorderly and disruptive conduct in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress or either House of Congress (18 U.S.C. §

5104(e)(2)(D)). Fourth, he is charged with paraded, demonstrated, and picketed in a Capitol Building (18 U.S.C. § 5104(e)(2)(G)).

II. ARGUMENT

The government requests that the Court take judicial notice of, and admit into evidence, the factual conclusions of the United States Court of Appeals for the District of Columbia Circuit in *Trump v. Thompson*, 20 F.4th 10, 17-18 (2021). See *United States v. Rivera*, Criminal Action No. 21-060 (CKK) (D.D.C., Jun. 17, 2022), ECF No. 62, fn. 14. In his statement to the FBI on or about March 17, 2021, the defendant stated that he attended the Trump Rally on January 6, 2021. He said that he and his girlfriend watched Trump speak near the Washington Monument. They were in the back of the crowd near the Washington Monument. After the speech they walked to the Capitol and were near the food trucks. They heard what sounded like a cannon. They said they did not encounter any barricades as they walked towards the Capitol. They said they observed pepper spray being used and that William's companion was exposed to some pepper spray. The United States Court of Appeals for the District of Columbia Circuit's ruling in *Trump v. Thompson* accurately described the rally the defendant admitted attending and helps to contextualize his subsequent conduct. On December 9, 2021, the United States Court of Appeals for the District of Columbia Circuit in *Trump v. Thompson* made the following factual findings:

Shortly before noon on January 6th, President Trump took the stage at a rally of his supporters on the Ellipse, just south of the White House. J.A. 180. During his more than hour-long speech, President Trump reiterated his claims that the election was "rigged" and "stolen," and urged then-Vice President Pence, who would preside over the certification, to "do the right thing" by rejecting various States' electoral votes and refusing to certify the election in favor of Mr. Biden. See Donald J. Trump, Rally on Electoral College Vote Certification at 3:33:05-3:33:10, 3:33:32-3:33:54, 3:37:19-3:37:29, C-SPAN (Jan. 6, 2021), <https://www.c->

span.org/video/?507744-1/rally-electoral-college-vote-certification (last accessed Dec. 7, 2021) ("January 6th Rally Speech"). Toward the end of the speech, President Trump announced to his supporters that "we're going to walk down Pennsylvania Avenue * * * to the Capitol and * * * we're going to try and give our Republicans * * * the kind of pride and boldness that they need to take back our country." *Id.* at 4:42:00-4:42:32. Urging the crowd to "demand that Congress do the right thing and only count the electors who have been lawfully slated[,]" he warned that "you'll never take back our country with weakness" and declared "[w]e fight like hell and if you don't fight like hell, you're not going to have a country anymore." *Id.* at 3:47:20-3:47:42, 4:41:17-4:41:33..

This Court can take Judicial Notice of the findings made by the United States Court of Appeals for the District of Columbia Circuit. *Rivera*, Criminal Action No. 21-060 (CKK) (D.D.C., Jun. 17, 2022), ECF No. 62, fn. 14 ("As to what occurred at the "Stop the Steal" rally, the Court takes judicial notice of the United States Court of Appeals for the District of Columbia Circuit's factual conclusions. *See, e.g., Trump v. Thompson*, 20 F.4th 10, 17-18 (2021)"), *but see United States v. Alford*, No. 21-cr-263-TSC at * 1 (D.D.C. Sep. 9, 2022).

WHEREFORE, the government respectfully requests that this Court grant the motion and take judicial notice of, and admit into evidence, the factual conclusions of the United States Court of Appeals for the District of Columbia Circuit in *Trump v. Thompson*, 20 F.4th 10, 17-18 (2021).

Respectfully submitted,

Matthew M. Graves
United States Attorney
D.C. Bar No. 481052

/s/ James D. Peterson

James D. Peterson
Special Assistant United States Attorney
Bar No. VA 35373
United States Department of Justice
1331 F Street N.W. 6th Floor
Washington, D.C. 20530

Desk: (202) 353-0796
Mobile: (202) 230-0693
James.d.peterson@usdoj.gov

/s/ Nathaniel K. Whitesel
Nathaniel K. Whitesel
Assistant United States Attorney
DC Bar No. 1601102
601 D Street NW
Washington, DC 20530
nathaniel.whitesel@usdoj.gov
(202) 252-7759