

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Case No.: 1:21-cr-00609-APM-1

v.

JEREMY BROWN.

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**MOTION FOR BILL OF PARTICULARS**

COMES NOW Jeremy Brown, via undersigned counsel, and moves this Court, pursuant to Federal Rule of Criminal Procedure 7(f), for an Order directing a Bill of Particulars from the Government with Defense seeking the following particulars:

1. As to Count One of the Information (ECF #6) Entering and Remaining in a Restricted Building in violation of Title 18 Unites States Code, Section 1752(a)(1) the nature of all events, behavior, and actions upon which the Government is relying to prove that Jeremy Brown committed the offense of knowingly entering or remaining in any restricted building or grounds without lawful authority to do so as Jeremy Brown was lawfully permitted to be there.
2. As to Count Two of the Information (ECF #6) Disorderly and Disruptive Conduct in a Restricted Building in violation of Title 18 Unites States Code, Section 1752(a)(2) the nature of all events, behavior, and actions upon which the Government is relying to prove that Jeremy Brown knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engaged in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impeded or disrupted the orderly conduct of Government business or official functions.

3. Specifically, defense seeks evidence of any posted signs or collective signage, ie, 'no trespassing', 'do not enter', 'authorized personnel only' etc. that were posted on January 6<sup>th</sup>, 2021.
4. Specifically defense seeks photographs of any posted, cordoned-off areas allegedly breached via barricades or any obstacles.
5. Specifically defense seeks, the exact locations of Vice-President Pence and President Trump in precise time relation to Jeremy Brown's location on January 6<sup>th</sup>, 2021.
6. Specifically defense seeks any communications of Jeremy Brown, directly or indirectly, stating his intent to trespass.
7. As to both Counts One and Two the nature of any statements, events, actions, and behavior upon which the Government intends to prove the *mens rea* of 'knowingly' and *actus reus* of the alleged violation(s) of of Title 18 Unites States Code, Section 1752(a)(1) and 1752(a)(2) as charged.

### **MEMORADUM**

Pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure the purpose of a bill of particulars is to inform a defendant of the nature of the charges in a way that ensure a defendant 1) understands the charges; 2) can prepare a defense; 3) can avoid prejudicial surprise at trial, and 4) can be protected against retrial for the same offense *See, e.g., United States v. Butler*, 822 F.2d 1191 (D.C. Cir. 1987); *see e.g., United States v. Ramirez*, 602 F. Supp. 783, 793 (S.D.N.Y. 1985). It is to the sound discretion of the Court on whether a bill of particulars should be provided. *Butler*; 822 F. 2d @ 1194.

An adequate defense is necessary in order to properly and adequately prepare for trial and Jeremy Brown is entitled to know what specific acts constitute the basis of Counts One and Two.

Neither the Complaint (ECF #1) or the Information (ECF #6) contain sufficient information to establish the factual basis of Jeremy Brown not being permitted to be on the grounds of the Capitol and the Court, in its discretion, should order Government to provide Defense with the particulars as it is

necessary in order to prepare and to provide an adequate defense.

WHEREFORE, Defendant respectfully requests this Motion for Bill of Particulars be granted and the Court enter its Order accordingly.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Bill of Particulars has been furnished via Electronic Filing to Louis Manzo, AUSA, and Kathryn Racowzsky, AUSA, Office of the U.S. Attorney, District of Columbia, and all other parties listed on this 26th day of November, 2023.

*/S/ Maria T. Rodriguez*

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