

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

UNITED STATES OF AMERICA :
 : **CRIMINAL NO. 1:21-cr-657-BAH**
 v. :
 :
 CODY MATTICE, and :
 JAMES PHILLIP MAULT, :
 :
 Defendants. :

**REPORT ON VIDEO EVIDENCE SUPPORTING
THE DEFENDANTS' STATEMENTS OF OFFENSE**

The United States of America, by and through its undersigned attorney, hereby files this report on the video evidence supporting the defendants' Statements of Offense. On April 4, 2022, the Court ordered the government to submit a report (1) identifying the video evidence, if any, on which the factual statements in defendant Mault's Statement of Offense associated with the defendant's plea are based, including the length and sources of each video; (2) making any such video evidence available for the Court's review; (3) listing which, if any, of such videos are the same as the videos identified in ECF nos. 12 and 17; (4) providing the government's position on making the videos publicly available without restriction. This submission addresses both defendant Mattice and defendant Mault's Statements of Offense, paragraph by paragraph.¹

The two Statements of Offense are identical in almost all material respects. Each includes two paragraphs which the other does not, specific to their respective defendant. Paragraph 10 of the Mattice Statement cites additional text messages between Mattice and his fiancée that do not involve Mault. Paragraph 12 of the Mattice Statement is based on a video that records Mattice's

¹ On April 15, 2022, counsel for defendant Mattice transmitted signed plea documents to the government, and the government anticipates that the Court will require a similar report for defendant Mattice. As both statements of offense are largely based on the same video evidence, the government consolidates its reports.

words as he, defendant Mault, and others marched to Capitol Hill. But in that video, it is not clear how close defendant Mault was standing to defendant Mattice, or whether he would have heard the things that defendant Mattice said. Paragraphs 18 and 19 of the Mault Statement detail defendant Mault's assault against Officer M.A. and others with chemical spray, which happened after defendant Mattice fell from the wooden arch which was built around the entry to the Lower West Terrace tunnel.

As detailed below, most of the videos described herein were identified in ECFs no. 12, which listed video submissions associated with the government's motion to stay and review the decision by a Magistrate Judge in the Western District of New York releasing defendant Mattice (ECF no. 7). Those videos already have been made publicly available without restriction. But defendant Mault's Statement of Offense is supported by one additional video, which is publicly available on YouTube and described below.

Paragraphs one through seven of each Statement of Offense detail general information about the riot at the U.S. Capitol on January 6, 2021. The facts described in these background paragraphs are supported by a publicly available information.

Paragraphs eight and nine of each Statement of Offense, and paragraph ten of the Mattice Statement, contain facts specific to this case, but not derived from video evidence.

Paragraph ten of the Mault Statement (eleven of the Mattice Statement) is based on a 43-second clip recorded by co-defendant Mattice on his video camera. That camera was seized by the Federal Bureau of Investigation on the day of Mattice's arrest, during a search of Mattice's house. The relevant file is titled HDV_0165.mp4. (See ECF no. 12 at 3.)

Paragraph twelve of the Mattice Statement, which is not in the Mault Statement, is based on a 57-second clip recorded by Mattice using the same video camera. The file is titled

HDV_0166.mp4. *Id.* at 4.

Paragraph eleven of the Mault Statement (thirteen of the Mattice Statement) is based on a 34-second clip recorded by Mattice using the same video camera. The file is titled HDV_0168.mp4. *Id.* at 4.

Paragraph twelve of the Mault Statement (fourteen of the Mattice Statement) is based on a variety of open source footage, U.S. Capitol Police surveillance footage that has been made public, and , body-worn cameras from Metropolitan Police Department officers that has been made public. In particular, the breach of the police line at the Peace Circle, and portions of the police efforts to maintain a perimeter in the West Plaza, are captured on video montages which the government presented at trial in matters including *United States v. Guy Reffitt*, 1:21-cr-00032-DLF, *United States v. Couy Griffin*, 1:21-cr-00092-TNM, and *United States v. Matthew Martin*, 1:21-cr-00394-TNM.

Paragraph thirteen of the Mault Statement (fifteen of the Mattice Statement) is based on a 12 minute, 44 second clip recorded by Mattice using his video camera. The file is titled HDV_0171.mp4. (See ECF no. 12 at 4.)

Paragraph fourteen of the Mault Statement (sixteen of the Mattice Statement) is supported by two open-source videos, both posted to YouTube.com. The first is titled FULL FOOTAGE: Patriots STORM U.S. Capitol (4K60fps).mp4.² It is one hour, 25 minutes, and 43 seconds long, and the relevant segment is between time stamps 31:45 to 32:10. (See ECF no. 12 at 1-2.) The second is titled Chaos on Capitol Hill (Short Version).³ The video is four minutes and 55 seconds long. The defendant and co-defendant Mattice are visible beginning at about 1:00 in the video, at the front of a crowd which is pushing against the police line in the West Plaza. This second video

² Available at <https://www.youtube.com/watch?v=iNFcdpZdkh0&t=1927s> (last accessed April 15, 2022)

³ Available at <https://www.youtube.com/watch?v=keFHTTeTMQ4> (last accessed April 14, 2022)

was not cited in ECF no. 12.

Paragraphs fifteen of the Mault Statement (seventeen of the Mattice Statement) is a summary paragraph based on publicly available information.

The remaining paragraphs of each statement, which detail the defendants' assaults with chemical spray, are supported by numerous videos, all cited in ECF no. 12. The content of these videos overlap and support multiple paragraphs in each Statement. An open-source video titled jan6phonerecovery.mov, which is one hour, ten minutes, and 35 seconds long, shows the defendant and Mattice's ascent towards the tunnel as described in paragraph seventeen. It also shows co-defendant Mattice's use of chemical spray as described in paragraph eighteen. (ECF no. 12 at 2.) An open-source video titled ANTIFA BLM at the Capitol Washington DC January 6, 2021 RAW footage (two guys let out, why).mp4, which is four minutes and 31 seconds long, shows co-defendant Mattice's use of chemical spray as described in paragraph eighteen. *Id.* Footage from U.S. Capitol Police security camera 0074, which is inside the Lower West Terrace tunnel and faces outward, captured the defendant and his co-defendant using chemical spray at approximately 4:05 to 4:06 p.m. *Id.* Body-worn camera footage from Officer M.A., titled 2020106 – Felony Riots – 100 D St NW.mp4, which is 14 minutes and 52 seconds long, likewise captures the defendant and his co-defendant using chemical spray. (ECF no. 12 at 3.)

Respectfully submitted,

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