IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. : CASE NO. 22 Cr. 117 (RDM)

DONALD HAZARD :

GOVERNMENT'S AMENDED NOTICE OF FILING OF EXHIBITS PURUSANT TO LOCAL CRIMINAL RULE 49

The United States of America, through the undersigned, hereby submits this amended notice pursuant to Local Criminal Rule 49, of the following exhibits that were provided to the Court and defense counsel on May 15, 2023 via USAfx, in relation its sentencing memorandum (ECF No. 40-1). These exhibits will be offered into evidence during the sentencing hearing scheduled for May 19, 2023. Because they are video clips, the exhibits are not in a format that readily permits electronic filing on CM/ECF.

The proposed exhibits are as follows:

- 1. Government Exhibit 6 is a clip from a video available at https://www.youtube.com/watch?v= 270F8s5TEKY. The clip is approximately 15 seconds long and was recorded on January 6, 2021.
- 2. Government Exhibit 7 is a clip from the body-worn camera video of Officer D.P. with the Metropolitan Police Department. The clip is approximately 1 minute and 4 seconds long. The events depicted in the exhibit occurred at approximately 2:09-2:10 p.m. EST on January 6, 2021.
- 3. Government Exhibit 8 is a clip from a video available at https://archive.org/details/2S69NcvXrFEfnuJCC. The clip is approximately 59 seconds long.

The events depicted in the exhibit occurred at approximately 2:09-2:10 p.m. EST on January 6, 2021.

- 4. Government Exhibit 9 is a clip from a video obtained from the cellphone of an individual who was present on the Capitol Grounds on January 6, 2021. The clip is approximately 18 seconds long. The events depicted in the exhibit occurred between approximately 2:03 p.m. and 2:23 p.m. EST on January 6, 2021.
- 5. Government Exhibit 10 is a clip from a video posted on YouTube, available at https://www.youtube.com/watch?app=desktop&v=9mt8YGpJ5vs. The clip is approximately 23 seconds long. The events depicted in the exhibit occurred between approximately 2:03 p.m. and 2:23 p.m. EST on January 6, 2021.
- 6. Government Exhibit 15 is a video obtained from Donald Hazard's Facebook account. The video is approximately 24 seconds long and was recorded on January 6, 2021.
- 7. Government Exhibit 16 is a video obtained from Donald Hazard's Facebook account. The video is approximately 20 seconds long and was recorded on January 6, 2021.
- 8. Government Exhibit 17 is a video obtained from Donald Hazard's Facebook account. The video is approximately 36 seconds long and was recorded on January 6, 2021.

If the Court accepts these proposed exhibits into evidence on May 19, 2023, the United States takes the position that the entered exhibits should be promptly released to the public.

In addition, the Government submits the following exhibits, which were inadvertently not attached to its sentencing memorandum:

- Exhibit 18A is a pdf of the website givesendgo.com/J6DonaldHazard, accessed via web.archive.org.
- Exhibit 18B is a pdf of the website givesendgo.com/DonaldHazard, as of May 10, 2023.

Respectfully submitted,

MATTHEW M. GRAVES United States Attorney

BY: /s/ Benet J. Kearney
Benet J. Kearney
NY Bar No. 4774048
Assistant United States Attorney
601 D Street, N.W.
Washington, D.C. 20530
(212) 637-2260
Benet.Kearney@usdoj.gov