

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	<b>Case No. 21-cr-00028 (APM)</b>
<b>v.</b>	)	
	)	
<b>KENNETH HARRELSON,</b>	)	
	)	
<b>Defendant.</b>	)	

**RESPONSE TO UNITED STATES MOTION PRECLUDING CERTAIN ARGUMENTS  
DURING CLOSING ARGUMENTS**

COMES NOW the Defendant, Kenneth Harrelson, by and through counsel, Bradford L. Geyer, Esq., and files his short Response and, in support, states as follows:

1. Ken Harrelson is an honorably discharged disabled veteran (100%).
2. The Government's case has benefitted from a presumption that Mr. Harrelson was so animated by political passions that he engaged in sedition and attacked the Capitol to prevent an outcome regarding which all admitted evidence thereof suggests apathy and indifference.
3. After a stipulation failed to hold, the Court sustained an objection to introducing voting records of Mr. Harrelson through an agent, that arguably could have been construed as self-authenticating under Rule 902. Someone so animated by the political persuasive powers of a political figure couldn't find the inspiration to cast a vote for that political figure in 2016 or 2020 (although he did cast one vote in his life in the 2018 state election).

4. In any event, that being said, it is true that voting records have not been made part of the evidentiary record, so undersigned counsel is not seeking to admit extraneous evidence into the record.
5. In regards to the circumstances around the decision by Defendant Harrelson to walk up and approach the Columbus doors, it's reasonable to infer that early reports (false) of “shots fired” that were testified to by Officer Ortega<sup>1</sup> or the attack on police at the Columbus Doors during the last two stanzas of the National Anthem, resulted in word filtering through the crowd to the Oath Keepers.
6. Two individuals who moments earlier had attacked police with chemicals in front of the Columbus Doors came down and engaged the Oath Keepers. One man, intercepted the Oath Keepers at the top of the stairs, and moved behind Harrelson and can be seen talking to him. This individual bracketed Isaacs as the crowd parted and Isaacs was brought towards the Columbus Doors. This can be seen on video that has been introduced in government exhibits.
7. Another man earlier trailed the Oath Keepers up the steps during the National Anthem, turned around, and made a double armed sweeping motion as he eventually took up position below the Oath Keepers during the National Anthem. He trailed the Oath Keepers up onto the Columbus Doors level as they investigated. This man follows the Oath Keepers towards and through the Columbus Doors, and in the Annex, has some kind of exchange with another man, in full body cloaking, who had earlier shadowed Harrelson and pushed Harrelson through the doors. This latter man can be seen entering the Capitol Plaza earlier through the Northeast barriers and was originally

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<sup>1</sup> Jury Trial – Day 13; 4028 Line 22 to 4029 Line 3.

attacking police in the West. These are all reasonable inferences that can be drawn from video that have been introduced as exhibits.

8. One reasonable inference is that the Oath Keepers heard of a disturbance or were told about the chemical attack on police that had just occurred in front of the Columbus Doors. The people engaging the Oath Keepers on the steps then escorted them to the door as the crowd parted. This evidence is clearly visible from admitted exhibits and will not rely on testimony not in evidence.

9. Undersigned counsel has no intention of introducing extrinsic evidence into a closing statement or making arguments that aren't supportable by the evidence.

Dated: November 20, 2022

RESPECTFULLY SUBMITTED

/s/ Brad Geyer  
Bradford L. Geyer, PHV  
PA 62998  
NJ 022751991  
Suite 141 Route 130 S.  
303  
Cinnaminson, NJ 08077  
[Brad@FormerFedsGroup.Com](mailto:Brad@FormerFedsGroup.Com)  
(856) 607-5708

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2022, a true and accurate copy of the forgoing was electronically filed and served through the ECF system of the U.S. District Court for the District of Columbia.

/s/ Brad Geyer  
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Suite 141 Route 130 S.  
303  
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[Brad@FormerFedsGroup.Com](mailto:Brad@FormerFedsGroup.Com)  
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