

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
v. : Case: 21-cr-725-1 (RDM)  
 :  
JARED SAMUEL KASTNER :  
 :  
Defendant. :

DEFENDANT KASTNER'S MOTION IN LIMINE TO PRECLUDE ALL  
DISCUSSION OF SIGNS, BARRICADES OR ANNOUNCEMENT NOT SEEN  
BY KASTNER as well as ALL DISCUSSION OF BAD ACTS, CRIMES OR  
GUILT BY PEOPLE OTHER THAN KASTNER

COMES NOW, the Defendant Jared Kastner, by and through his counsel of record John Pierce, with this motion in limine to preclude from trial any evidence, discussion, or argument regarding signs, fencing, dispersal announcements, barricades or other barriers unless the offering party first lays a foundation that Kastner actually was in a place to clearly and obviously witness such features.

Kastner also requests an order precluding the prosecution from offering any evidence, testimony or discussion that others may have committed bad acts or crimes as a way to impose guilt on Kastner by association.

**Background.**

Kastner is charged with several criminal offenses which require the United States to prove that Kastner knew he was in an unauthorized area or areas. At trial, Kastner will contest these assertions. Kastner freely walked via an open doorway

into the U.S. Capitol on January 6 at a time when there were no signs, warnings, announcements, or police officer resistance.

Under Rules 401 and 403, the government must be precluded from introducing evidence, discussion, or argument of any signs, plaques, notices, “No Trespassing” markings, dispersal announcements, barriers, fences or barricades which Kastner could not have seen or heard himself at his location(s).

**The government must not use guilt by association to try to convict Kastner.**

Observing disorderly conduct by others is not disorderly conduct. Observing picketing or parading by others is not picketing or parading by Kastner. Kastner is entitled to a trial in which the government must meet a burden of showing *Kastner himself* committed disorderly conduct, picketed and paraded, or entered knowingly without authorization.

Under Rules 401 and 403, Kastner seeks an order precluding prosecutors or prosecution witnesses from arguing or suggesting Kastner is guilty of any crime(s) due to the criminal conduct of others. Such evidence or argument is irrelevant, confusing, and misleading.

Date: July 05, 2023

Respectfully Submitted,  
/s/ John M. Pierce  
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2023, I uploaded this document to the Court's ECF system, serving all parties of record.

/s/ John Pierce.