

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

UNITED STATES OF AMERICA

v.

**CARSON S. LUCARD,
Defendant.**

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Case No.: 22-CR-00087 (BAH)

**UNITED STATES' RESPONSE TO COURT'S JUNE 22, 2022
MINUTE ORDER RE: VIDEO EXHIBITS**

Per this Honorable Court's June 22, 2022 Minute Order, the United States says the following.

The government apologizes for missing the filing deadline of June 16th. The undersigned had prepared a joint response and asked defense counsel for his stance but neglected to file.

This Honorable Court ordered the government to inform the Court whether the four videos in the government's Sentencing Memorandum (ECF No. 21) are the same as the six videos in the government's Report and Position Regarding Public Release of Video and Photographic Evidence (the "Report") (ECF No. 6), and, if not, to state how the four videos relate to the time periods depicted in the six videos. Exhibits 1 and 2 to the Sentencing Memorandum are the same as the videos numbered 6 and 1, respectively, in the Report. Exhibit 3 to the Sentencing Memorandum is new. It is a video that was filmed by Senator Merkley and posted to Twitter following the events of January 6th. The video does not relate directly in time to the exhibits in the Report, as it was filmed after the defendant entered the Capitol building. However, the video is relevant to show the damage that the defendant and others saw or caused when they entered into Senator Merkley's office on January 6, 2021. Exhibit 4 to the Sentencing Memorandum is new. Exhibit 4 is an open-source video. Only minutes 28:57 through 29:57 are relevant to the defendant's case. The video has no date or timestamp. However, the video shows the defendant in the Senate Wing door foyer

chanting at the police. CCTV from the Capitol shows that the defendant was in the foyer from approximately 2:50 p.m. to 3:05 p.m. Therefore, it is likely that Exhibit 4 was recorded during this time.

This Honorable Court's June 22, 2022 Minute Order also directed the government to make the four video exhibits identified in the government's Sentencing Memorandum (ECF No. 21) publicly available without restrictions by providing access using the "drop box" described in Standing Order 21-28. The government will do so by the end of the day today.

Respectfully submitted,

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By: /s/ Grace Albinson
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CERTIFICATE OF SERVICE

On June 22, 2022, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.

/s/ Grace Albinson
GRACE ALBINSON
Trial Attorney
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