

Daniel Michael Morrissey, MBA

4/15/23

Leave to file is granted.
Judge Walton
7/6/23

Honorable Reggie B. Walton
U.S. Federal Court
333 Constitution Ave, N.W.
Washington D.C. 20001

Reference: Case No.: 1:21-cr-00660-RBW

Your Honor:

First and foremost, I would like to **emphasize** my respect for the rule of law, your courtroom, and your rulings, and in no way, shape, or form, am I attempting to be a nuisance to you, or the court. I am merely attempting to, perhaps, with crude legal etiquette, stand up for myself, as I had less than adequate legal counsel, counsel that withheld key legal premises that, in their totality, articulate my defense to a t, to the charges filed against me.

Also, I would like to apologize for not thinking of this previously, however, as I'm sure you can appreciate, as a writer, I am used to being able to articulate my argument with words, rather than relying on pictures to illustrate my point. That said, I have included four screenshots from the Brady Video I am espousing the prosecution withheld from the defense during my legal proceeding. Video I found in the public domain.

You can find all four screenshots in the accompanying document. I have highlighted the depiction of me with a red circle and also highlighted the time on the video, so, if you see fit, review the Brady Video (the video I submitted as evidence via the link in my previous letter, dated March 14th, 2023) and the video the prosecution withheld, are in sync.

I am sure, when you review the Brady Video, withheld by the prosecution, there will be no difference in the video (minus the text on screen) of my entry into the Capitol, from the video I provided, and the video withheld by the prosecution. The main camera is located above the Rotunda Doors, which was my point of entry at 2:27pm, as per the Statement of Offense.

Here is the timestamp from the Statement of Offense:

"10. Morrissey entered the Capitol building through the Rotunda door at 2:27 pm..."

Your Honor, as I stated in my last letter to your chamber, dated March 14, 2023, "As you can see from the video, once the doors were opened to the public, I had no choice but to move forward, or be trampled. My personal safety was at risk." My defense has never changed from my initial

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conversations with Mr. Solis. The Rotunda Doors were opened by the Capitol Police, and, had I not moved forward at the time, I would have sustained, potentially life-threatening injury.

Your Honor, as you know from my previous submissions to the court, Mr. Solis withheld, the knowledge of (including name of), key principles of my defense, which at this time include the following:

1. Brady Violation
2. Inducement
3. Private necessity

Your Honor, in my last submission I cited my personal safety, as I did not know the legal term of Private Necessity, and its implications on my case, much like Brady and Inducement. However, I knew there had to be a legal standard which illustrated my quandary, as I am sure this is not the first time an emergency situation like this has arisen in the court.

Your Honor, as you know, private necessity is a defense against charges of trespass where a defendant interferes with a plaintiff's property **in an emergency** to protect an interest of his own. Furthermore, as long as the emergency continues, which caused the defendant to trespass on the plaintiff's property, the defendant is entitled to remain on the plaintiff's property and cannot be ejected as long as the emergency continues.

Your Honor, I acted the only way I could at the time to preserve my person, the video of my entry **undoubtedly reveals this fact**, and is why the prosecution would not provide the video of my entry in discovery, and thereafter.

Your Honor, as you can see from the video I provided, inducement, and private necessity perfectly describe the predicament I found myself in, a situation in which, Mr. Solis knew from day one, and had it not been for the lackluster representation of Mr. Solis, I would have had the Brady Video in question when the defense received discovery. Therefore, been able to make an informed decision before my plea agreement.

Your Honor, as I have stated in my previous submissions to you and your chamber, there is, and always has been, a Brady Violation, "Brady v. Maryland, 1963" in my case, and I was not aware of what a Brady Violation was until April 14th, 2022, six weeks, or so, from my guilty plea, entered in your courtroom. Your Honor, as you know, a Brady Violation deprives me of my Constitutional right to Due Process, which is protected by the 5th and 14th Amendments, not to mention a violation of the Due Process Protection Act, 2020, the prosecution had no excuse.

Your Honor, I know this may sound irreverent (I don't mean to be), however, it is naïve to believe the prosecution was able to provide ample video evidence of my presence inside the Capitol, including body cam video from three different Capitol Police Officers, but not able to provide the defense with the video of my entry, when the time and place, of my entry is so clearly marked in the Statement of Offense. That's absurd.

The video of my entry is damning to the prosecution's case, while being material and favorable to my defense, which is why the prosecution withheld the video in discovery, and thereafter.

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Your Honor, I don't know if you, or one of your clerks will read my latest submission, however, in the event you do, I believe I have established a form of "probable cause" to further review the prosecution's conduct during my proceeding. I have provided the link to the Brady Video below.

Here's the link:

<https://www.thegatewaypundit.com/2022/02/now-video-opened-magnetic-doors-east-side-capitol-jan-6-opened-someone-inside/>

As I previously stated, "I apologize that you can't merely copy and paste the link, but I would be happy to provide the link electronically, if given your chamber's email address.

The video depicting my entry into the Capitol can be seen in the last video on the page entitled "How the Magnetic Doors Opened Remains a Mystery". My entry can be seen at 2:06 in the video, tall figure in the middle of the screen wearing a grey North Face jacket. I'm only on camera for a second, 2:06-2:07."

Your Honor, I would not be this **bold**, nor would I be this persistent, if I did not have the evidence I am espousing, can prove the evidence in the public domain, matches that of the Capitol CCTV (at the time and point of my entry, Rotunda Doors, 2:27pm), and that the prosecution withheld (intentionally or not), the Brady Video because, the video (if used effectively) might affect the outcome, or undermine confidence in the verdict.

Your Honor, as I previously stated, I would like to **emphasize** my respect for the rule of law (as you can probably tell, I have a natural affinity for), your courtroom, and your judgements, and in no way, shape, or form, am I attempting to be a nuisance to you, or the court, I just, if for nothing else, would like to clear my name (for my own conscience's sake), and tell the truth, which I have done since the onset of my legal proceeding and has been withheld from the court.

Your Honor, in closing, unlike my previous submissions, I'm not asking for vacatur relief, all I'm asking is to ascertain the Brady Video of my entry from the prosecution, and compare the video to the video I found in the public domain (which I provided), and see that I'm telling the truth.

I appreciate your time and consideration.

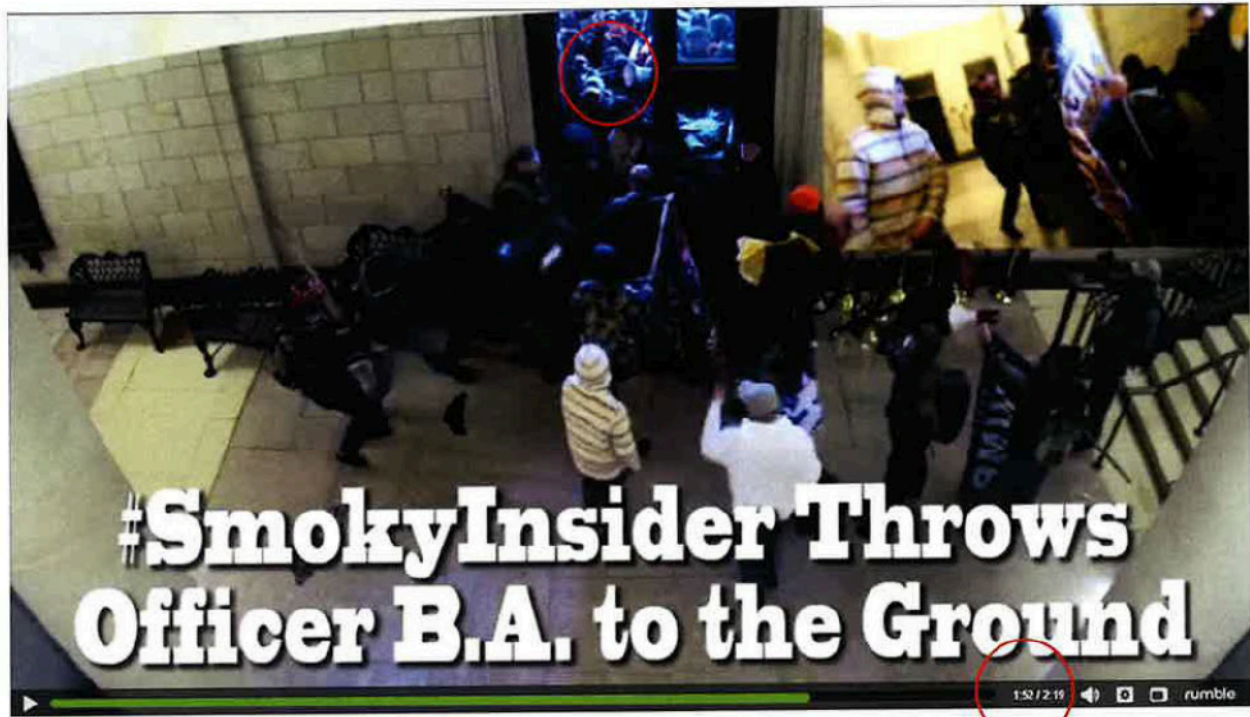
Sincerely,


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Your Honor, I have taken screenshots of the Brady video depicting my entry:

1:52



2:04



2:06



2:07

