

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	D.D.C. Case No. 22-mj-112-RMM
	:	
RODNEY KENNETH MILSTREED,	:	(D.Co. Case No. 22-mj-93-MEH)
	:	
Defendant.	:	
	:	

**UNITED STATES' REPORT REGARDING PHOTO AND VIDEO
EVIDENCE AND POSITION REGARDING PUBLIC RELEASE**

Per the Court's May 27, 2022 minute order, the United States hereby provides the following information relating to its exhibits and photo and video evidence described in the government's Motion for Review and Appeal of Release Order, Dkt. No. 5.

I. Exhibit List

The following exhibits, referenced in the government's Motion, will be filed as a supplement available on ECF/PACER. Note that times referenced within the Facebook records reflect UTC time, five hours ahead of Eastern Standard Time on January 6, 2021. Many of the Facebook messages include the exchange of photographs, embedded in these exhibits.

Exh #	Description	Source	Length and Time or Date	Location Depicted
1	Facebook exchange with Anne [Redacted]	Facebook SW	11/5/2020	n/a
2	Facebook exchange with Trent [Redacted]	Facebook SW	11/9/2020	n/a
3	Facebook exchange with Anne [Redacted]	Facebook SW	11/11/2020	n/a
4	Facebook comments posted by Milstreed	Facebook SW	11/25/2020	n/a
5	Facebook exchange with Marsha [Redacted]	Facebook SW	12/20/2020	n/a
6	Facebook exchange with Jeremy [Redacted]	Facebook SW	12/22/2020	n/a

7	Facebook comments posted by Milstreed	Facebook SW	12/8/2020	n/a
8	Facebook comments posted by Milstreed	Facebook SW	12/8/2020	n/a
9	Facebook exchange with Vanessa [Redacted]	Facebook SW	12/26/2020	n/a
10	Facebook exchange with Bob [Redacted]	Facebook SW	12/27/2020 to 21/31/2020	n/a
11	Facebook exchange with James [Redacted]	Facebook SW	12/28/2020	n/a
12	Facebook exchange with Patrick [Redacted]	Facebook SW	12/29/2020	n/a
13	Facebook exchange with Jerry [Redacted]	Facebook SW	12/29/2020	n/a
14	Facebook exchange with Jim [Redacted]	Facebook SW	12/30/2020	n/a
15	Facebook exchange with Anne [Redacted]	Facebook SW	1/2/2021	n/a
16	Facebook exchange with Anne [Redacted]	Facebook SW	1/5/2021	n/a
17	Facebook exchange with Cheryl [Redacted]	Facebook SW	1/5/2021	n/a
18	<i>See below</i>			
19	<i>See below</i>			
20	<i>See below</i>			
21	<i>See below</i>			
22	<i>See below</i>			
23	Facebook exchange with Anne [Redacted]	Facebook SW	1/6/2021	n/a
24	Facebook exchange with Chuck [Redacted]	Facebook SW	1/6/2021	n/a
25	Facebook exchange with Lisa [Redacted]	Facebook SW	1/6/2021	n/a
26	Facebook exchange with Tyler [Redacted]	Facebook SW	1/6/2021	n/a
27	Facebook exchange with Themla [Redacted]	Facebook SW	1/7/2021	n/a
28	Facebook exchange with Randy [Redacted]	Facebook SW	1/8/2021	n/a
29	Facebook exchange with Chuck [Redacted]	Facebook SW	1/9/2021	n/a
30	Facebook exchange with Anne [Redacted]	Facebook SW	1/9/2021	n/a

31	Facebook exchange with Jerry [Redacted]	Facebook SW	1/9/2021	n/a
32	Facebook exchange with Edward [Redacted]	Facebook SW	1/9/2021	n/a
33	Facebook exchange with Jeremy [Redacted]	Facebook SW	1/9/2021	n/a
34	Facebook exchange with Lanny [Redacted]	Facebook SW	1/9/2021	n/a
35	Statement of Probable Cause relating to 2006 arrest [Redacted]	Baltimore Poli	10/1/2006	n/a

II. Video Exhibit List

The following video clips, referenced in the government's Motion, will be made available to the Court and defense counsel. Metadata including the time of each video taken from Milstreed's Facebook records have not yet been recovered, so the times listed below are approximate.

Exh #	Description	Source	Length and Time or Date	Location Depicted
18	Video of Milstreed throwing flag	U.S. Capitol Police	Length: 3:04 min 1/6/2021 @ 1:10 pm	Upper West Plaza
19	Video from Milstreed	Facebook SW	Length: 1:20 min 1/6/2021 approx. 1:00 – 2:00 pm	Upper West Plaza
20	Video from Milstreed	Facebook SW	Length: 0:25 min 1/6/2021 approx. 1:00 – 2:00 pm	Northwest Lawn
21	Video from Milstreed	Facebook SW	Length: 0:20 min 1/6/2021 approx. 1:00 – 2:00 pm	Northwest Lawn
22	Video from Milstreed	Facebook SW	Length: 0:29 min 1/6/2021 approx. 2:00 pm – 3:00 pm	Upper West Terrace

III. Public-Source Videos

The following video clips, referenced in the government's Motion at the page numbers indicted below, are available through public sources and websites as follows. Copies of these videos can be downloaded and provided to the Court if requested.

Page #	Description	Source	Length and Time or Date	Location Depicted
13-14	Milstreed in crosswalk, @ 0:13	https://ia902302.us.archive.org/31/items/zndr3y4dE6mcWhSoo/zndr3y4dE6mcWhSoo.mpeg4	Length: 7:15 min 1/6/2021 approx. 12:00 pm	U.S. National Mall
15-16	“Insurrection at the Capitol” video, @ 8:25	https://www.youtube.com/watch?v=V3KpiJzBM6M&t=505s	Length: 1:32:05 1/6/2021 approx. 1:00 - 2:00 pm	Upper West Plaza
17	“Full video of initial breach and storming of Capitol grounds” video, @ 22:56	https://www.youtube.com/watch?v=wUmontBJg0U	Length: 1:25:40 1/6/2021 approx. 1:00 – 2:00 pm	Upper West Plaza
19-20	“US capitol protests. Why were cops attacking us?” video, @ 27:00	https://www.youtube.com/watch?v=Qdr3mltKHA0&t=1633s	Length: 31:16 min 1/6/2021 approx. 1:00 – 2:00 pm	Upper West Plaza from Media Tower
23-24	Instagram “AP photographer attacked” video, @ 0:06	https://www.instagram.com/p/CJxKMarpN0/	Length: 1:29 1/6/2021 at 1:35 pm	Upper West Plaza
24-25	“Daily Caller” video, @ 0:36	https://ia904505.us.archive.org/5/items/p3CppCyeHTughshQB/p3CppCyeHTughshQB.mpeg4	Length: 0:55 1/6/2021 at 2:05 pm	Upper West Plaza

IV. Position on Public Release of Evidence

The government does not object to the public release of any of the evidence on this list.

Respectfully submitted,

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