

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

LYNNWOOD NESTER,

Defendant.

Criminal Action No. 22-cr-183 (TSC)

NOTICE OF EVIDENCE PURSUANT TO RULE 404(b)

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files this notice regarding evidence it intends to offer pursuant to Federal Rule of Evidence 404(b).

The Government intends to offer evidence of the Defendant's participation in a "Stop the Steal" rally at the Pennsylvania State Capitol in Harrisburg, Pennsylvania on January 5, 2021. During the rally, supporters of President Donald Trump, including members of "Free PA," urged legislators to decertify the result of the 2020 presidential election.

The Defendant's participation in this rally is relevant to his knowledge and intent the next day at the U.S. Capitol. *See* Fed. R. Evid. 403, 404(b)(2). The Defendant is charged with, *inter alia*, knowingly and intentionally disrupting the orderly conduct of Government business or official functions at the U.S. Capitol on January 6, 2021 and intentionally impeding, disrupting, and disturbing the orderly conduct of a session of Congress. *See* 18 U.S.C. § 1752(a)(2); 40 U.S.C. § 5104(e)(2)(D). The fact that the Defendant participated in a "Stop the Steal" rally the

day before is relevant to his knowledge of what was happening at the U.S. Capitol on January 6 and what he intended to do at the U.S. Capitol.

Accordingly, the Government provides notice that it intends to offer this evidence pursuant to Federal Rule of Evidence 404(b).

Respectfully submitted,

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