

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

LLOYD CASIMIRO CRUZ JR,

Defendant.

Criminal No. 22-cr-00064-RBW

**DEFENDANT CRUZ’S RESPONSE  
AND OPPOSITION TO  
AUTHENTICATION AND  
ADMISSIBILITY OF  
DOCUMENTARY,  
PHOTOGRAPHIC AND VIDEO  
EVIDENCE**

Defendant Lloyd Casimiro Cruz, Jr, (“Cruz”) by and through undersigned counsel, hereby responds and opposes the government’s Motions in Limine regarding authentication of various documentary, photographic and video evidence.

The government seeks to enter into evidence various videos, laws and documents regarding the counting of electoral college votes on Jan. 6. The government does so in pursuant of its theory that defendant Cruz’s alleged actions obstructed the counting of electoral college votes by Congress. But Cruz is not charged with any crime relating to such matters.

These documents, laws, etc., are red herrings and irrelevant, immaterial, and were wholly unknown to defendant Cruz at the time of his alleged actions on Jan. 6, 2021.

Cruz first responds with four (6) major points:

1. The laws and documents offered by the government do not show that electoral college vote counting is a sacred proceeding which cannot be contested, halted, debated or questioned; on the contrary, this evidence shows that the law allows and Congress expected and scheduled for, protests, objections, delays, debates and ultimate resolution on later dates regarding votes from problematic states.
2. Congress was not actually counting any votes at the time that Congress was gaveled into recess briefly on Jan. 6. Rather, Congress had adjourned for arguments and debates in both chambers regarding questions about the 2020 election.
3. The recess called by the president of the Senate, as a matter of law, was not predicated on the presence of peaceful protestors like Cruz inside the Capitol; and,

4. In fact, it is as likely as not that the recess was called due to reports of the discovery of bombs at the RNC and DNC headquarters nearby.<sup>1</sup>
5. Moreover, it seems possible that the pipe bombs were planted as some sort of undercover government operation. (We have grounds to suspect this because the FBI and Secret Service have apparently deliberately kept secret from the courts the most material facts regarding the pipe bombs, and even the fact that the Vice President-Elect was at DNC headquarters at the time.<sup>2</sup>

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<sup>1</sup> See Julie Kelly, “The January 6 Pipe Bombs Look Like Another FBI Hoax,” *American Greatness*, February 14, 2022. (“The Times story went viral. At 1:53 p.m., Representative Elaine Luria tweeted that she “just had to evacuate my office because of a bomb reported outside, while the President’s anarchists are trying to force their way into the Capitol.”) <https://amgreatness.com/2022/02/14/the-january-6-pipe-bombs-look-like-another-fbi-hoax/> (accessed 10/12/2022). (Thus, Congressional representatives were given the evacuation order—*due to the pipe bombs*—many minutes before protestors could have disrupted any proceedings.)

<sup>2</sup> Recent news stories have exposed the fact that there were two (2) surveillance cameras filming the placement of the pipe bombs at the DNC; yet the government has responded to FOIA requests with complete footage of the worst-angle camera but only partial footage from the best-angle camera—selectively redacted to omit any footage of the actual placement of the pipe bomb. And the Secret Service apparently concealed the fact that Vice President-Elect Kamala Harris was at the DNC at the time the pipe bomb was allegedly discovered (by a passerby who reportedly noticed the object in a superficial glance!. This means that the Secret Service somehow missed the object in their sweep while a casual pedestrian reportedly noticed the bomb. See Jim Hoft, “Revolver News Report: FBI Is Hiding Security Camera Video of Jan. 6 Pipe Bomber Planting Bomb at DNC Headquarters,” *The Gateway Pundit*, August 4, 2022. <https://www.thegatewaypundit.com/2022/08/revolver-news-report-fbi-hiding-security-camera-video-jan-6-pipe-bomber-planting-bomb-dnc-headquarters/> (accessed 10/12/2022). When the Secret Service finally revealed that Kamala Harris was at the DNC headquarters rather than the Capitol at 1:00 pm on Jan. 6, this necessitated a multi-million-dollar ‘do over’ of almost every grand jury

6. Above all, there is no suggestion that Cruz was aware of these Constitutional provisions, laws, documents, and schedules or votes of Congress—or even which area of the Capitol was the Senate Chamber and which was the House chamber.

**CRUZ OBJECTS TO THE ADMISSIBILITY OF THESE LEGAL DOCUMENTS BECAUSE THEY DO NOT TEND TO INCULPATE OR EXCLUPATE CRUZ IN THIS CASE.**

Rule 401 provides that "[e]vidence is relevant if . . . it has any tendency to make a fact" "of consequence in determining the action" "more or less probable than it would be without the evidence."

Cruz is charged with two misdemeanor counts: entering and remaining in a restricted area, and picketing and parading in the Capitol. No element required for conviction of these charges involves the counting of votes, or the certification of the presidential election. Nor is there any element among these counts involving a question of Cruz disrupting or interfering with proceedings of Congress.

**CONCLUSION**

ACCORDINGLY, defendant Cruz requests an order DENYING the United States' motion in limine regarding authentication of the proffered documents.

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indictment filed in Jan. 6 cases to remove the false allegation that both the Vice President and the Vice President-Elect were present in the Capitol on the afternoon of Jan. 6.

Dated: October 13, 2022

RESPECTFULLY SUBMITTED

/s/ John M. Pierce

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**CERTIFICATE OF SERVICE**

I hereby certify that this document is being filed on this October 13, 2022, with the Clerk of the Court by using the U.S. District Court for the District of Columbia's CM/ECF system, which will send an electronic copy of to the following CM/ECF participants, including:

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/s/ John M. Pierce