

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

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 22-64 (RBW)
)	
LLOYD CASIMIRO CRUZ, JR.,)	
)	
Defendant.)	

ORDER

In accordance with the oral rulings issued by the Court at the pre-trial conference held on December 12, 2022, via videoconference, it is hereby

ORDERED that the Defendant’[s] Motion to Dismiss on First Amendment Grounds, ECF No. 37, is **DENIED**.¹ It is further

ORDERED that the government’s Motion in Limine to Preclude Certain Defense Argument Entrapment by Estoppel, ECF No. 41, is **GRANTED**.² It is further

ORDERED that the government’s Motion in Limine Re: Authentication and Admissibility of Documentary, Photographic and Video Evidence, ECF No. 42, is **GRANTED IN PART, DENIED AS MOOT IN PART, AND DENIED IN PART**. The motion is **GRANTED** to the extent that it seeks a ruling that the “documentary evidence from the Congressional Record, approved and signed Congressional Resolutions concerning the Electoral Certification Process, as well as the actual constitutional and statutory authority for the Electoral

¹ The Court’s ruling on this motion addresses the defendant’s challenges to the Information pursuant to Federal Rule of Criminal Procedure 12(b) and the First Amendment to the United States Constitution.

² As discussed at the December 12, 2022 pre-trial conference, the defendant is permitted to testify at trial regarding his observations of law enforcement action or inaction on January 6, 2021, to the extent that his testimony is relevant to his state of mind on January 6, 2021.

College Certification proceedings” are properly authenticated.³ The motion is **DENIED AS MOOT** to the extent that it seeks a ruling that the video evidence has been properly authenticated, in light of the government’s representations at the December 12, 2022 pre-trial conference that it plans to authenticate such evidence through the testimony of a United States Capitol employee during the trial.⁴ The motion is **DENIED** in all other respects. It is further

ORDERED that the government is not precluded from using the “montage” video evidence of the United States Capitol on January 6, 2021, at trial, provided that the government provides the defendant with a copy of the “montage” video evidence, as well as the full videos that were used to create the montage, on or before December 23, 2022. It is further

ORDERED that the government’s Motion in Limine Regarding Evidence about the Specific Locations of U.S. Capitol Police Surveillance Cameras, ECF No. 43, is **GRANTED**. It is further

ORDERED that the government’s Motion in Limine to Limit Cross-Examination of Secret Service Agency Witnesses, ECF No. 44, is **GRANTED IN PART AND DENIED IN PART**. The motion is **GRANTED** to the extent that it seeks to preclude the defendant from questioning the witnesses about (1) “Secret Service protocols related to the locations where protectees or their motorcades are taken at the Capitol or other government buildings when emergencies occur” and (2) “[d]etails about the nature of Secret Service protective details, such

³ Although the Court did not specifically address the documentary evidence in its oral rulings, the Court concludes that this documentary evidence is self-authenticating under Federal Rule of Evidence 902(5). The Court will make a determination as to the relevance of this evidence during the trial if the government seeks to admit the documents.

⁴ Although the Court’s oral rulings focused on the video footage of the Congressional Electoral College certification proceedings and the CCTV evidence, the Court concludes that the government is also permitted to introduce video filmed by the defendant himself, as long as the government properly authenticates such evidence during the trial.


as the number and type of agents the Secret Service assigns to protectees.” The motion is **DENIED** in all other respects.⁵ It is further

ORDERED that the defendant’s Motion to Extend Deadlines, ECF No. 31, is **DENIED AS MOOT**. It is further

ORDERED that, on January 13, 2023, at 9:00 a.m., the parties shall appear before the Court for a motion hearing on the Defendant’s Motion to Suppress Evidence and to Dismiss Due to Fourth Amendment Violation, ECF No. 34. The parties shall appear before the Court in in Courtroom 16 on the 6th floor at the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W., Washington, D.C. 20001. It is further

ORDERED that jury selection and trial of this case shall commence on January 13, 2023, immediately following the conclusion of the motion hearing.

SO ORDERED this 15th day of December, 2022.



REGGIE B. WALTON
United States District Judge

⁵ The Court will permit the defendant to engage in limited cross-examination regarding whether there was a need for Secret Service protection of the Vice President and his family while they were at the United States Capitol on January 6, 2021.