

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

UNITED STATES,

Plaintiff,

v.

JARED PAUL CANTRELL, et al.,

Defendants.

Case No. 1:22-cr-121

ORDER

One of the Defendants in this case, Quentin G. Cantrell, seeks to have an expert witness testify at trial about the “unreliability of the government’s video evidence for the purpose of attempting to establish mens rea.” Expert Not. at 1, ECF No. 50-2. The Government seeks to exclude that expert testimony. Mot. to Excl., ECF No. 57. The Court denies the Government’s motion.

First, the expert is sufficiently qualified to opine on the Government’s video evidence by dint of his job that involved “integrating data captured on [cell phones] with the company’s computer systems” and “identifying defective recordings.” Def.’s Opp’n at 1–2, ECF No. 58. Second, although the expert reviewed only three videos in preparation, the Government has designated only a small subset of its videos are relevant to Quentin G. Cantrell. *Id.* at 2. Plus, the expert may observe trial and opine on other videos the Government may offer.

Third, the expert’s planned testimony is relevant. The Government will likely ask the Court to infer Defendant’s mens rea from video evidence. *See, e.g.*, Gov’t Opp’n at 6, ECF No. 42 (The factfinder “could make inferences and conclusions about what was occurring at the time of the video and a defendant’s knowledge regarding permission to enter the Capitol.”). So

testimony that challenges the reliability of that video evidence is relevant. Fourth, the Court disagrees with the Government's claim that the expert's testimony would violate Federal Rule of Evidence 704(b). The expert's planned testimony is not an opinion on Defendant's mental state. Instead, it is an opinion on the reliability of evidence from which the Court could infer Defendant's mental state. And fifth, the Court finds that a *Daubert* hearing is unnecessary and disproportionate to the needs of this case. As this is a bench trial, the Court will be able to better judge the weight and relevance of the testimony after hearing from the witness and attorneys at trial.

Thus, and upon consideration of the Government's Motion to Exclude, it is

ORDERED that the Government's [57] Motion to Exclude is DENIED.

SO ORDERED.

Dated: March 22, 2023

TREVOR N. McFADDEN, U.S.D.J.