

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

No. 1:21-cr-623-CRC

KIRSTYN NIEMELA,

Defendant.

**STIPULATIONS OF THE PARTIES**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Kirstyn Niemela, with the concurrence of her attorneys, agree and stipulate to the following:

**Stipulation #1:**

**The Capitol Building and Grounds**

By law, the U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. At the U.S. Capitol, the building itself has 540 rooms covering 175,170 square feet of ground, roughly four acres. The building is 751 feet long (roughly 228 meters) from north to south and 350 feet wide (106 meters) at its widest point. The U.S. Capitol Visitor Center is 580,000 square feet and is located underground on the east side of the Capitol. On the west side of the Capitol building is the West Front, which includes variety of open concrete spaces, a fountain surrounded by a walkway, two broad staircases, and multiple terraces at each floor. On January 6, 2021, the inaugural stage scaffolding was on the West Front of the Capitol building. On the East Front are three staircases,

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA UNITED STATES OF AMERICA v. No. 1:21-cr-623-CRC KIRSTYN NIEMELA, Defendant. STIPULATIONS OF THE PARTIES The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, Kirstyn Niemela, with the concurrence of her attorneys, agree and stipulate to the following: Stipulation #1: The Capitol Building and Grounds By law, the U.S. Capitol, which is located at First Street, SE, in Washington, D.C., is secured twenty-four hours a day by U.S. Capitol Police (USCP). Restrictions around the Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification are allowed access inside the Capitol. At the U.S. Capitol, the building itself has 540 rooms covering 175,170 square feet of ground, roughly four acres. The building is 751 feet long (roughly 228 meters) from north to south and 350 feet wide (106 meters) at its widest point. The U.S. Capitol Visitor Center is 580,000 square feet and is located underground on the east side of the Capitol. On the west side of the Capitol building is the West Front, which includes variety of open concrete spaces, a fountain surrounded by a walkway, two broad staircases, and multiple terraces at each floor. On January 6, 2021, the inaugural stage scaffolding was on the West Front of the Capitol building. On the East Front are three staircases, Page 1 of 8 porticos on both the House and Senate side, and two large skybridges into the Visitors Center surrounded by a concrete parkway. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public. See Map Outlining Restricted Area on January 6, 2021, attached as Exhibit 20. These restrictions were in place on the south side of the U.S. Capitol along Independence Avenue, to the west of the U.S. Capitol along Constitution Avenue; to the north of the U.S. Capitol along Independence Avenue; to the south of the U.S. Capitol along First Street; to the east side of the Capitol Plaza (East Front) and the grassy areas located between the Plaza and First Street. Within the West Front of the Restricted Area there were additional temporary barriers due to preparations and ongoing construction for the Inauguration which was scheduled for January 20, 2021, including green snow fencing and signs stating, "Area Closed By order of the United States Capitol Police Board." On January 6, 2021, the Restricted Area described above and depicted in Exhibit 20 was posted, cordoned off, or otherwise restricted in the area where the Vice President and members of his immediate family were and would be temporarily visiting. Stipulation #2: The Certification of the Electoral College Vote On January 6, 2021, a joint session of the United States Congress convened at the U.S. Capitol. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in both the House and Senate chambers of the Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on Tuesday, November 3, 2020. On January 6, 2021, the House of Representatives began its session at approximately 12:00 p.m., the Senate began its session at approximately 12:30 p.m., and the two Houses met together Page 2 of 8 at approximately 1:00 p.m. in the House of Representatives chamber to begin the joint session. Vice President Mike Pence was in the Capitol building and presiding over the joint session. At approximately 1:15 p.m., the House and Senate adjourned to their separate chambers for up to two hours to resolve a particular objection. At approximately 2:12 p.m., Vice President Pence evacuated the Senate chamber, and approximately one minute later the senator who had become the presiding officer in Vice President Pence's absence declared that the Senate would stand in recess. Senators evacuated the Senate chamber. At approximately 2:15 p.m., Speaker Nancy Pelosi, who was presiding over the House of Representatives, evacuated the House chamber, and approximately fifteen minutes later the representative who had become the presiding officer in her absence declared that the House would stand in recess. Representatives evacuated the House chamber. The joint session was suspended. The Senate and House resumed meeting at approximately 8:06 p.m. and 9:02 p.m., respectively. Congress's joint session continued until approximately 3:44 a.m. on January 7, 2021, when it completed the certification of the Electoral College vote. Stipulation #3: The Certification of the Electoral College Vote On January 6, 2021, officers from the United States Capitol Police and Washington, D.C., Metropolitan Police Department On January 6, 2021, officers from the United States Capitol Police (USCP) on the U.S. Capitol Grounds and in the U.S. Capitol building were engaged in their official duties as officers or employees of the United States or of any agency in any branch of the United States Government, as those terms are used in Title 18, United States Code, Section 1114. Page 3 of 8 On January 6, 2021, officers from the Washington, D.C., Metropolitan Police Department (MPD) on the U.S. Capitol Grounds and in the U.S. Capitol building were assisting officers from the USCP, who were engaged in their official duties as described above. Stipulation #4: United States Capitol Police Closed Circuit Video Monitoring The United States Capitol Police (USCP) operate and maintain closed-circuit video monitoring and recording equipment that captures locations inside and outside of the U.S. Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the date and time at which the footage is captured. The USCP 2020 Old video equipment was in good working order on January 6, 2021, and video footage recovered from the cameras, and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The events depicted in the video footage-including Government Exhibits 001, and 101 through 113--are fair and accurate depictions of the events at the U.S. Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered in any way. The video footage including the footage contained in these exhibits is authentic in that it is what it purports to be. Stipulation #5: UTC Time Vs. Eastern Standard Time Between December 2020 and February 2021 During the winter months of December 2020, January 2021, and February 2021, Universal Time Coordinated (UTC) time was five hours ahead of Eastern Standard Time (EST). Stipulation #6: House and Senate Compilation Video On January 6, 2021, most of the proceedings taking place on the Senate and House floors were contemporaneously recorded by the Senate Recording Studio and the House Recording Page 4 of 8 Studio, respectively. The Senate Recording Studio's purpose is to serve the Senate. The House Recording Studio's purpose is to serve the House. Cameras on the Senate and House floors record activity occurring there. This footage is also broadcast through the Cable-Satellite Public Affairs Network (CSPAN). The video footage contained in Government's Exhibit 002 is a fair and accurate depiction of the events on the Senate and House floors on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purp01is to be. Stipulation# 7: Open

Source Videos and Images The events depicted in the video footage and photographs were not altered or edited in any way. The video footage and photographs are authentic in that they are what they purport to be. Stipulation #8: Videos Recovered From Known Individuals The events depicted in the video footage from Government Exhibits 501 through 506, labeled under the category "Videos Recovered from Known Individuals," are a fair and accurate depiction of the events at the U.S. Capitol building and grounds on January 6, 2021, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be. Stipulation #9: Group Chat Exhibits The exhibits in the Government's 900 series (including text message threads, photos, and videos) were obtained through legal process and are authentic, accurate, and exact copies of the original content. The exhibits representing the contents of Eckerman's phone have not been altered or edited in any way and are as they were when the phone was seized from Eckerman's residence on September 17, 2021. The photo and video exhibits derived from the phone are a fair and accurate depiction of the events at the U.S. Capitol building and grounds on January 6, 2021, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be. The following phone numbers and email accounts contained in the group chat coincide with the following individuals: • Kirstyn Niemela- (603) 288-7169; • Michael Eckerman - michael.eckerman@yrcfreight.com and (316) 303-4690; • Stefanie Chiguer - (978) 996-1187; • Candace Eckerman-(316) 308-3579; • Crystal Herman - (417) 771-9177; and • Mark Leach-(603) 765-5535. Stipulation #10: Account Ownership and Use The following cellular telephone number, social media accounts, and email accounts were associated with the defendant during the date ranges listed: Verizon phone number (603) 288-7169 from January 1, 2021, through January 17, 2021; • Google email account kirstyn.niemela@gmail.com from the date of its creation through the present; • Google email account kniemela88@gmail.com from the date of its creation through the present; • Facebook account 100063753853831, bearing vanity name "Kirstyn Niemela," Page 6 of 8 from the date of its creation through the present; • Facebook account 100049724228048, bearing vanity name "Kirst Niem," from the date of its creation through the present; and • Facebook account 100063753853831, bearing vanity name "Kirst Ashley," from the date of its creation through the present. Stipulation # 11 Social Media Exhibits Government Exhibits 804 through 842 are fair and accurate copies of the contents of the Facebook accounts described above. Stipulation # 12 Identity of the Defendant The photos below were captured in Washington, D.C. on January 6, 2021. Defendant Niemela is pictured in Government Exhibits 913 and 920 below. Respectfully submitted, FOR THE DEFENDANT FOR THE UNITED STATES KIRSTYN NIEMELA MATTHEW M. GRAVES United States Attorney D.C. Bar No. 481052 Page 7 of 8 By: Paul Garrity NH Bar No. 905 By: Jessica Arco Trial Attorney, Detailer, 14 Londonderry Road D.C. Bar No. 1035204 Londonderry, NH 03053 601 D Street NW (603) 434-4106 Washington, DC 20530 garritylaw@myfairpoint.net jessica.arco@usdoj.gov z?cJZ... (r)-----=1 Richard Monteith Telephone: 202-514-3204 Michael M. Gordon Michael M. Gordon NH Bar No. 9952 Assistant United States Attorney 14 Londonderry Road Florida Bar No. 1026025 Londonderry, NH 03053 400 N. Tampa St., Suite 3200 (603) 437-2733 Tampa, Florida 33602 monteithlaw@aol.com michae1.gordon3@usdoj.gov Telephone: 813-274-6370 Page 8 of 8

The Senate and House resumed meeting at approximately 8:06 p.m. and 9:02 p.m., respectively. Congress's joint session continued until approximately 3:44 a.m. on January 7, 2021, when it completed the certification of the Electoral College vote.

**Stipulation #3:**  
**Officers from the United States Capitol Police and Washington, D.C., Metropolitan Police Department**

On January 6, 2021, officers from the United States Capitol Police (USCP) on the U.S. Capitol Grounds and in the U.S. Capitol building were engaged in their official duties as officers or employees of the United States or of any agency in any branch of the United States Government, as those terms are used in Title 18, United States Code, Section 1114.

On January 6, 2021, officers from the Washington, D.C., Metropolitan Police Department (MPD) on the U.S. Capitol Grounds and in the U.S. Capitol building were assisting officers from the USCP, who were engaged in their official duties as described above.

**Stipulation #4:**  
**United States Capitol Police Closed Circuit Video Monitoring**

The United States Capitol Police (USCP) operate and maintain closed-circuit video monitoring and recording equipment that captures locations inside and outside of the U.S. Capitol building and on the Capitol grounds. The video equipment timestamps each recording with the date and time at which the footage is captured. The USCP-controlled video equipment was in good working order on January 6, 2021, and video footage recovered from the cameras and equipment with the timestamp of January 6, 2021, is footage from January 6, 2021. The events depicted in the video footage—including Government Exhibits 001, and 101 through 113—are fair and accurate depictions of the events at the U.S. Capitol on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage, including the footage contained in these exhibits, is authentic in that it is what it purports to be.

**Stipulation #5:**  
**UTC Time Vs. Eastern Standard Time Between December 2020 and February 2021**

During the winter months of December 2020, January 2021, and February 2021, Universal Time Coordinated (UTC) time was five hours ahead of Eastern Standard Time (EST).

**Stipulation #6:**  
**House and Senate Compilation Video**

On January 6, 2021, most of the proceedings taking place on the Senate and House floors were contemporaneously recorded by the Senate Recording Studio and the House Recording

Studio, respectively. The Senate Recording Studio's purpose is to serve the Senate. The House Recording Studio's purpose is to serve the House. Cameras on the Senate and House floors record activity occurring there. This footage is also broadcast through the Cable-Satellite Public Affairs Network (CSPAN). The video footage contained in Government's Exhibit 002 is a fair and accurate depiction of the events on the Senate and House floors on January 6, 2021, the timestamps on the recordings are accurate, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

**Stipulation # 7:**  
**Open Source Videos and Images**

The events depicted in the video footage from Government Exhibits 403 through 413, labeled under the category "Open Source Videos and Images," are a fair and accurate depiction of the events at the U.S. Capitol building and grounds on January 6, 2021, and the video footage and photographs were not altered or edited in any way. The video footage and photographs are authentic in that they are what they purport to be.

**Stipulation #8:**  
**Videos Recovered From Known Individuals**

The events depicted in the video footage from Government Exhibits 501 through 506, labeled under the category "Videos Recovered from Known Individuals," are a fair and accurate depiction of the events at the U.S. Capitol building and grounds on January 6, 2021, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be.

**Stipulation #9:**  
**Group Chat Exhibits**

The exhibits in the Government's 900 series (including text message threads, photos, and videos) were obtained through legal process and are authentic, accurate, and exact copies

from co-defendant Michael Eckerman's Apple iPhone bearing serial number IC-579C-E0385A. The exhibits representing the contents of Eckerman's phone have not been altered or edited in any way and are as they were when the phone was seized from Eckerman's residence on September 17, 2021. The photo and video exhibits derived from the phone are a fair and accurate depiction of the events at the U.S. Capitol building and grounds on January 6, 2021, and the video footage was not altered or edited in any way. The video footage is authentic in that it is what it purports to be. The following phone numbers and email accounts contained in the group chat coincide with the following individuals:

- Kirstyn Niemela – (603) 288-7169;
- Michael Eckerman – michael.eckerman@yrcfreight.com and (316) 303-4690;
- Stefanie Chiguer – (978) 996-1187;
- Candace Eckerman – (316) 308-3579;
- Crystal Herman – (417) 771-9177; and
- Mark Leach – (603) 765-5535.

**Stipulation #10:**  
**Account Ownership and Use**

The following cellular telephone number, social media accounts, and email accounts were associated with the defendant during the date ranges listed:

- Verizon phone number (603) 288-7169 from January 1, 2021, through January 17, 2021;
- Google email account kirstyn.niemela@gmail.com from the date of its creation through the present;
- Google email account kniemela88@gmail.com from the date of its creation through the present;
- Facebook account 100063753853831, bearing vanity name "Kirstyn Niemela,"

from the date of its creation through the present;

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**Stipulation # 11**  
**Social Media Exhibits**

Government Exhibits 804 through 842 are fair and accurate copies of the contents of the Facebook accounts described above.

**Stipulation # 12**  
**Identity of the Defendant**

The photos below were captured in Washington, D.C. on January 6, 2021. Defendant Niemela is pictured in Government Exhibits 913 and 920 below.



Respectfully submitted,

FOR THE DEFENDANT

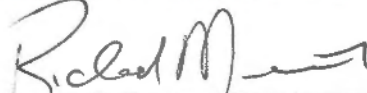
KIRSTYN NIEMELA

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