

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

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UNITED STATES OF AMERICA

v.

EDWARD BADALIAN

Defendant

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No.: 21-cr-246 (ABJ)

**SUPPLEMENTAL JOINT PRETRIAL STATEMENT**

In anticipation of Defendant Rodriguez's scheduled plea, the United States and Counsel for Defendant Badalian hereby submit the attached supplemental joint pretrial statement, reflecting additional stipulations agreed to by these parties. For ease of reference, stipulations previously submitted in the initial joint pretrial statement are repeated herein. However, should the disposition with Mr. Rodriguez not be reached, Mr. Rodriguez's counsel has previously noted their objection to any stipulated testimony, and the following stipulations would be withdrawn in that instance.

Respectfully submitted,

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D.C. Bar No. 481052

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No.: 21-cr-246 (ABJ)

**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, Edward Badalian, and with the concurrence of his attorneys, agree and stipulate to the following:

**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, porticos on both the House and Senate side, and two large skylights into the Visitor's 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* Government Exhibits 507-511. These security barriers included bike racks that were positioned to the north of the U.S. Capitol along Constitution Avenue; to the south of the U.S. Capitol along Independence Avenue; to the west of the U.S. Capitol along First Street on the eastern side of that street; and, on the east side of the U.S. Capitol, between 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 Government Exhibits 507-511 and 524-532, was a posted, cordoned off, or otherwise restricted area where the Vice President and members of his immediate family were and would be temporarily visiting, and therefore constituted a “restricted building or grounds” as that term is used in Title 18, United States Code, Section 1752(c).

At 12:53 p.m., the perimeter of the Capitol grounds was breached at the Peace Circle. Barricades were removed by protesters. At 2:13 p.m., there was a breach of the Senate Wing Door on the west side of the Capitol building.

*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 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.

The certification of the vote count of the Electoral College was an “official proceeding” as that term is used in Title 18, United States Code, Section 1512(c)(2) and 1515(a)(1).

**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 officers or employee 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.



**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 are a fair and accurate depiction 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, contained in Government Exhibits 101-104, is authentic in that it is what it purports to be.

**Body Worn Camera**

The body worn camera videos are created and maintained by the Metropolitan Police Department. The video footage, contained in Government Exhibits 201-209, is authentic in that it is what it purports to be. The recording software timestamps each recording with the date and time at which the footage is captured. The timestamps are accurate. The video and/or any other original copies are “admissible into evidence to the same extent as the original,” within the meaning of Federal Rule of Evidence 1003.

**Senate and House Recording Studios**

On January 6, 2021, much 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 Exhibit 102 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.

**Stipulated Testimony**

The parties have agreed what Lanelle Hawa's (United States Secret Service) testimony would be if called as a witness. *See* Government Exhibit 1101. The parties agree that the factfinder should consider that testimony in the same way as if it had been given in court.

The parties have agreed what Mark Gazelle's (United States Capitol Police) testimony would be if called as a witness. *See* Government Exhibit 1102. The parties agree that the factfinder should consider that testimony in the same way as if it had been given in court.

**Social Media**

The Telegram videos depicted in Government's Exhibit 901-905 are true and accurate copies of correspondence such as posts, messages, chats, comments, reactions, and other communication to and from the Telegram accounts "TrumpEd," which the parties stipulate was created and continuously operated by Edward Badalian through March 31, 2021. The parties also stipulate that the Telegram account "DJ Rodriguez" was the handle used by Edward Badalian's co-defendant, Daniel Rodriguez.

**Open Source Videos**

The events depicted in the video footage from the Government Exhibits 301-317 labeled under the Category “Open Source Videos” are a fair and accurate depiction of the events at the U.S. Capitol 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.

**Videos Recovered From Private Individuals**

The events depicted in the video footage from the Government Exhibits 401-441 labeled under the Category “Videos Recovered from Private Individuals” are a fair and accurate depiction of the events at the U.S. Capitol 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.

**Photographs**

The depictions in the photographs from the Government Exhibits 504-537 labeled under the Category “Photos” are fair and accurate depictions and the photographs were not altered or edited in any way. The photographs are authentic in that they are what they purport to be.



**Chain of Custody: Edward Badalian**

As part of this case, the FBI executed an arrest warrant and search warrant with respect to Defendant Edward Badalian. The United States and Defendant Edward Badalian agree and stipulate to the following:

1. The FBI lawfully seized:
  - a. Government's Exhibit 802, blue taser with serial 535952;
  - b. Government's Exhibit 803, one mace pepper gel, one sabre and one triple action mace;
  - c. Government's Exhibit 804, bear spray;
  - d. Government's Exhibit 805, gas mask;
  - e. Government's Exhibit 806, ski goggles;
  - f. Government's Exhibit 807, Cobra Micro talk radios, and
  - g. Government's Exhibit 808, a Rize paintball gun,
  - h. Government's Exhibit 603, a Samsung Galaxy cellphone with model number AL08, serial number RF8MCIDYN3A and IMEI 357855105457200

in the course of the search in this case on March 31, 2021.

2. FBI maintained proper chain of custody for Government's Exhibits 603, 802 through 808.
3. Government's Exhibits 603, 802 through 808 are the items seized by the FBI, and are in the same or substantially same condition as the date of their seizure.

**Edward Badalian Identification**

The below photographs are fair and accurate depictions of Edward Badalian on January 6, 2021. Government's Exhibits 504 and 506 are fair and accurate depictions of Edward Badalian as he appeared in Washington, D.C. on or about January 6, 2021.



**Stay at Airbnb**

Daniel Rodriguez and Edwards Badalian stayed at an Airbnb located at 2500 Washington Blvd, Arlington, Virginia from January 5, 2021 through January 7, 2021. Government Exhibit 719 document their stay at this location. These exhibits are authentic in that they are what they purport to be.

*Travel to Washington, D.C.*

Edward Badalian, Daniel Rodriguez, and others drove from Los Angeles, CA to Washington, D.C., driving a rental vehicle from Enterprise Rental. The photographs from the CCTV camera at Enterprise Rental from January 3, 2021 are true and accurate depictions of Edward Badalian at the rental car agency. *See* Government Exhibits 536-537. The Enterprise Rental agreement summary is a true and accurate agreement for the rental of that vehicle. *See* Government Exhibit 720. Edward Badalian, Daniel Rodriguez, and others departed from Los Angeles, CA on January 3, 2021 and arrived in the Washington, D.C. area January 5, 2021. They departed from the Washington D.C. area on January 7, 2021 and returned to Los Angeles, CA on January 10, 2021.

Respectfully submitted,

FOR DEFENDANT BADALIAN

FOR THE UNITED STATES  
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By: \_\_\_\_\_

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