

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

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
v.	)	
	)	<b>Criminal No. 1:22-cr-00354-RCL-1 and 2</b>
<b>RICHARD SLAUGHTER, and</b>	)	
<b>CADEN GOTTFRIED</b>	)	
	)	
<b>Defendant</b>	)	
	)	

**NOTICE OF AFFIRMATIVE DEFENSES, AND OF USE-OF-FORCE EXPERT  
STEVEN HILL**

COMES NOW Defendants Rick Slaughter and Caden Gottfried, by and through undersigned counsel John Pierce, who give notice that Slaughter and Gottfried intend to argue and present evidence of justifiable use of force regarding some aspects of their defense.

**INTRODUCTION**

The Due Process Clause requires the prosecution to prove beyond a reasonable doubt every element of the charged criminal offense. See *In re Winship*, 397 U.S. 358, 364 (1970). The burden to prove or disprove an element of the offense may not be shifted to the defendant. See *id.*; see also *Patterson v. New York*, 432 U.S. 197, 215 (1977). However, if a defendant asserts a defense that has the effect of negating any element of the offense, the prosecution must disprove that defense beyond a reasonable doubt. See *Patterson*, 432 U.S. at 210. In effect, the assertion of an affirmative defense adds an additional element to the government’s burden of proof.

Steve Hill as the defense team's expert on the evaluation of in the fields of use-of-force, self-defense, and crowd control.

### **NOTICE OF DEFENSE EXPERT**

Defense informs the United States Attorney's Office and the Court that the defense is intending to designate Steve Hill<sup>1</sup> as the defense team's expert on the evaluation of in the fields of **use-of-force** and **police civil liability**. (*See* Steve Hill Curriculum Vitae attached hereto).

Pursuant to Criminal Procedure Rule 26(a)(2)(B), Mr. Hill is not one retained or specially employed to provide expert testimony in a case similar to this matter. Mr. Hill has conducted police training instruction to officers and related agencies on a national level, and has provided expert testimony in the State of New Mexico, "State of New Mexico" related courts.

Mr. Hill has extensive expertise and experience in the use of force. He has used every level of force, including deadly force. He has extensive expertise and experience in crowd control and was the leader of the tactical SWAT team for the City of Albuquerque for several years. Mr. Hill has trained thousands of police officers, including officers from throughout the world, including Ukraine, China, Mongolia, Vietnam, Sri Lanka, and Jordan.

### **(3) THE WITNESS'S QUALIFICATIONS, INCLUDING A LIST OF ALL PUBLICATIONS AUTHORED IN THE PREVIOUS 10 YEARS.**

Mr. Hill is retired from a lengthy career in law enforcement, institution security, crowd control and use of force training. He is a Master level certified instructor through the Department of Energy/National Training Center. Mr. Hill specializes in advanced tactical management, critical incident management, Special Weapons and Training (SPO-III), hazardous material tactical

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<sup>1</sup> Hereafter referred to as "Expert Hill" or "Mr. Hill".

response, mobile field force, firearms instruction, criminal investigations, rappel master, first line supervision, electronic surveillance operations, and police civil liability.

Mr. Hill's areas of expertise are tactical operations, response force training, nuclear/radiological security of fixed and transportation assets. He is an expert in the use of tabletop exercises for response training, data collection and physical security for fixed and mobile security high-risk assets.

Mr. Hill is a retired Systems Engineer with Transportation Systems Analysis at Sandia National Laboratories (SNL). At SNL, he was an engineer with the Security Training and Risk Analysis Team (STRAT) where he built response related training programs and conducted security analysis in the areas of nuclear, radiological, chemical and biological security and response. Mr. Hill also participated in the theory and development of future lethal and less lethal weapon systems as part of lab directed research and development teams, resulting in being named in two patent applications for an electronic control device (Taser technology) and disintegrating ballistic materials).

Mr. Hill is also retired from the Albuquerque Police Department, where he was the one of the highest-ranking officers for many years and led and supervised hundreds of high-risk tactical events to include hostage resolutions, high risk search warrants, armed/violent offenders, demonstrator, and riot control. He served as the supervisor of the SWAT Team for over 8 years and was a detective in the Special Investigative Department/Repeat Offender Project. Steve has more than 30 years of experience in training state, local and federal standards-enforcement personnel in lethal and less lethal use-of-force and had worked part time for the DOE National Training Center and the U.S. Department of State.

Mr. Hill has reviewed discovery productions 1 and 2.

Mr. Hill is reviewing further discovery in this case and has previously reviewed discovery in several other January 6 cases. Specifically, Mr. Hill has reviewed extensive video footage of violence and weapon deployment in the West side “tunnel” of the Capitol and the Capitol’s Upper West Terrace. Mr. Hill previously testified as an overview witness regarding munitions use in the Proud Boy trial (United States v. Nordean) as well as the Kenneth Joseph Alberts trial before U.S. District Judge Friedrich.

Mr. Hill’s general conclusions regarding violence and use of force in “the Tunnel” on January 6, 2021.

Mr. Hill makes the following conclusions, after reviewing hundreds of hours of footage of violence on the west side of the Capitol on January 6 and dozens of hours directly relating to the West side “Tunnel.”

1. There was excessive force used by numerous law enforcement personnel employed by the Metropolitan Police Department.
2. This excessive force consisted of massive deployment of irritants, gasses, and spray munitions in an extremely enclosed areas, in violation of all governing use of force manuals and policies.
3. This excessive force also included beatings by baton strikes to the heads and faces of several demonstrators who did not pose a lethal threat, in violation of all governing use of force manuals and policies.
4. Failure to properly announce and warn members of the public regarding deployment of less-than-lethal munitions, in violation of every governing manual and policy.

**(4) A LIST OF ALL OTHER CASES IN WHICH, DURING THE PREVIOUS 4 YEARS, THE WITNESS HAS TESTIFIED AS AN EXPERT AT TRIAL OR BY DEPOSITION.**

Mr. Hill has not testified as an expert witness in the last 4 years. But for the past 18 years prior to his retirement from the APD, he was an expert in training police, military and first responders from around the world. Hill also was an expert in the evaluation of police and military force multipliers and response force tools and equipment.

Dated: August 25, 2023

Respectfully Submitted,

/s/ John M. Pierce

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**CERTIFICATE OF SERVICE**

I, John M. Pierce, hereby certify that on this day, August 25, 2023, I caused a copy of the foregoing document to be served on all counsel through the Court's CM/ECF case filing system.

/s/ John M. Pierce

John M. Pierce