

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

UNITED STATES OF AMERICA	:	
	:	Case No. 21-CR-40 (TNM)
v.	:	
	:	
CHRISTOPHER JOSEPH	:	
QUAGLIN, et al.,	:	
	:	
Defendants.	:	

**UNITED STATES’ NOTICE OF INTENT TO OFFER BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files this Notice of Intent to Offer Business Records Pursuant to Federal Rule of Evidence (“FRE”) 902(11).

The government hereby provides notice that it intends to introduce into evidence certain business records pursuant to FRE 902(11) and 803(6). The specific records that the government will introduce pursuant to those rules are identified in the chart below and copies of the corresponding Rule 902(11) certification forms are attached. *See* Attachments A - F.

Gov. Exhibit	Description	Source	Certifications
701 702	Items from defendant Quaglin’s Facebook and Instagram accounts ending in x0349, x0522 and x4367	Meta, Inc.	Attachments A, B, and C
902	Video compilation containing a timeline of the joint session of Congress to certify the 2020 Presidential Election on January 6, 2021	Senate Recording Studio footage; House Recording Studio footage; United States Capitol Closed Circuit Television footage	Attachments D and E
115	Email to Safeway employees re: early closure of Washington, D.C. area Safeway stores on January 6, 2021 (redacted)	Albertsons Companies, Inc. (parent company of Safeway Inc.)	Attachment F

Gov. Exhibit	Description	Source	Certifications
116	Safeway Mid-Atlantic Daily Sales Reports, January 5, 2021, to January 7, 2021	Albertsons Companies, Inc. (parent company of Safeway Inc.)	Attachment F
117	Records of shipments from Lancaster, PA to Washington, D.C. stores from January 3, 2021, to January 9, 2021	Albertsons Companies, Inc. (parent company of Safeway Inc.)	Attachment F
501	Video recorded by photojournalist Jon Farina on U.S. Capitol grounds on January 6, 2021	Jon Farina	Attachment G
504	Video recorded by photojournalist Lev Radin on U.S. Capitol grounds on January 6, 2021	Lev Radin	Attachment H
1008	Summary of Records received from Johnston & Murphy showing purchase by Steven Cappuccio on December 27, 2020	Johnston & Murphy	Attachment I

The Government can establish the authenticity of the third-party records based upon satisfaction of the requirements of under FRE 902(11), which provides that the following evidence is “self-authenticating” and “require[s] no extrinsic evidence of authenticity in order to be admitted”:

Certified Domestic Records of a Regularly Conducted Activity. The original or a copy of a domestic record that meets the requirements of Rule 803(6)(A)-(C), as shown by a certification of the custodian or another qualified person that complies with a federal statute or a rule prescribed by the Supreme Court. Before the trial or hearing, the proponent must give an adverse party reasonable written notice of the intent to offer the record--and must make the record and certification available for inspection--so that the party has a fair opportunity to challenge them.

Fed. R. Evid. 902(11). The business records certifications in this case also satisfy the foundational requirements for Rule 803(6). Therefore, the above exhibits are admissible in evidence in this case.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar Number 481052

By: /s/ Ashley Akers
ASHLEY AKERS
Trial Attorney, Detailee
MO Bar No. 69601
601 D Street, N.W.
Washington, D.C.
(202) 353-0521
Ashley.Akers@usdoj.gov

KAITLIN KLAMANN
Assistant United States Attorney
IL Bar No. 6316768
601 D Street, N.W.
Washington, D.C.
(202) 252-6778
Kaitlin.Klamann@usdoj.gov