

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 1:21-cr-687 (RC)
 :
 DAVID CHARLES RHINE, :
 :
 Defendant. :
 :

REPLY IN SUPPORT OF UNITED STATES' MOTION *IN LIMINE*
REGARDING CROSS-EXAMINATION OF U.S. SECRET SERVICE WITNESS

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this Reply in Support of its Motion *in Limine* Regarding Cross-Examination of U.S. Secret Service Witness. ECF No. 39. In its motion *in limine*, the government sought to limit the defendant's cross-examination of Secret Service witnesses at trial with respect to two well-defined areas:

1. Secret Service protocols related to the locations where protectees or their motorcades are taken at the Capitol or other government buildings when emergencies occur;
2. Details about the nature of Secret Service protective details, such as the number and type of agents the Secret Service assigns to protectees.

ECF No. 39 at 2.

As to these two areas—the sole areas of inquiry identified in the government's motion—the defendant offers no substantive response. Indeed, the defendant affirmatively disclaims any intent to inquire about “current protocol for protecting the Vice President and her family” (ECF No. 49 at 1)—a topic that includes the first area of inquiry identified above and in the government's motion. And the defendant also affirmatively disclaims any intent to “inquire about the Secret Service's detailed procedures, evacuation routes, or details for the current protection of the Vice

President and their family” (ECF No. 49 at 1)—a topic that subsumes the second area of inquiry identified above and in the government’s motion. Because the defendant has failed to mount any substantive opposition on the two areas of inquiry actually identified in the government’s motion, the Court should grant the motion.

The defendant instead devotes his response to discussing a hypothetical limitation on cross-examination that the government did *not* request: a supposed limitation on inquiring about the location within the Capitol or its grounds where the Vice President and his family were taken once the riot began on January 6, 2021. As the defendant is aware, that location has already been disclosed in the trial of another January 6 rioter. See *United States v. Cuoy Griffin*, ECF No. 105 at 222-223, No. 21-cr-00092-TNM (D.D.C.). The government therefore does not seek to preclude the defendant from eliciting the same information at trial in this case. The defendant’s extended discussion of that issue is, therefore, beside the point.¹

CONCLUSION

For the reasons set forth herein and in the government’s motion *in limine* (ECF No. 39), the United States respectfully requests that this Court enter an order, as described above, limiting cross-examination of any witness with the Secret Service.

Dated November 23, 2022.

¹ The Court should reject the defendant’s request that the government’s motion *in limine* be denied as moot. As noted, the defendant has indicated that he plans to cross-examine the government’s Secret Services witnesses about issues distinct from—but adjacent to—the two areas of inquiry identified in the motion, such as the location of the Vice President within the Capitol on January 6, 2021. ECF No. 49 at 2. Given the real prospect that the defendant’s cross-examination will spill into the areas of inquiry identified above and in the government’s motion, it would be most efficient to rule on the government’s motion at this time and avoid unnecessary delay during trial.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Francesco Valentini
FRANCESCO VALENTINI
D.C. Bar No. 986769
Trial Attorney
United States Department of Justice, Criminal Division
Detailed to the D.C. United States Attorney's Office
601 D Street NW
Washington, D.C. 20530
(202) 598-2337
francesco.valentini@usdoj.gov