

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DAVID CHARLES RHINE

No. 1:21-cr-687 (RC)

JOINT PRETRIAL STATEMENT

Pursuant to the Court's August 12, 2022, Pretrial Order, the parties submit this Joint Pretrial Statement.

1. Joint Statement of the Case

This is a criminal case. The government has charged the defendant, David Charles Rhine, with four offenses relating to his alleged conduct in and near the United States Capitol Building on January 6, 2021. Count One charges Mr. Rhine with Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Count Two charges Mr. Rhine with Disorderly or Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Count Three charges Mr. Rhine with Disorderly Conduct in a Capitol Building or Grounds, in violation of 40 U.S.C. § 5104(e)(2)(D); and Count Four charges Mr. Rhine with Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)G). Mr. Rhine has pleaded not guilty to all charges and is presumed innocent.

2. Estimate of Trial Duration

The parties estimate that the trial will last five days.¹

¹ The parties continue to meet and confer in an effort to streamline the issues presented at trial.

3. Expert Witnesses

Neither the government nor the defense expect to call any expert witnesses in this case.

4. List of Pretrial Motions and Motions *in Limine*

By the Government

- a) Motion *in Limine* Regarding Cross-Examination of U.S. Secret Service Witness (ECF No. 39).
Status: Defense response filed (ECF No. 49)
Government reply filed (ECF No. 52)
- b) Motion *in Limine* Regarding Evidence about Specific Locations of U.S. Capitol Police Surveillance Cameras (ECF No. 41).
Status: Defense response filed (ECF No. 51)
Government reply filed (ECF No. 54)
- c) Motion *in Limine* to Preclude Improper Defense Arguments and Evidence about Law Enforcement (ECF No. 40).
Status: Defense response filed (ECF No. 50)
Government reply filed (ECF No. 53)

By the Defendant

- d) Motion in Limine (Various Relief) (ECF No. 38)
Status: Government response filed (ECF No. 58)
Defendant reply filed (ECF No. 66)
- e) Motion to Transfer Venue (ECF No. 42).
Status: Government response filed (ECF No. 55)
Defendant reply filed (ECF No. 60)
- f) Motion to Suppress Geofence Evidence (ECF No. 43).
Status: Government response filed (ECF No. 59)
Defendant reply filed (ECF No. 64)
- g) Motion to Dismiss Counts One and Two (ECF No. 46).
Status: Government response filed (ECF No. 56)
Defendant reply filed (ECF No. 61)
- h) Motion to Dismiss Counts Three and Four (ECF No. 47).
Status: Government response filed (ECF No. 57)
Defendant reply filed (ECF No. 62)

5. Proposed *Voir Dire* Questions

A set of proposed *voir dire* questions is attached hereto as Exhibit 1. Where the parties disagree about a particular *voir dire* question, the disagreement is noted after the disputed question.

The defense has requested that a juror questionnaire be given in addition to *voir dire*. The government opposes use of a questionnaire.

6. Proposed Jury Instructions

A set of proposed jury instructions is attached hereto as Exhibit 2. Where the parties disagree about a particular jury instruction, the disagreement is noted after the disputed instruction.

7. Prior Convictions

The government does not intend to use any prior convictions at trial.

8. Exhibit List

The government's and Mr. Rhine's exhibit lists are attached hereto as Exhibit 3.

9. Stipulations

At this point, the parties have not reached agreement as to any stipulations.

10. Proposed Verdict Form

A proposed verdict form is included at the end of the proposed jury instructions, which are attached hereto as Exhibit 2.

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