

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

UNITED STATES OF AMERICA : **Crim. No. 21-cr-00032 (DLF)**
 :
 v. :
 :
GUY WESLEY REFFITT, :
 :
 Defendant. :

JOINT PRETRIAL STATEMENT

Pursuant to the Court’s January 24, 2022, order, the parties hereby jointly submit this pretrial statement.

A. Joint Statement of the Case

The government has charged the defendant, Mr. Guy Reffitt, with four crimes relating to Congress’s meeting at the United States Capitol on January 6, 2021, to certify the Electoral College vote for president. First, he is charged with obstructing an official proceeding for allegedly interfering with Congress’s meeting. Second, he is charged with being unlawfully present on the Capitol grounds while armed with a firearm. Third, he is charged with transporting firearms during a civil disorder. Fourth, he is charged with interfering with law enforcement officers during a civil disorder.

The government has also charged Mr. Reffitt with obstructing justice based on statements he made to his children while at home in Wylie, Texas, around January 11, 2021.

Mr. Reffitt has pleaded not guilty to all charges.

B. Proposed Voir Dire Questions

The parties filed joint proposed voir dire (ECF No. 64) and will submit a Word version of the same to chambers.

C. Proposed Jury Instructions

The parties filed joint and separate instructions (ECF Nos. 65, 66, 86, 89) and will submit Word versions of the same to chambers. Consistent with the colloquy during the February 3, 2022, initial pretrial conference, the parties anticipate discussing additional objections with the Court during the pretrial conference on February 18, 2022. The government anticipates objecting to the following Redbook instructions that the defense has proposed and separately provided to chambers: Redbook 1.201 (photographs of the defendant), Redbook 2.204 (testimony of immunized witness), Redbook 2.205 (informer's testimony), Redbook 2.211 (refusal of witness to answer question), Redbook 2.212 (invocation of Fifth Amendment privilege), Redbook 2.216 (prior inconsistent statement of witness), Redbook 2.300 (missing witness or other evidence), and Redbook 2.305 (statement of defendant as substantive evidence).

D. List of Government Witnesses

Attached.

E. List of Expert Witnesses

None.

F. List of Prior Convictions

None.

G. List of Government Exhibits

Attached.

H. Stipulations

Attached are four stipulations:

Ex. 700 – Capitol Building

Ex. 701 – U.S. Capitol Police video

Ex. 702 – Certification of Electoral College vote

Ex. 703 – Safeway

I. List of Lesser-Included Offenses

None.

J. Proposed Verdict Form

Attached.¹

Respectfully submitted,

For the Government:

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/s/

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¹ The government suggested four special verdict questions for count four (Obstructing Officers During a Civil Disorder), relating to whether the civil disorder obstructed, delayed, or adversely affected commerce or one of three federally protected functions. However, the defense requested that no special verdict questions be asked, and the government respects the defense’s wishes. *See United States v. North*, 910 F.2d 843, 910 (D.C. Cir.), *opinion withdrawn and superseded in part on reh’g*, 920 F.2d 940 (D.C. Cir. 1990) (describing “judicial distaste” for special verdict forms); *see also id.* at 911 (suggesting that special verdict forms are limited to where finding of an overt act is constitutionally necessary or where a defendant has requested one).

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GOVERNMENT WITNESSES

The government presently expects to call the following 13 witnesses and introduce through these witnesses the exhibits described below. The government may call additional or different witnesses as necessary.

A. U.S. Capitol Police Witnesses

1. Inspector Monique Moore

Inspector Moore was in charge of the U.S. Capitol Police command center on January 6, 2021. In that role, she oversaw the video surveillance system and radio and phone communications. She will provide an overview of the Capitol, including a photo (Ex. 601) and diagram (Ex. 602). To support the proof of a “civil disorder” for counts 1 and 4, she will explain the progression of the riot through the introduction of a compilation of surveillance video from outside and inside the Capitol (Ex. 204), which she will authenticate as a custodian of this business record.

To support the proof of the defendant’s presence on restricted grounds (count 3) and interference with law enforcement (count 4), Inspector Moore will introduce, as business records, the surveillance videos depicting the defendant on the west side of the Capitol, north of the scaffolding: Ex. 205 (compilation of videos from cameras 0609, 0924, and 0925), Ex. 206 (video

from camera 0609), Exs. 207.1 and 207.2 (two clips from camera 0924), and Exs. 208.1 and 208.2 (two clips from camera 0925).

Finally, to support proof of the civil disorder's adverse effect on a federally protected function (count 4), Inspector Moore will introduce as a business record the surveillance video showing Vice President Pence's motorcade leaving the east plaza of the Capitol around 1:57 p.m. (Ex. 220).

2. Sergeant Adam DesCamp,
3. Sergeant Matthew Flood, and
4. Officer Shauni Kerkhoff

These three members of the Capitol Police interacted with the defendant on the west side of the Capitol in an attempt to protect the building from the rioters. They will describe their own actions and the actions of their colleagues, the defendant, and mob below the defendant. These actions will include their commands to the defendant, the defendant's statements to them and the crowd below, and the rioters eventually overwhelming the officers and pushing up farther towards the building. Specifically, Officer Kerkhoff launched pepperballs from a Tippmann PepperBall Launcher at the defendant, Sgt. DesCamp launched projectiles at the defendant from an FN-303 Projectile Launcher, and Sgt. Flood sprayed the defendant with "o.c." (oleoresin capsicum) from a SABRE Red 9-ounce O.C. canister. None of these efforts stopped the defendant's advances. Finally, Sgt. DesCamp was able to stop the defendant's advances by spraying him with "o.c." from a SABRE Red 46-ounce O.C. canister.

Officer Kerkhoff, who has since left the Capitol Police, will display and explain these four less-than-lethal weapons to the jury. Ex. 51 is the Tippmann PepperBall Launcher, Exs. 51A and 51B are photos of the two sides of the weapon, and Ex. 51C is a photo of the pellet the weapon launches. Ex. 52 is the FN-303 Projectile Launcher, Exs. 52A and 52B are photos of the two

sides of the weapon, and Ex. 52C is a photo of the pellet the weapon launches. Ex. 53 is the SABRE Red O.C. canister (46 oz., silver), and Exs. 53A and 53B are photos of the front and rear of the canister. And Ex. 54 is the SABRE Red O.C. canister (9 oz., black), along with a photo of it as Ex. 54A.

Officer Kerkhoff will further authenticate video, based on her personal knowledge, depicting the officers' interactions with the defendant: Ex. 201 (a Reuters news video), Ex. 203 (a cell phone video taken by another individual), and Ex. 211 (a Fox News video).

Officer Kerkhoff will also introduce two clips from the Capitol Police radio run. Ex. 210 is a one-minute-twenty-three-second long audio clip from approximately 1:08 p.m., in which an officer asks for assistance on the west side of the Capitol from officers with "non-lethal" weapons, which Officer Kerkhoff heard and caused her to go to that area with her colleagues and non-lethal weapons. Ex. 211 is a two-minute long audio clip from approximately 1:48 p.m., in which Officer Kerkhoff is describing her present interaction with the defendant and asking for further backup; on the audio, other officers also explain that the northwest terrace is being breached and that all available units should respond. When playing these two clips for the jury and Officer Kerkhoff, the government intends to display corresponding transcripts (Exs. 210T and 211T) to aid the jury's comprehension.

Officer Kerkhoff, Sgt. DesCamp, and Sgt. Flood will use other video, separately authenticated, to explain their interactions with the defendant. These video files include but are not limited to the surveillance video authenticated and introduced by Inspector Moore (Exs. 205 to 208), the News2Share video (Ex. 200, authenticated with a business record certification by Ford Fischer), and the video filmed by freelance journalist Emily Molli (Ex. 202, authenticated with a business record certification from her).

B. FBI Witnesses5. Karla Kennedy

Ms. Kennedy is a nurse and photographer based in Dallas, Texas, who works for the FBI. She took the photographs during the FBI's execution of the search warrants on the defendant's house and vehicles on January 16, 2021. She will introduce these photographs as Exs. 100 to 150. The government also presently expects Ms. Kennedy to introduce the following physical items the FBI located during the search:

1B1	Vest (black, Spartan Armor Systems)
1B3	Bear Attack Deterrent (two cans, Frontiersman)
1B4	Apple iPhone
1B6	Paperwork (Texas Three Percenters)
1B7	Hotel Key Card (Melrose Hotel)
1B10	Jacket (blue, Flash Armor)
1B13.1	Helmet (black)
1B13.2	Zip Tie Flex Cuffs
1B13.3	Shoulder Holster
1B14	Sunglasses (white, Oakley)
1B19	Hotel Receipt (Melrose Hotel)
1B20.1	Laptop (Microsoft Surface Pro)
1B20.2	External Hard Drive (Seagate)
1B22	Camera (Kodak PixPro Orbit 360, with gray bag)
1B23.1	Radio (Motorola)
1B23.2	PixPro charger, holder, and controller
1B27	Firearm (Smith & Wesson .40 caliber)
1B28.1	Magazine (Smith & Wesson .40 caliber, with 14 rounds, from 1B27)
1B28.2	One Round of Ammunition (Smith & Wesson .40 caliber, from 1B27)
1B28.3	Magazine (Smith & Wesson .40 caliber, with 14 rounds, from nightstand)
1B29	Firearm (Smith & Wesson model M&P 15), with scope and laser sight

6. Special Agent Laird Hightower

SA Hightower, based in Dallas, Texas, is the lead Texas agent on the investigation into the defendant. He will testify about his investigation into the charged crimes. On January 16, 2021, he led the search of the defendant's house and vehicles and arrest of the defendant. He will testify

about his observations during the search, including lay opinion testimony that he observed a Blackhawk Serpa CQC holster in the defendant's bedroom.

SA Hightower will introduce the photographs of the defendant at his arrest (Exs. 160 and 161). He will display to the jury, as a demonstrative exhibit, a Blackhawk CQC Serpa holster (Ex. 55).

In furtherance of proving the defendant's possession of a firearm while at the Capitol (count 3), SA Hightower will introduce still-frames of already-introduced videos that depict what appears to be a holster on the defendant's waist, and he will provide lay opinion testimony about the type of holster depicted. These include Exs. 200.1 and 200.2 (still frames from the News2Share video), 202.1 and 202.2 (still frames from the Molli video), and 203.1 (still frames, compiled in a PowerPoint, of the cell phone video).

7. Special Agent Thomas Ryan

SA Ryan, based in Washington, D.C., is the lead Washington Field Office agent on the investigation into the defendant. He will explain the defendant's movements using data from the Life360 geolocation app on the defendant's iPhone. The data itself, which the government does not intend to introduce, is authenticated a business record via a certificate from a custodian at Life360. SA Ryan will explain that the Life360 data includes a date/time and longitude/latitude, and that the FBI plotted that data onto four maps:

- Ex. 604.1 shows the defendant's phone traveling from his home in Wylie, Texas, to Washington, D.C., from January 4 to 6, 2021.
- Ex. 604.2 shows the movements of the defendant's phone within Washington, D.C., on January 6, 2021.

- Ex. 604.3 shows the defendant's phone traveling from Washington, D.C., to Wylie, Texas, from January 7 to 8, 2021.
- Ex. 604.4 shows the times the defendant's phone was at or near the defendant's home between January 8 and 13, 2021.

SA Ryan will explain an additional piece of evidence to support the fact that the defendant was in Washington, D.C., on January 6, 2021: the defendant's hotel folio from the Melrose Georgetown Hotel (Ex. 411). This document is admissible as a business record pursuant to a certification.

Finally, in furtherance of proving that the civil disorder adversely affected commerce, SA Ryan will explain Mayor Bowser's Curfew Order (Mayor's Order 2021-002) (Ex. 415), which is self-authenticating under Federal Rule of Evidence 902(2).

8. Special Agent Stacy Shahrani

SA Shahrani works for the FBI's Computer Analysis Response Team (CART). She examined the digital devices that SA Hightower's team seized during the execution of the search warrants on January 16, 2021, and she was able to extract relevant digital evidence from some of those devices.

SA Shahrani will explain that Ex. 1B4, the Apple iPhone that the FBI seized from the defendant's person, had on it an app for Telegram, an encrypted messaging service, as well as regular text messaging (SMS). SA Shahrani will introduce portions of the following chat threads from the iPhone; each exhibit focuses on the defendant's statements with others' statements occasionally visible for context:

1B4.1	iPhone – SMS thread – w/ Don et al. – starting 12/20/20
1B4.2	iPhone – Telegram thread –w/ Russ William Bowen – starting 12/20/20
1B4.3	iPhone – Telegram thread – “DC bound” – starting 1/2/21
1B4.4	iPhone – SMS thread – w/ Terri – starting 1/7/21
1B4.5	iPhone – SMS thread – w/ Stypick – starting 1/7/21
1B4.6	iPhone – Telegram thread – w/ Roddy – starting 1/9/21
1B4.7	iPhone – Telegram thread – “TTP State” – starting 1/9/21
1B4.8	iPhone – Telegram thread – “Oracle Thoughts” – starting 1/11/21
1B4.9	iPhone – Telegram thread – w/ TTP Caliber – starting 1/13/21

SA Shahrani will explain that she examined Ex. 1B20.1, the Microsoft Surface Pro laptop that the FBI recovered from the defendant’s living room. On the laptop she located a photograph of the defendant and R.H. (Ex. 1B20.1.1) and a photograph of a torso showing apparent bruises (Ex. 1B20.1.2). Each photograph was accompanied by metadata showing the date and time it was created (Exs. 1B20.1.1MD and 1B20.1.2MD).

Finally, SA Shahrani will explain that she examined Ex. 1B20.2, the Seagate External Hard Drive that was attached to the Microsoft Surface Pro laptop. On the hard drive, SA Shahrani located three relevant files:

- File DC001 (Ex. 1B20.2.1) is an MP4 video file with metadata (Ex. 1B20.2.1MD) showing that it was created on January 6, 2021, and accessed on January 10, 2021.¹ The metadata further shows that the file was created by a Kodak Orbit 360 camera. The video file, which is approximately 31 minutes long, appears to depict the defendant in Washington, D.C., near the Ellipse. While playing in a VLC video player, this video can be panned and rotated 360 degrees. The government intends to play portions of this video for the jury. While the video is playing, the government intends to display a corresponding transcript (Ex. 1B20.2.1T) to aid the jury’s comprehension.
- File DC002 (Ex. 1B20.2.2) is an MP4 video file with metadata (Ex. 1B20.2.2MD) that is similar to the above file. The video, which is approximately 17 minutes long, appears to have been created just after file DC001. The government intends to play portions of this video for the jury. While the video is playing, the government intends to display a corresponding transcript (Ex. 1B20.2.2T) to aid the jury’s comprehension.
- File “2021-01-09 21.14.57 Texas State Meeting – Zoom” (Ex. 1B20.2.3) is a 1-hour-and-43-minute long MP4 video file with metadata (1B20.2.3MD). SA Shahrani will explain that it appears to depict a recording of a Zoom video call. The government intends to play portions of this video for the jury. While the video is playing, the government intends to display a corresponding transcript (Ex. 1B20.2.3T) to aid the jury’s comprehension.

C. U.S. Secret Service Witness

9. Special Agent Paul Wade

¹ SA Shahrani will explain that, in her experience, time stamps in metadata are not always correct.

SA Wade is the United States Secret Service (USSS)'s supervisor at the U.S. Capitol. He is assigned to the USSS's Liaison Division and was present at the U.S. Capitol on January 6, 2021.

Prior to January 6, 2021, SA Wade met with representatives from the U.S. Capitol Police to prepare for the security on that day. On January 5, 2021, an agent who works for SA Wade emailed to the U.S. Capitol Police, with a copy to SA Wade, a Secret Service Head of State Notification Worksheet (Ex. 410), which served as the formal notification from the USSS to the U.S. Capitol Police that USSS protectees (Vice President Pence and members of his family) would be present at the Capitol the following day. SA Wade will introduce as an exhibit this notification and its cover email.

SA Wade will also introduce, based on personal knowledge, Ex. 221, surveillance video from the U.S. Capitol Police showing Vice President Pence and others descending the Senate members' staircase at approximately 2:25 p.m. To support the adverse effect on a federally protected function for count 4, SA Wade will generally explain the "emergency actions" that the USSS took in response to the riot: relocating Vice President Pence and his family members, bringing additional USSS personnel to the Capitol, and relocating the Vice President's motorcade.

D. Senate Witness

10. Daniel Schwager

Mr. Schwager served as the counsel to the Secretary of the Senate on January 6, 2021. (He has since left the Senate.) Mr. Schwager will generally explain the process and constitutional and legal bases for Congress's certification of the Electoral College vote. As self-authenticating records, the government will introduce the Twelfth Amendment to the Constitution (Ex. 500); Title 3, Sections 15 through 18 of the United States Code (Exs. 501.15 through 501.18); and Senate Concurrent Resolution 1 (Ex. 504). Pursuant to certifications signed by records custodians of the

Senate and House of Representatives, the government will introduce a compilation of video stills from the official video feeds within the Senate chamber (Ex. 505) and House chamber (Ex. 506). Similarly, the government will introduce a video montage that displays clips from the official video feeds within each chamber along with the corresponding Congressional Record pages, which are self-authenticating pursuant to Federal Rule of Evidence 902(5) (Ex. 507).

Mr. Schwager, who was on the Senate floor on January 6, 2021, will generally explain his observations leading up to the presiding officer gaveling the Senate into recess.

E. Civilian Witnesses²

11. J.R.

J.R. is the defendant's son. He was 18 years old in January 2021. He will explain that he first contacted the FBI about his father in December 2020. He will further explain that he was aware that his father had left the family's home in Texas to go to Washington, D.C., and that his father sent group texts to the family while he was away. J.R. will introduce two of those texts, from around January 7, 2021: Ex. 212.1, in which the defendant sends a link to a Fox News segment depicting the defendant, and Ex. 212.2, in which the defendant circles himself in yellow on videos from news segments.

J.R. will explain that, using his cell phone, he recorded his father speaking to the family while at home around January 9 and 10, 2021. He will introduce and authenticate five of these audio recordings: Exs. 214 through 218. When playing these five audio files for the jury, the government intends to display corresponding transcripts (Exs. 214T through 218T) to aid the jury's comprehension.

² While the witnesses are identified by their initials in this public filing, the government has already provided the defense with their identities.

J.R. will further testify about a threat the defendant made to him that, after the defendant returned to Texas from Washington, D.C., about cooperating with the FBI's investigation into the events at the Capitol on January 6, 2021. He will testify to the words the defendant used, why he perceived them to be a threat and took them seriously, and the steps he took to secure his own safety after that incident.

12. P.R.

P.R. is the defendant's daughter. She was 16 years old in January 2021. The government expects her to generally testify that she was with her brother and father in the family's kitchen when she heard her father tell them that if they turned him in to law enforcement, they would be traitors, and that traitors get shot. She will also testify that she believed the defendant was intending to intimidate her and her brother to not contact the police or FBI about the defendant's involvement in the riot at the Capitol.

13. R.H.

R.H., a fellow member of the defendant's Texas Three Percenter militia group, traveled with the defendant from Texas to Washington, D.C., and back between January 4 and 8, 2021. He will testify about how he knows the defendant, discussions he had with the defendant, their travel arrangements, the defendant's firearms and tactical gear, and the defendant's movements and actions.

R.H. will also testify that he was given immunity for his testimony and will introduce an immunity letter from the government (Ex. 405).

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GUY WESLEY REFFITT,	:	
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Government Exhibits

PHYSICAL EVIDENCE				
<i>No.</i>	<i>Description</i>	<i>Witness</i>	<i>Admitted?</i>	<i>Date</i>
1B1	Vest (black, Spartan Armor Systems)	Kennedy		
1B2	BLANK			
1B3	Bear Attack Deterrent (two cans, Frontiersman)	Kennedy		
1B4	Apple iPhone	Kennedy		
1B5	BLANK			
1B6	Paperwork (Texas Three Percenters)	Kennedy		
1B7	Hotel Key Card (Melrose Hotel)	Kennedy		
1B8	BLANK			
1B9	BLANK			
1B10	Jacket (blue, Flash Armor)	Kennedy		

1B11	BLANK			
1B12	BLANK			
1B13.1	Helmet (black)	Kennedy		
1B13.2	Zip Tie Flex Cuffs	Kennedy		
1B13.3	Shoulder Holster	Kennedy		
1B14	Sunglasses (white, Oakley)	Kennedy		
1B15	BLANK			
1B16	BLANK			
1B17	BLANK			
1B18	BLANK			
1B19	Hotel Receipt (Melrose Hotel)	Kennedy		
1B20.1	Laptop (Microsoft Surface Pro)	Kennedy		
1B20.2	External Hard Drive (Seagate)	Kennedy		
1B21.1	BLANK			
1B21.2	BLANK			
1B21.3	BLANK			

1B21.4	BLANK			
1B22	Camera (Kodak PixPro Orbit 360, with gray bag)	Kennedy		
1B23.1	Radio (Motorola)	Kennedy		
1B23.2	PixPro charger, holder, and controller	Kennedy		
1B24	BLANK			
1B25	BLANK			
1B26	BLANK			
1B27	Firearm (Smith & Wesson .40 caliber)	Kennedy		
1B28.1	Magazine (Smith & Wesson .40 caliber, with 14 rounds, from 1B27)	Kennedy		
1B28.2	One Round of Ammunition (Smith & Wesson .40 caliber, from 1B27)	Kennedy		
1B28.3	Magazine (Smith & Wesson .40 caliber, with 14 rounds, from nightstand)	Kennedy		
1B29	Firearm (Smith & Wesson model M&P 15)	Kennedy		
1B30	BLANK			

1B31	BLANK			
1B32	BLANK			
1B33	BLANK			
51	Tippmann PepperBall Launcher	Kerkhoff		
51A	Photo (left side)	Kerkhoff		
51B	Photo (right side)	Kerkhoff		
51C	Photo (pellet)	Kerkhoff		
52	FN-303 Projectile Launcher	Kerkhoff		
52A	Photo (left side)	Kerkhoff		
52B	Photo (right side)	Kerkhoff		
52C	Photo (pellet)	Kerkhoff		
53	SABRE Red O.C. canister (46 oz., silver)	Kerkhoff		
53A	Photo (front)	Kerkhoff		
53B	Photo (rear)	Kerkhoff		
54	SABRE Red O.C. canister (9 oz., black)	Kerkhoff		

54A	Photo	Kerkhoff		
55	Holster (Blackhawk)	Hightower		
100 SERIES – SEARCH WARRANT AND ARREST PHOTOS				
<i>No.</i>	<i>Description</i>	<i>Witness</i>	<i>Admitted?</i>	<i>Date</i>
100	House, front	Kennedy		
101	Chevy truck, front	Kennedy		
102	Chevy truck, side	Kennedy		
103	Chevy truck, back	Kennedy		
104	Chevy truck, back (from bed)	Kennedy		
105	Chevy truck, side (with door open)	Kennedy		
106	Chevy Equinox (back)	Kennedy		
107	Chevy truck, side (with door open, close)	Kennedy		
108	Blue jacket (front)	Kennedy		
109	Blue jacket (collar)	Kennedy		
110	Helmet and holster (top)	Kennedy		

111	Helmet and holster (side)	Kennedy		
112	Helmet (side, close)	Kennedy		
113	Dashboard	Kennedy		
114	Sunglasses (top)	Kennedy		
115	Sunglasses (front)	Kennedy		
116	Console	Kennedy		
117	iPhone (front)	Kennedy		
118	iPhone (back)	Kennedy		
119	Living room (towards front door)	Kennedy		
120	Living room (away from front door)	Kennedy		
121	Kitchen (overview)	Kennedy		
122	Kitchen (at island)	Kennedy		
123	Kitchen table	Kennedy		
124	Bedroom (showing nightstand)	Kennedy		
125	Bedroom (showing nightstand, close)	Kennedy		

126	Nightstand	Kennedy		
127	Smith & Wesson pistol (right side)	Kennedy		
128	Smith & Wesson pistol (left side)	Kennedy		
129	Bedroom closet (showing safe)	Kennedy		
130	Bedroom closet	Kennedy		
131	Safe (open)	Kennedy		
132	Safe (open, close)	Kennedy		
133	Closet (showing zip ties)	Kennedy		
134	Zip ties	Kennedy		
135	Smith & Wesson model M&P 15 rifle (left side)	Kennedy		
136	Smith & Wesson model M&P 15 rifle (right side)	Kennedy		
137	Closet (showing jacket and vest from angle)	Kennedy		
138	Closet (showing jacket and vest from front)	Kennedy		
139	BLANK	Kennedy		

140	BLANK	Kennedy		
141	BLANK	Kennedy		
142	BLANK	Kennedy		
143	BLANK	Kennedy		
144	Vest (front)	Kennedy		
145	Vest (back)	Kennedy		
146	Vest (showing magazines)	Kennedy		
147	Skull t-shirt (front)	Kennedy		
148	Skull t-shirt (back)	Kennedy		
149	Cards (Melrose, SOLAS, TTP Security, Kuwait license, Texas license)	Kennedy		
150	Paperwork (Texas Three Percenters)	Kennedy		
151	BLANK			
152	BLANK			
153	BLANK			
154	BLANK			

155	BLANK			
156	BLANK			
157	BLANK			
158	BLANK			
159	BLANK			
160	Guy Reffitt (front)	Hightower		
161	Guy Reffitt (right leg)	Hightower		
200 SERIES – VIDEO EVIDENCE				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>
200	News2Share video	Certification		
201	Reuters video	Kerkhoff		
202	Emily Molli news video	Certification		
202.1	Molli video screenshot	Hightower		
202.2	Molli video screenshot	Hightower		
203	Cell phone videos	Kerkhoff		
203.1	PowerPoint of above, cropped	Hightower		

204	USCP compilation video (entire incident)	Moore		
205	USCP compilation video (cameras 0609, 0924, 0925)	Moore		
206	USCP surveillance video 0609 (1:47:52pm to 1:48:23pm)	Moore		
207.1	USCP surveillance video 0924 (1:47pm to 2:15pm)	Moore		
207.2	USCP surveillance video 0924 (2:31pm to 2:32pm)	Moore		
208.1	USCP surveillance video 0925 (2:12pm to 2:15pm)	Moore		
208.2	USCP surveillance video 0925 (2:30pm to 2:32pm)	Moore		
209	BLANK			
210.1	USCP radio run (at 1308 hours)	Kerkhoff		
210.1T	Transcript of above			
210.2	USCP radio run (around 1351 hours)	Kerkhoff		
210.2T	Transcript of above			

211	Fox News at Night (2021-01-07) [no audio]	Kerkhoff		
212.1	Screenshot of text message (Fox News at Night)	J.R.		
212.2	Screenshot of text message (yellow circles)	J.R.		
213	BLANK			
214	J.R. recording: 2021_01_09_00_07_34	J.R.		
214T	Transcript of above			
215	J.R. recording: 2021_01_09_00_48_59	J.R.		
215T	Transcript of above			
216	J.R. recording: dad_tslkinf	J.R.		
216T	Transcript of above			
217	J.R. recording: dad_2	J.R.		
217T	Transcript of above			
218	J.R. recording: end	J.R.		

218T	Transcript of above			
219	BLANK			
220	USCP surveillance video (camera 0932 from 1:56 to 2:01) (shows motorcade leaving plaza)	Moore		
221	USCP surveillance video of Senate members staircase (at 2:25pm)	Wade		
222	BLANK			
223	BWC still of stairs on west side of Capitol between banister and scaffolding	Kerkhoff		
1B SERIES - EVIDENCE RECOVERED FROM DEVICES				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>
1B4.1	iPhone – SMS thread – w/ Don et al. – starting 12/20/20	Shahrani		
1B4.2	iPhone – Telegram thread –w/ Russ William Bowen – starting 12/20/20	Shahrani		
1B4.3	iPhone – Telegram thread – “DC bound” – starting 1/2/21	Shahrani		

1B4.4	iPhone – SMS thread – w/ Terri – starting 1/7/21	Shahrani		
1B4.5	iPhone – SMS thread – w/ Stypick – starting 1/7/21	Shahrani		
1B4.6	iPhone – Telegram thread – w/ Roddy – starting 1/9/21	Shahrani		
1B4.7	iPhone – Telegram thread – “TTP State” – starting 1/9/21	Shahrani		
1B4.8	iPhone – Telegram thread – “Oracle Thoughts” – starting 1/11/21	Shahrani		
1B4.9	iPhone – Telegram thread – w/ TTP Caliber – starting 1/13/21	Shahrani		
1B20.1.1	Microsoft Surface Pro – file 34176 – (photo of Reffitt and R.H.)	Shahrani		
1B20.1.1MD	Metadata from above photo	Shahrani		
1B20.1.2	Microsoft Surface Pro – file 36331 – (photo of stomach)	Shahrani		
1B20.1.2MD	Metadata from above photo	Shahrani		

1B20.2.1	External Hard Drive (Seagate) – DC001 video file	Shahrani		
1B20.2.1T	Transcript of above			
1B20.2.1MD	Metadata of above	Shahrani		
1B20.2.2	External Hard Drive (Seagate) – DC002 video file	Shahrani		
1B20.2.2T	Transcript of above			
1B20.2.2MD	Metadata of above	Shahrani		
1B20.2.3	External Hard Drive (Seagate) – 2021-01-09 21.14.57 Texas State Meeting – Zoom	Shahrani		
1B20.2.3T	Transcript of above			
1B20.2.3MD	Metadata of above	Shahrani		
400 SERIES – DOCUMENTS AND RECORDS				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>
400	BLANK			
401	BLANK			
402	BLANK			

403	BLANK			
404	BLANK			
405	R.H. immunity letter	R.H.		
406	FBI Evidence Log	Hightower		
407	BLANK			
408	BLANK			
409	BLANK			
410	Secret Service Head of State Notification Worksheet	Wade		
411	Melrose Hotel folio	Certification		
412	BLANK			
413	BLANK			
414	BLANK			
415	Mayor Bowser Curfew Order (Mayor's Order 2021-002)	Self-authenticating		
500 SERIES – LEGAL AND CONGRESSIONAL RECORDS				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>
500	U.S. Constitution – 12th Amd.	Self-authenticating		

501.15	3 U.S. Code § 15	Self-authenticating		
501.16	3 U.S. Code § 16	Self-authenticating		
501.17	3 U.S. Code § 17	Self-authenticating		
501.18	3 U.S. Code § 18	Self-authenticating		
502	Congressional Record – Senate	Self-authenticating		
503	Congressional Record – House	Self-authenticating		
504	Senate Concurrent Resolution 1 (Jan. 3, 2021)	Self-authenticating		
505	Screenshots from Senate chamber video at 1:39pm, 1:48pm, 1:54pm, 2:00pm, 2:05pm, 2:10pm	Certification		
506	Screenshots from House chamber video at 1:43pm, 1:48pm, 1:54pm, 1:59pm, 2:04pm, 2:10pm, 2:14pm	Certification		
507	Video Montage – including Congressional Record (vol. 167, No. 4) at S13, S14, S18, H75, H76, H84, H85 and video footage from House and Senate	Certification and self-authenticating		
600 SERIES – OTHER				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>

601	Photo of Capitol	Moore		
602	Diagram of Capitol	Moore		
603	BLANK			
604	BLANK			
604.1	Plotted map of Life360 data – Texas to DC	Ryan		
604.2	Plotted map of Life360 data – Within DC	Ryan		
604.3	Plotted map of Life360 data – DC to Texas	Ryan		
604.4	Plotted map of Life360 data – Within Texas	Ryan		
605	BLANK			
606	BLANK			
607	BLANK			
700 SERIES – STIPULATIONS				
<u>No.</u>	<u>Description</u>	<u>Witness</u>	<u>Admitted?</u>	<u>Date</u>
700	Stipulation re Capitol Building			
701	Stipulation re USCP videos			

702	Stipulation re Certification of Electoral College vote			
703	Stipulation re Safeway			
704	BLANK			
705	BLANK			
706	BLANK			
707	BLANK			

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

UNITED STATES OF AMERICA	:	Crim. No. 21-cr-00032 (DLF)
	:	
v.	:	
	:	
GUY WESLEY REFFITT,	:	
	:	
Defendant.	:	

EXHIBIT 700

STIPULATION

The United States and Defendant Guy Reffitt agree and stipulate to the following:

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.

FOR THE DEFENDANT

William L. Welch, III, Esq.
Counsel for Guy Reffitt

FOR THE UNITED STATES

Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

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

UNITED STATES OF AMERICA	:	Crim. No. 21-cr-00032 (DLF)
	:	
v.	:	
	:	
GUY WESLEY REFFITT,	:	
	:	
Defendant.	:	

EXHIBIT 701

STIPULATION

The United States and Defendant Guy Reffitt agree and stipulate to the following:

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 is authentic in that it is what it purports to be.

FOR THE DEFENDANT

FOR THE UNITED STATES

William L. Welch, III, Esq.
Counsel for Guy Reffitt

Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

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

UNITED STATES OF AMERICA	:	Crim. No. 21-cr-00032 (DLF)
	:	
v.	:	
	:	
GUY WESLEY REFFITT,	:	
	:	
Defendant.	:	

EXHIBIT 702

STIPULATION

The United States and Defendant Guy Reffitt agree and stipulate to the following:

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 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.

FOR THE DEFENDANT

FOR THE UNITED STATES

William L. Welch, III, Esq.
Counsel for Guy Reffitt

Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Crim. No. 21-cr-00032 (DLF)
	:	
v.	:	
	:	
GUY WESLEY REFFITT,	:	
	:	
Defendant.	:	

EXHIBIT 703

STIPULATION

The United States and Defendant Guy Reffitt agree and stipulate to the following:

On January 6, 2021, at around 3:45 p.m., in response to Mayor Bowser’s order imposing a curfew in the District of Columbia because of the events at the U.S. Capitol, Safeway closed all 12 of its stores in the District of Columbia as of 4 p.m. Safeway’s stores were supposed to close at 11 p.m. Safeway later determined that its District of Columbia stores made between 18% and 47% less in sales to the public on January 6, 2021, than they had been projected to make on that day.

Safeway’s District of Columbia stores receive their shipments from a warehouse in Pennsylvania. After 4 p.m. on January 6, 2021, the scheduled shipments for the remainder of the day could not be delivered because the stores were closed and no employees were working.

FOR THE DEFENDANT

FOR THE UNITED STATES

William L. Welch, III, Esq.
Counsel for Guy Reffitt

Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Crim. No. 21-cr-00032 (DLF)
 :
 v. :
 :
 GUY WESLEY REFFITT, :
 :
 Defendant. :
 :

VERDICT FORM

Count One: Transporting a Firearm in Furtherance of a Civil Disorder

Guilty

Not Guilty

Count Two: Obstruction of an Official Proceeding

Guilty

Not Guilty

Count Three: Entering or Remaining in a Restricted Building or Grounds with a Deadly or Dangerous Weapon

Guilty

Not Guilty

Count Four: Obstructing Officers During a Civil Disorder

Guilty

Not Guilty

Count Five: Obstruction of Justice—Hindering Communication Through Force or Threat of Physical Force

Guilty

Not Guilty

Date: March ___, 2022

Signature of Foreperson