

**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).