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4 Pro Se Defendant

5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF COLUMBIA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 ALAN HOSTETTER,

12 Defendant.

) Case No.: 21CR00392-RCL

)  
) REPLY TO GOVERNMENT’S NOTICE  
) REGARDING ANTICIPATED TRIAL  
) EVIDENCE PURSUANT TO FEDERAL  
) RULE OF EVIDENCE 404(b)

) **Part 1: Matters of Reality**  
) **Part 2: Matters of Law**  
)  
)  
)

14  
15 **Part 1: Matters of Reality**

16 I hereby submit an overarching and all-encompassing response to every line, every  
17 word, every jot and every tittle of the government’s Notice with what I previously described  
18 as the *Triune Entrapment Defense*:

- 19 1) President Trump won the 2020 election in one of the biggest landslide victories in  
20 U.S. history. Our constitutional republic was overthrown. An imposter president  
21 was installed. This was an actual act of treason rather than a false flag  
22 fedsurrection, as was J6. (FACT)
- 23 2) It is absurd to believe (*legitimate*) supporters of President Trump would have gone  
24 to Washington D.C. on J6 to disrupt the one event that gave them hope the election  
25 results might be investigated further and possibly overturned. (FACT)

1 3) When examining the security plan for J6, particularly the absence of fencing  
2 around the Capitol building that day, there is no (*legitimate*) explanation other than  
3 federal law enforcement and intelligence agencies staged this obvious false flag  
4 event for nefarious purposes.

5 [https://rumble.com/vgiful-episode-2b-phoenix-rising-podcast-the-root-  
6 cause-of-the-capitol-riot.html](https://rumble.com/vgiful-episode-2b-phoenix-rising-podcast-the-root-cause-of-the-capitol-riot.html)

- 7 ■ Part of the staging of this event included the deployment of federal agents,  
8 informants and crisis actors playing the roles of both Trump supporters and  
9 law enforcement officers. Several of these high-profile informants and  
10 actors have been very publicly indicted to maintain their cover.

11 Keeping this act of entrapment in mind, along with the numerous and various felonies  
12 governmental agents and operatives have committed against me and hundreds of other  
13 (*legitimate*) defendants through these prosecutions, every single aspect of these prosecutions  
14 writ large and applying to ALL defendants is unlawful and therefore void.

15 This statement does not discount the other thousands, if not tens of thousands, of  
16 innocent Americans who have had their bank records and other digital platforms unlawfully  
17 searched by our corrupt federal overlords in cooperation with their corporate step-and-  
18 fetchers;

19 <https://yournews.com/2023/05/19/2574843/bank-of-america-gave-fbi-access-to-jan-6-bank/> )

20 This aligning of corporate America with the government to carry out unconstitutional  
21 acts and suppress the people is known by another name – FASCISM, and we have arrived.  
22 Mussolini would be proud. [https://soapboxie.com/government/What-Is-Corporate-Fascism-Is-  
23 The-Government-Of-The-United-States-a-Fascist-Form-Of-Governance](https://soapboxie.com/government/What-Is-Corporate-Fascism-Is-The-Government-Of-The-United-States-a-Fascist-Form-Of-Governance)

24 I reflect on the words of Chief Justice John Marshall in 1803 when he wrote, “A law  
25 repugnant to the constitution is void.” (*Marbury v. Madison*) This layman wonders if Chief  
Justice Marshall might be rolling over in his grave these days at the monstrosity of what this  
government has become since those early days of our Republic. How “repugnant” might he  
find not only certain laws, but rather our entire federal government at this point? How might

1 he have viewed the tyranny of the Covid lock-downs, for example? Repugnant? What might  
2 his views and his remedy be today in light of the obviously stolen election and the fallout of  
3 the past two plus years? Might he declare the entire federal government “repugnant” and  
4 therefore “void?” Might he encourage a second American Revolution through Article V,  
5 Convention of States? My guess is that this would be the mildest of his recommended  
6 remedies.

7 In my upcoming trial, I expect the government to do whatever they must to convict  
8 me. They have already suborned perjury through a plea bargain. I have explained this already  
9 in a previous filing. I anticipate they will pay others to lie on the stand. I expect evidence to be  
10 fabricated and produced whenever and however necessary to push their narrative that I am  
11 some sort of domestic terrorist and “Leader of the InShurEKshion!” It’s all nonsense. The  
12 government knows this is nonsense. My faith is in God. I feel compelled to stay in the fight  
13 for myself and for others. He gives me this strength.

14 The saddest thing to me isn’t that these corrupt acts will undoubtedly happen to me but  
15 that over half the country believes it likely too. I cannot imagine, as a former police officer,  
16 how many times every day doors are slammed in the face of an FBI agent trying to do his or  
17 her job, even the very few good agents still remaining. The FBI and the DOJ in its entirety has  
18 no credibility left as an organization. None. The calls to defund and disband grow louder by  
19 the day. For those of you cheering these prosecutions on, you simply haven’t come to realize  
20 yet that an “FBI File” exists on you too. When it becomes necessary in their minds, they will  
21 be coming for you eventually as well. Twas always thus and always thus will be.

### 22 **What is real? What is fake?**

23 I believe that my personal history is somewhat unique when compared to most others  
24 who were present at the Capitol on January 6, 2021. Not only did I see things from the  
25 perspective of a protester immersed in a blur of chaotic activity all around me that day, but  
also viewed the incident as a former police chief and detective in hindsight after the  
adrenaline had worn off.

1 I have had specific training and experience; yes, many years ago, in areas very  
2 relevant to my activities and observations on J6.

- 3 • I have specific experience and advanced training in *Special Events Management* and  
4 *crowd control*. In that capacity I was responsible for regularly supervising the policing  
5 of events drawing up to 150,000 people (California Speedway / NASCAR) and  
6 worked with approximately a half dozen other police departments to successfully  
7 accomplish this.
- 8 • I have specific experience and advanced training as it relates to the investigations of  
9 officer-involved shootings such as the Ashli Babbitt incident. As a lieutenant  
10 commanding a detective bureau, I led the administrative investigations into several of  
11 them.
- 12 • Very early in my career I was sent to the urban war zone of the Rodney King Riots in  
13 L.A. - an actual and very real riot, unlike fedsurrection. It was one of the largest,  
14 deadliest and most costly riots in U.S. history.

14 Allow me to explain what a real riot looks, smells and feels like when comparing it to  
15 fedsurrection. My memories are vivid. I will never forget it...

16 At the time my beeper went off in the middle of the night / early morning hours on  
17 April 30, 1992 I was a Fontana (CA) Police Officer with approximately 5 years of law  
18 enforcement experience at the time. I was working then as an undercover vice/narcotics  
19 investigator. My hair was down to my shoulders. I had grown a Fu Manchu mustache and  
20 wore an earring. When about to serve a search warrant or take down a suspect in a sting  
21 operation, I would don a raid jacket and hang my badge around my neck.

22 Prior to falling asleep before my beeper went off that night, I had been watching the  
23 sickening scenes of chaos and carnage coming out of Los Angeles after the first Rodney King  
24 verdict had been announced. The scenes were surreal. Reginald Denny, an innocent truck  
25 driver had been pulled from his truck and beaten almost to death, his head bashed in with a  
brick. Korean shopkeepers perched on top of their stores patrolling with long rifles and

1 handguns. Shootouts occurring throughout the city. Entire city blocks were aflame in South  
2 Central Los Angeles and smaller surrounding cities.

3 In addition to my vice/narcotics duties, I was also a SWAT team member by this time.  
4 Our team consisted of around fifteen tactical team members. Four or five Hostage Negotiators  
5 complemented the team. Our team was very busy in the early to mid 1990's and we had been  
6 involved in handling everything from hostage situations with shots fired to armed and  
7 barricaded suspects to high-risk search warrants.

8 I was a tactical team member on the entry team and carried an H&K MP5 submachine  
9 gun. While on the team I became a rappelling instructor and flash/sound diversionary device  
10 (flashbang) instructor. I trained several local SWAT teams and an Air Force tactical response  
11 team in the use of flash bangs.

12 My position on the SWAT team is the reason my beeper went off that April night.  
13 When I called my SWAT commander in response to his alert, he informed me that the Los  
14 Angeles Police Chief at the time, Darryl Gates, had sent out a Mutual Aid Request throughout  
15 the State of California for assistance. Within the next 12 hours or so thousands of police  
16 officers and National Guardsmen would be converging on Los Angeles and remain there for  
17 several days. I was one of four SWAT members selected from my agency to deploy to L.A.  
18 The four of us were specifically selected for our training and our ability to carry with us  
19 submachine guns, sting ball grenades, flashbangs, lots of ammunition and other assorted  
20 weaponry and tactical gear.

21 I was advised to respond to the station and pack my gear with the other three officers  
22 assigned to this detail (shout out to Doug, Phil and Steve). We were to head first to the Los  
23 Alamitos Armed Forces Reserve Training Base in Orange County as a rallying point before  
24 all agencies from San Bernardino County and other Southern California counties would then  
25 convoy into Los Angeles. Northern California counties were also enroute.

26 The four of us jumped in two police cars after packing them with all of our equipment,  
27 turned on our amber lights to the rear with no siren and raced westward along the 91 freeway  
28 out to Los Alamitos as fast as we could get there. I will always remember seeing other police

1 cars from other agencies also entering the freeway and heading west with us towards the  
2 action as we traveled that roughly 50 miles into Los Alamitos.

3 Even more memorable to me were the many people in the vehicles we were passing on  
4 the freeway waving at us, yelling words of support, blowing us kisses, and raising their fists in  
5 the air in support as we drove by. A few others flipped us off. Most people were truly  
6 frightened by the images they had been viewing during the 24-hour coverage of the riots and  
7 wanted the nightmare to end... for order to be restored in the "City of Angels".

8 Once arriving in Los Alamitos, I recall the hurry up and wait routine, packing a few  
9 more things from the reserve center and a San Bernardino County Sheriff's Captain gathering  
10 all the county agencies together around a large mobile command post. We were informed we  
11 were headed to the City of Inglewood as they too had been burned out and much violence had  
12 taken place there. The city borders South Central Los Angeles. We then, along with police  
13 officers from all over Southern California, formed a miles-long convoy headed up the 405  
14 freeway north towards Los Angeles. We traveled in the slow lane at around 30-40 mph so as  
15 not to get separated. It was quite a sight... all those police vehicles with overhead lights  
16 activated moving towards the front lines. So many different agencies involved, the largest  
17 Mutual Aid Response I would ever see in my career.

18 I will never forget as the convoy was getting closer to Los Angeles, yet still miles  
19 away, seeing a thick plume of black smoke rising up into the heavens as far as the eye could  
20 see. It was both an amazing and shocking sight. This was before the days of cell phones and  
21 cameras in every pocket. I keep in a scrapbook about a dozen photos of my 72 hours in  
22 Inglewood and L.A.

23 We finally arrived and rolled into Inglewood. I'll never forget as we got off the  
24 freeway and drove slowly past two Crip gang members one of them looking at the side of our  
25 car and declaring with eyes wide open and a chuckle, "Fontana?! Better get those boys outta  
the hood!" He was actually being humorous and, to me anyway, it sounded like he was  
kidding us in a good-natured way. We laughed with them as they walked by and made some  
off-hand comment in reply that was also intended to be good natured. It was one of many

1 interesting moments with the locals I recall during my 72 hours there. We arrived near  
2 Inglewood P.D. and rallied in a large parking lot of some sort until an Inglewood P.D. Captain  
3 came out to greet us with several Inglewood officers.

4 The only thing I recall vividly from this commander's briefing was when he said, "If  
5 you happen to shoot at someone and miss and they run away, you don't even need to bother  
6 getting on the radio about it unless there is a body to deal with. It's just too damned busy."  
7 My buddies and I looked at each other with our eyes wide open and that "We ain't in Kansas  
8 anymore, Toto" look on our faces. We never had to shoot anyone fortunately, but it was a  
9 good indicator of what the cops in the area were dealing with in those areas for that roughly  
10 24-hour period before our arrival.

11 At the conclusion of his briefing a couple of Inglewood officers jumped, one each,  
12 into our two Fontana Police cars to help us navigate the city more easily and continue briefing  
13 us on what had gone on there up to our arrival. The officer in my car greeted us with a hearty  
14 "Welcome to the Wood, boys!" He said it with pride. We liked him right away and we all  
15 became fast friends. I think cops at most police departments have some nickname or another  
16 for their cities.

17 From the minute those two Inglewood officers jumped in our cars we were off and  
18 running from one "shots fired" call to the next with all the other typical riot related calls  
19 sprinkled in... looting, fires starting up, firefighters taking rounds and needing protection and  
20 on and on.

21 If it slowed down slightly, we set up random checkpoints at main intersections. There  
22 was a mandatory curfew being enforced and the roads were supposed to be clear of traffic for  
23 the most part. We would stop vehicles and search them, finding truckloads and carloads of  
24 stolen goods in nearly every vehicle we searched. Constitutional rights were temporarily  
25 suspended from 4/29/1992 through 5/4/1992 in and around Los Angeles. This was quite  
different than the suspension of constitutional rights through prosecutions and intimidation  
across the country from 1/6/2021 to present. (And yes, Mr. Sherwin... we are still collectively  
in a state of "shock and awe.") <https://stillnessinthestorm.com/2021/03/shock-and-awe-feds->

1 [admit-they-are-prosecuting-jan-6-capitol-protesters-to-create-chilling-effect-on-1st-](#)  
2 [amendment/](#)

3 We removed the stolen goods from the vehicles we stopped and stacked it all up on  
4 the sidewalk. City trucks were driving around collecting the stolen goods from the sidewalks  
5 and taking it to a centralized location in hopes of returning it to owners and stores where it  
6 was stolen from. Jails were completely full with the worst of the worst offenders so we let the  
7 suspects go free from the checkpoints and told them if we saw them out after curfew again,  
8 we'd arrest them. My guess is they immediately found another store to loot as soon as we let  
9 them go. It was chaos and we were simply trying to overwhelm the rioters with superior  
10 numbers and figure it all out as we went along. American soldiers and cops are quite good at  
11 this sort of improvisation actually.

12 From this point forward, in a stream of consciousness style, I will simply relate my  
13 memories from those 72 hours where I tried, with thousands of other police officers and  
14 National Guardsmen/women from all over California, to bring peace to a state of complete  
15 chaos:

- 16 • Smell of smoke, everywhere and always... Ash falling continuously
- 17 • Electricity Blackouts, fires still occasionally burning, high rise buildings...  
18 red/orange on gray/black... eerie luminescence... thoughts of Dresden.
- 19 • SWAT snipers perched up high in windows monitoring / helicopters above  
20 them shedding sound and light...
- 21 • Eerily quiet at times, punctuated with sounds of nearby gunfire, sometimes  
22 automatic gunfire
- 23 • Children... some looking like the weight of the world was on their shoulders...  
24 others playing within the debris field as if it were just another day.
- 25 • Businesses gutted, burned, property and merchandise strewn everywhere on  
sidewalks and streets
- Thankful residents of all races and ethnicities... some giving us food as a  
gift... that we dare not eat. Sadness and some guilt that I felt this way...



- 1 • Others angry, hate in their eyes cursing and damning us to hell.
- 2 • Shock in the eyes of nearly all. Most of them grateful for our help.
- 3 • A hand on the shoulder or a hand shaken meant so much to us... and to them.
- 4 It's true... we are one. Sadly, most didn't know... Thankful to God, I now do.
- 5 More awakening every day.
- 6 • Sleeping in nearby hotel... eager to rise and get back in the fight with my
- 7 brothers in arms. Sheepdogs by nature, we are. Some things never change.
- 8 • City pacified... time to rebuild... "The Song Remains the Same."
- 9 • Returning home... staring at my son sleeping in his crib... only a month old...
- 10 wondering what life will be like for him and my young daughters. Had no idea
- 11 how dark it would finally become...30 years later... how much would change.
- 12 • The man behind it all in tears – "Can't we all just... get along?" Words that
- 13 made me angry then (sincere? Only he knew), but those words make so much
- 14 sense today.
- 15 • The "King" (47) found dead in a Rialto swimming pool...city next door to
- 16 Fontana... PCP. What lessons can be learned?
- 17 • Is it possible to forgive... while NEVER forgetting?
- 18 • Always darkest before the dawn, I say... what say you?

18 *What do real statistics look like from a real riot?*

- 19 ▪ 63 dead
- 20 ▪ 2,383 injured
- 21 ▪ 12,111 arrests
- 22 ▪ Over \$1,000,000,000 in property damage (well over two billion today
- 23 factoring in inflation)
- 24
- 25

**REAL RIOT**

- [https://www.youtube.com/watch?v=xJC9JM\\_rfx&ab\\_channel=NBCNews](https://www.youtube.com/watch?v=xJC9JM_rfx&ab_channel=NBCNews)
- <https://www.bitchute.com/video/gSPpKYQk1S6Z/>
- <https://www.youtube.com/shorts/bv5qkmuBC4o>
- <https://www.oregister.com/2017/04/26/the-1992-l-a-riots-a-look-back-on-25th-anniversary/> (scroll through the photos in the photo gallery)

**FAKE FEDSURRECTION**

- <https://headlineusa.com/fake-news-pelosi-qanon-shaman/>
- <https://arktimes.com/arkansas-blog/2023/05/30/bigo-barnett-isnt-getting-more-time-or-a-special-prison-to-his-liking>
- <https://www.bitchute.com/video/DYlb92zMkj41/>
- [https://www.youtube.com/watch?v=cA210n5gPE&ab\\_channel=GuardianNews](https://www.youtube.com/watch?v=cA210n5gPE&ab_channel=GuardianNews)
- Fake tears, fake hearing... “All the world’s a stage...”  
[https://www.youtube.com/watch?v=keQqirDnASM&ab\\_channel=TheSun](https://www.youtube.com/watch?v=keQqirDnASM&ab_channel=TheSun)

If I am able to bring just one person to a new level of awareness where they can accept this reality...

[https://twitter.com/ivxivi/status/1663677295809134594?s=46&t=8IaQuvnpCsweCa63\\_3AHAA](https://twitter.com/ivxivi/status/1663677295809134594?s=46&t=8IaQuvnpCsweCa63_3AHAA)

only then can that one person begin to understand and accept that the Ashli Babbitt shooting was fake and staged. Maybe that one person will then tell ten or twenty more, and so on.

<https://www.bitchute.com/video/DYlb92zMkj41/>

When realizing the former is truth regarding 9/11, one also then realizes the latter showing the few minutes it took to stage “Ashli’s” shooting at the Capitol was child’s play to those who organized it. The CIA and FBI stage these sorts of false flags at home and abroad regularly and have been doing it for generations.

1 That they unleashed this technique against Americans once again, on such a mass  
2 scale, in the form of J6 should surprise no one. It was done with very specific intent. It was  
3 just one part of the ongoing treasonous drama unfolding before our eyes. It was the  
4 exclamation point on the election theft carried out in the dead of night on 11/3/2020, then  
5 solidified through J6 with the intention of silencing and intimidating those who might  
6 complain about the ongoing treason we were witnessing (see again AUSA Michael Sherwin’s  
7 “shock and awe” comments above).

8 If the thought of the Ashli Babbitt shooting being a hoax boggles your mind and you  
9 are unable to accept it, simply research more deeply two of the men in that hallway with her  
10 while recording her shooting, John Sullivan (aka Jayden X) and Tayler Hansen. Once you do  
11 your homework on those two, you will come full circle back to the unavoidable conclusion  
12 that their presence there, along with their appearances on CNN and FOX News later that  
13 evening was no coincidence. I repeat... her shooting was staged and fake. Once the Babbitt  
14 nut is cracked, all J6 prosecutions, both past and present, fall apart under the weight of that  
15 one PsyOp within the false flag. Game over. The end!

[https://www.youtube.com/watch?v=iZs1Q3sJE6I&ab\\_channel=Melancholic90s](https://www.youtube.com/watch?v=iZs1Q3sJE6I&ab_channel=Melancholic90s)

16 **Babbitt defined:** *Narrow minded, self-satisfied person with an unthinking attachment to*  
17 *middle class values and materialism.*

18 (Yes, they do love to mock us – we of the “narrow-minded middle class”)

19 <https://www.thefreedictionary.com/babbitt>

## 20 **Part 2: Matters of Law**

### 21 *I. Government’s Notice is Untimely and in Direct Violation of This Court’s Scheduling* 22 *Order*

23 The Court’s scheduling order filed on February 3, 2023 states: “The United States  
24 shall notify Defendant(s) of its intention to introduce any Rule 404(b) evidence not already  
25

1 disclosed by April 21, 2023.” The Government should not be rewarded for violating Court  
2 orders regarding specific disclosure deadlines, especially when they were well aware of the  
3 incident during the time period they were using local FBI agents in California to investigate  
4 the present case.

5  
6 *II. The Government’s Latest Notice is Misleading and an Attempt to Engage in Its*  
7 *Continuing Smear Campaign With the New Untimely Notice*

8 The Government has deliberately failed to disclose to the Court that the “conduct”  
9 it is now seeking to use in the upcoming BENCH trial is actually charged conduct that is  
10 pending in a criminal case in Orange County, CA in Orange County Superior Court Case  
11 Number 20HM06615. This Orange County case involves a charge pursuant to California  
12 Penal Code Section 148(a)(1) – Resisting / Obstructing an Officer on or about May 21,  
13 2020. The Orange County case has been trailing this case and is set for pre-trial in August  
14 2023.

15  
16 *III. The May 21, 2020 Conduct is Inadmissible Under Federal Rules 402 and 403*

17 Evidence is admissible under Rule 404(b) only if it is (1) offered for a proper purpose,  
18 (2) relevant and (3) substantially more probative than prejudicial.” *Dolney*, 2005 WL  
19 2129169, at \*3 (citing *United States v. Downing*, 297 F.3d 52, 58 (2d Cir.2002). The evidence  
20 is not admissible if it is irrelevant under Rule 402 or unduly prejudicial under Rule 403.

21 *United States v. Pascarella*, 84 F.3d 61, 69 (2d Cir.1996). The conduct involved in the May  
22 21, 2020 incident has nothing to do with the charged conduct in this case and is therefore  
23 completely irrelevant. In addition, allowing any evidence into the trial concerning the May  
24 21, 2020  
25

1 incident would be unduly prejudicial given that it is the subject of a pending criminal case in  
2 Orange County, California as previously discussed.

3  
4 *IV. The Government is Once Again Trying to Violate My Constitutional Rights*  
5 *By Seeking to Admit Pending Unrelated Charged Conduct the Orange County*  
6 *Case.*

7 In the Orange County criminal case I am represented by counsel. My attorney has  
8 specifically advised me to remain silent regarding the specifics involved in that case pursuant  
9 to the 5<sup>th</sup> Amendment of the United States Constitution. It is no surprise that the government  
10 is now trying to force me to defend myself in the present case by bringing up the conduct that  
11 is charged in the Orange County case. If the court allows the Government to present any  
12 evidence in this case that involves the Orange County case, we will be having another trial  
13 within a trial, and my Constitutional rights will be violated.  
14

15 I appreciate the court the and public's continued patience and attention to the words  
16 written in this filing and the others I have written thus far. Dawn is breaking.

17  
18 Respectfully Submitted,

19 DATED: June 5, 2023

/s/ Alan S. Hostetter

20 Alan S. Hostetter (Pro Se Defendant)  
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23  
24  
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