UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	**:**	
	:	
v.	**:**	**No. 1:21-cr-00447-CJN-03**
	:	
JOSHUA CHRISTOPHER DOOLIN,	**:**	
et al.	**:**	

DEFENDANT'S RESPONSE TO UNITED STATES
MOTION IN LIMINE REGARDING
AUTHENTICATION OF CERTAIN VIDEO EVIDENCE (DOC.126)

Defendant, Joshua Christopher Doolin, submits this Response in Opposition to

United States' Motion *in limine* regarding authentication of certain video evidence.

(Doc. 126) The motion seeks a pretrial ruling on the authenticity of certain open-

source video evidence. As discussed below, the Government's Motion should be denied

unless the Government can support the circumstantial evidence they claim to possess.

BACKGROUND

On July 23, 2022, the Government submitted its motion *in limine* seeking to

authenticate video evidence derived from YouTube. The Defense refuses to stipulate the

authenticity of any footage and requests the Government to provide the specific video

segments they seek to introduce and the "appropriate witness they plan at trial." Doc.

126 at 1.

ARGUMENT

As the Government argues, it is well settled that the threshold for establishing authenticity is low. Doc. 126 at 2. However, given the recent technological advances, relying on open-sourced media with no evidence of a chain of custody should not even meet this low threshold.

Over five years ago, researchers integrated videos of Barak Obama's weekly address to train an artificial intelligence program to map his spoken-word audio onto a video of mouth shapes.[1] This led to the ability to make convincing videos, known as "deepfakes," which allow people to appear to say just about anything. As can be assumed, this technology has advanced significantly. It has now been used to create photorealistic images of public figures in an unflattering light.[2]

This technology is widely available and insidious. Nevertheless, the Government seeks this Court to find any YouTube video they have found without proving there has been no alteration nor a consistent chain of custody to be authentic.

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[1] Supasorn Suwajanakorn et al., Synthesizing Obama: learning lip sync from audio, ACM TRANS. GRAPH. 36, 4, Article 95 (July 2017).

[2] The doctored video of Nancy Pelosi was not an AI-created "deepfake," but merely a slowed, pitch-altered video clip in which Ms. Pelosi appeared to be drunkenly slurring her words, illustrating how misleading evidence can be created easily and distributed quickly even without sophisticated technology. See Ian Bogost, Facebook's Dystopian Definition of 'Fake', THE ATL. (May 28, 2019).

<u>CONCLUSION</u>

For these reasons, Defendant respectfully requests this Court to deny the

Government's request until they can support the circumstantial evidence they claim to

possess.

Respectfully Submitted,

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