

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,	)	
	)	
	)	
v.	)	Case No. 1:21-cr- 00642 (JDB)
	)	
DARRELL NEELY,	)	
	)	
Defendant.	)	
	)	

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**DEFENDANT’S RESPONSE TO GOVERNMENT MOTION IN LIMINE TO LIMIT  
QUESTIONING AND ARGUMENT REGARDING THE WOMAN WITH WHOM  
DEFENDANT ENTERED THE CAPITOL**

COMES NOW, Defendant Neely, through undersigned counsel and files this Response to the Government’s Motion in Limine to Limit Questioning and Argument Regarding the Woman with whom Defendant Entered the Capitol. The government argues that Mr. Neely should not be allowed to question witnesses about this woman and whether she is or was a member of law enforcement in any way on January 6<sup>th</sup>. For the reasons set forth herein, Defendant Neely should be able to cross examine any government witness about the facts relating to his entry into the Capitol and activities inside, and more specifically, the woman who led him through the Capitol that day. These questions would show how she behaved prior to escorting Mr. Neely inside and how she behaved once inside. She can be seen picking up police equipment, yelling for accomplices to join her, introducing Mr. Neely to people she knows who were there and ultimately leading Mr. Neely down an escalator to the Capitol Visitors’ Center and then hiding from him and escaping up an escalator.

### **Background**

Mr. Neely is charged in a superseding indictment with six offenses relating to January 6, 2021. They are the following: Civil Disorder, in violation of 18 U.S.C. §§231(a)(3), 2; Theft of Government Property, in violation of 18 U.S.C. § 641; Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); disorderly conduct in a Capitol Building, in violation of 20 U.S.C. § 5104(e)(2)(D); and Parading, Demonstrating, or Picketing in a Capitol Building, in violation of 40 U.S.C. § 5104(e)(2)(G).

### **Facts Regarding the Woman in the Pink Beret**

On January 6<sup>th</sup> there were many people who stood out in the crowd that day at the Capitol. The media has focused in particular on several colorful characters caught on video that day. One wore a fur hat with horns, another a panda costume, and some just draped themselves in large flags and Trump gear. Others dressed for combat with camo clothing, tactical vests and helmets. But one person at the Capitol on January 6<sup>th</sup> stood out for being especially well dressed and attractive. Her fashionable clothing and striking appearance made her a favorite subject of photographers that day. She was easy to spot because of the pink beret she wore. That woman is the very woman in question in this motion, hereinafter referred to as “Pink Beret.” Indeed, given her striking appearance, the internet has created a bit of a fascination with Pink Beret as witnessed by the entire page dedicated to what she wore on January 6<sup>th</sup>. (See Figure 1 below, taken from <https://imgur.io/zJRq9X7>).



Figure 1

Long before she was spotted walking into the Capitol hand in hand with Mr. Neely on January 6<sup>th</sup> (ECF 48, Government Motion in Limine at p. 2), Pink Beret had been making a fashion statement all over the Capitol grounds. At Approx. 12:54pm that day, the barricades at the Peace Circle were breached by protestors. This is the first breach of the restricted perimeter that day. Interestingly, many of those first breach protestors have yet to be charged criminally. Figure 2 below shows several of these individuals circled in yellow. Ray Epps, who has been widely suspected of being a government actor that day, was at this initial breach. Pink Beret was there too.

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Figure 2

Fig. 2 shows scene at first breach of barricades at the Peace Circle.

Fig. 3 is an enlargement of the area in that photo showing Pink Beret.



Figure 3



Figure 4 below shows the first breach again but at a slightly different angle. This time Pink Beret is working her way around the side fencing. She appears to be alone. Figure 5 below shows her sprinting towards the Capitol on the lawn once the barricades are down.



Figure 4



Figure 5

From Fig. 5 it is clear Pink Beret was on a mission to get to the Capitol as quickly as possible and to be one of the first to get there. We know this because she ran across grass -- in heels. In Figure 6, she is shown hanging out around the scaffolding on the west side of the Capitol grounds after her arrival on to the grounds.

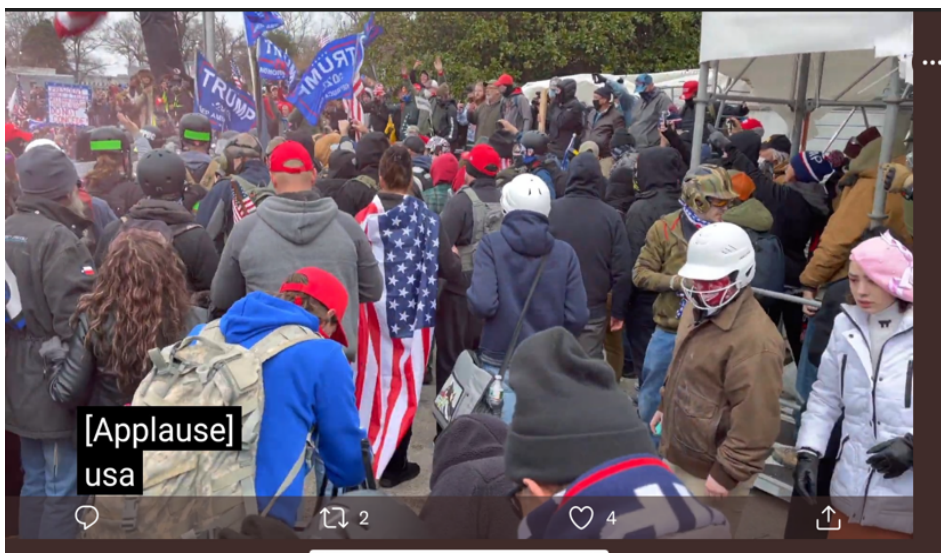
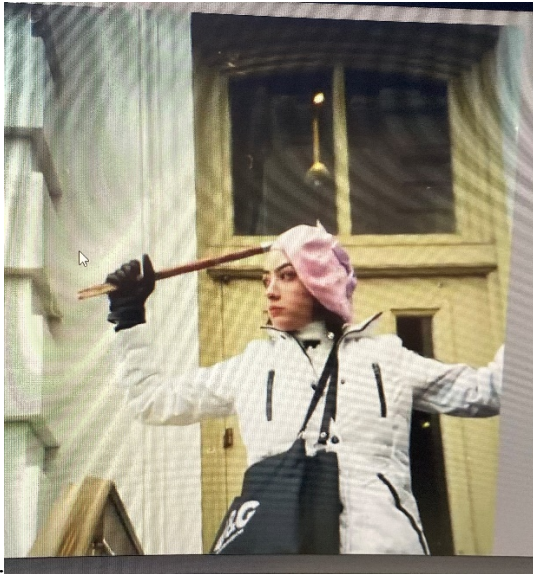


Figure 6



Eventually, Pink Beret made her way up to the upper West Terrace. There she is seen on numerous open source videos directing people like Toscanini into the Capitol. In figure 7 she is shown holding a stick or broken flag pole and using it like a baton to direct people towards the door



behind her.

*Figure 7*

In Figure 8 below, found in the video found here:

[https://twitter.com/ryanjreilly/status/1627736774851063808?t=9vHGGuG\\_sy\\_OKQYmJ7hLIw&s=19](https://twitter.com/ryanjreilly/status/1627736774851063808?t=9vHGGuG_sy_OKQYmJ7hLIw&s=19)

Pink Beret is directing people towards the capitol doors at approximately 14 seconds.

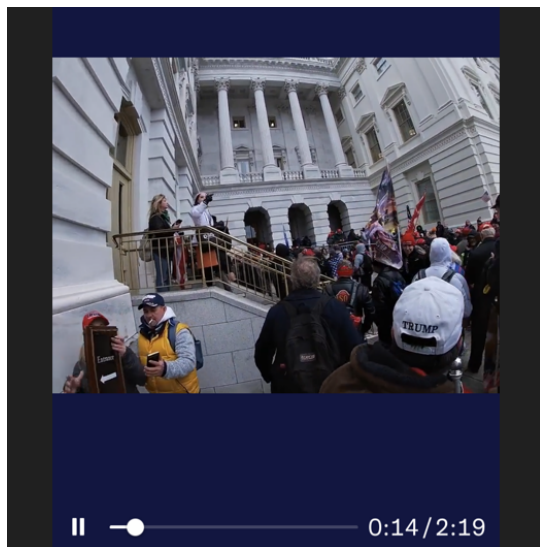


Figure 8



Figure 9

In Fig. 9 a photographer at the Capitol that day captured images of Pink Beret standing in front of the same door. He also captured a photo of officers actively seeking to defend the door through the broken window right behind her. His recording can be found at this link <https://www.youtube.com/watch?v=Ag28zrVKqfg>. Photos of Pink Beret at the Officers appear at approximately at the 4:34 mark.



At some point Pink Beret and Mr. Neely meet. They are seen standing in line to enter the Capitol on the ramp that was there just outside the Senate Wing doors. Fig. 9 was probably taken around 2:20pm as the entry by Mr. Neely and Pink Beret through the Senate Wing Doors happened at approx. 2:24pm. (See Fig. 10). They enter hand in hand and stop to take photos. Pink Beret is smiling the whole time with no indication she has just met Mr. Neely only moments before.

████████████████████ Court Document Screenshots & Case Files Blake Reed  
20210106\_142341.mp4 <https://archive.org/details/NTtavXsvHh5ZqyPmj> Timecode: 0:04



Figure 10

**Senate Wing Door: 2:25 p.m.**



Figure 11

While inside the Capitol, Pink Beret is seen walking around the Crypt area with Mr. Neely (ECF 48 at page 2). She is also seen loading up a backpack with officer belongings that are on the ground (See Fig. 12). She walks around with the black backpack stuffed full of things moments later. Neely meets her shortly after that and he takes the backpack from her and returns the backpack to an officer standing in the Crypt. Then Pink Beret and Neely walk towards the Capitol Visitor's Center without the backpack.



Figure 12

It is in the Capitol Visitors' Center that things start to get strange. Pink Beret immediately turns around when Neely isn't looking and runs to the escalator shaft. She ducks down and removes her beret and continues up the escalator in a crouched position. The entire episode can be viewed on CCTV camera 7167 CVC UL Orientation Lobby to Crypt at 2:39pm – 2:44pm.

At 2:44pm Neely is seen looking for Pink Beret. But she is nowhere to be found. He thereafter returns to the Crypt where he stands around, talks on his phone, talks to officers, and wanders around aimlessly until he finally exits the building.

During the course of their interactions, Pink Beret made statements to Mr. Neely that indicated that she knew a lot of people at the Capitol that day. That seems odd as almost all day she is solo until she attaches herself to Neely to enter the building. Why befriend a stranger only to mysteriously ditch him?

Where did Pink Beret girl go after she ditched Mr. Neely? At approx.. 2:43pm she is seen exiting the Capitol through the window at the Senate Wing Door area. She has removed her beret and she is hiding her face with a cloth.

At Approximately 2:49pm Pink Beret enters the side door on the upper West terrace. The same door she had been standing at earlier in the day. After getting cozy with a male protestor – another stranger--she then makes a bee line to the office across the hall. (See Figs. 13-16).



Figure 13



Figure 14



Figure 15



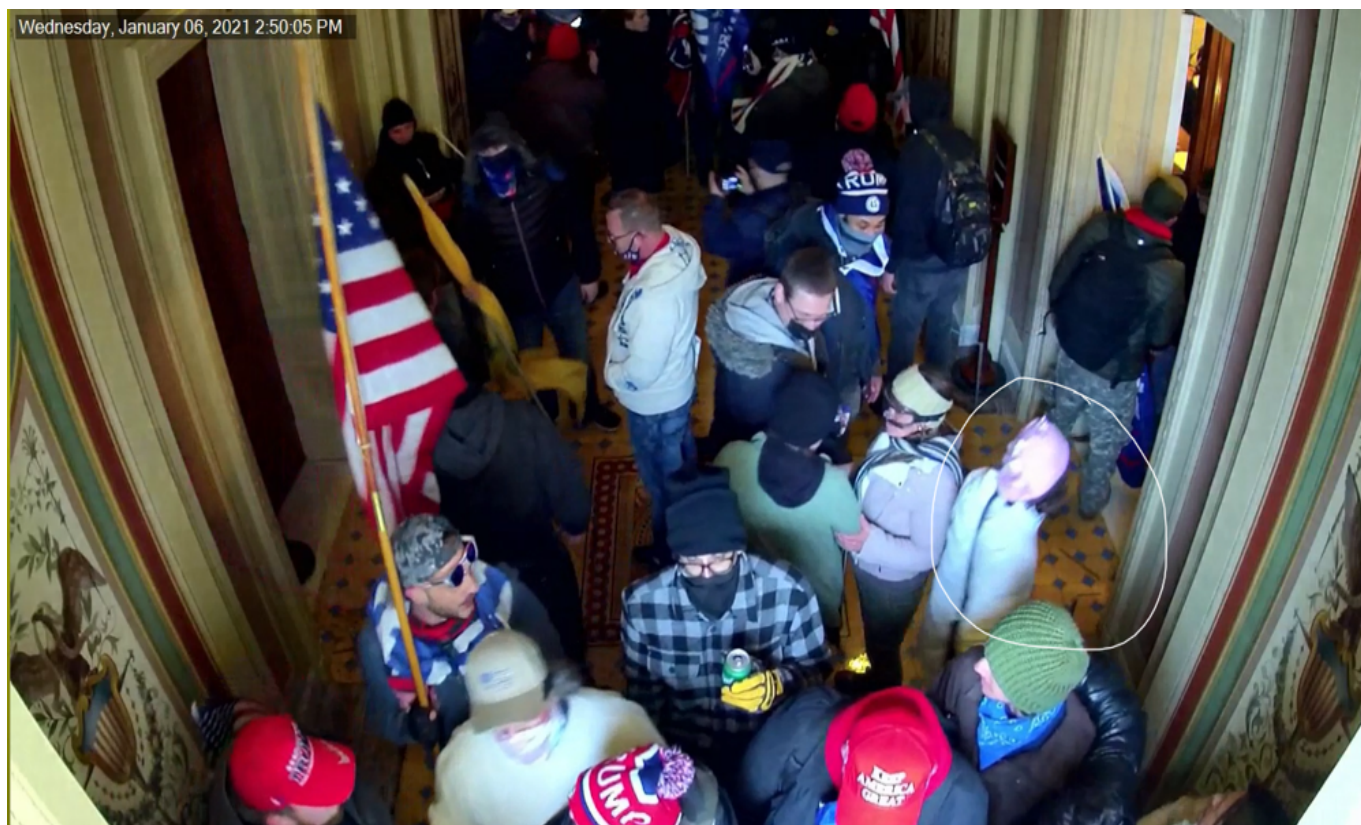


Figure 16

Later in the day, Pink Beret is seen at the media smash event stealing items from the pile and surrounded by people she seems to know. She does not leave the Capitol until it is dark as evidenced by Figure 18 below.



Figure 17



Figure 18

### **Argument**

Mr. Neely's entry in to the Capitol was directed by Pink Beret. She had associates in the building that day and seemed to have information well beyond that of a normal citizen there to protest. Mr. Neely needs to know who she is and why she was there. He also needs to understand if he was targeted by her that day and for what purpose.

On August 6, 2022, undersigned counsel sent an email to the government asking them to identify Pink Beret. On August 12, 2022 the government responded to this request by declining to provide information about ongoing investigations. *See* Ex. 1, redacted email exchange. Recently, on February 14, 2023, government counsel was sent a picture, a news article(linked here <https://www.politico.com/amp/news/2023/02/14/girlfriend-proud-boys-pleads-fifth-00082707>) and a

possible identification of Pink Beret. *See* Ex. 2, redacted email. The government has not acknowledged this email in any way as of the filing of this motion. If Pink Beret has any connection to Ms. Flores mentioned in the article, this alone warrants inquiry about whether Pink Beret was somehow part of the planning of the Capitol breach as a government agent or cooperator.

At this point in time Mr. Neely is seeking to identify this crucial witness in his case. The government has been withholding discovery on the identity of this important witness who would be able to testify that Mr. Neely did not steal anything while inside the Capitol and that the police items were returned to the officer in the Crypt. Additionally, she can testify that Mr. Neely was never told by the officers they encountered to leave the building and she could corroborate that he informed officers he was a journalist and was attempting to live stream for his media channel.

The possible connection between Pink Beret and the government is fair game to explore as well, especially given her knowledge and association with Proud Boy leaders there that day and her statement to Mr. Neely about her connections to these people and her highly suspicious behavior. When Mr. Neely was interviewed by agents on October 18, 2021 he asked many of these same questions about the identity of Pink Beret and suggested that the government find her. Here we are in 2023 and the government is still stonewalling Mr. Neely.

If Pink Beret is a government cooperator or agent, that information is Brady material and must be turned over. To date, the government has not definitively stated that Pink Beret is not a government agent or cooperator – only that they have no knowledge of that as of now. As seen on open source videos and photographs, Pink Beret was an aggressive actor and was photographed and videotaped all over the grounds. She was easily identifiable. She went inside the Capitol at least twice. She was at the initial breach of the barricades before Trump ever finished speaking and there well past dark. She was directing people to enter the Capitol and walked Mr., Neely inside.



