

BEFORE THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, . Case Number 21-cr-32
Plaintiff, .
vs. .
GUY WESLEY REFFITT, . March 1, 2022
Defendant. . 9:09 a.m.

TRANSCRIPT OF JURY TRIAL
(MORNING SESSION)

BEFORE THE HONORABLE DABNEY L. FRIEDRICH
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 P R O C E E D I N G S

2 (Call to order of the court.)

3 COURTROOM DEPUTY: Your Honor, we are in Criminal
4 Action 21-32, United States versus Guy Reffitt.5 Representing the United States, we have Mr. Jeffrey Nestler
6 and Ms. Risa Berkower. Representing Mr. Reffitt, we have
7 Mr. William Welch.8 THE COURT: First off, the government's correct in
9 terms of the number of jurors we need to qualify. We were
10 double counting the alternates. So we're trying to get to a
11 total of 36. Even for those who had conflicts, would prefer not
12 to serve, my understanding is we didn't move any of those to the
13 bottom.

14 Am I correct?

15 MR. WELCH: Correct.

16 THE COURT: So we now have 24. Is that right, 24?

17 COURTROOM DEPUTY: 24.

18 THE COURT: 24? All right. So I would suggest
19 getting to 37 or so.

20 Does that make sense to everyone?

21 MS. BERKOWER: It does, Your Honor, and I think it's
22 24 without the juror who had a potential residency issue and 25
23 with her.24 THE COURT: Ms. Berkower, I'm told it's hard to hear
25 you. So you need to keep your voice up, particularly in the

1 other room. So I didn't hear that. You can take the mask off
2 if you want.

3 MS. BERKOWER: With regard to the number who have
4 qualified, it's the government's understanding it's 24 without
5 the juror who had the potential residency issue.

6 THE COURT: Right. And you all didn't get me any
7 authority on that. Do you have any?

8 MS. BERKOWER: I think in light of the defendant's
9 challenge to her, we will not object.

10 THE COURT: Yeah. Well, I was inclined to agree with
11 them, just looking at the Black's definition of "residence." I
12 think it's defined as the act or fact of living in a given place
13 for some time, and it's distinguished from domicile. And she's
14 been living, by her own admission, in Falls Church since
15 January. So I would strike that juror.

16 So we're in agreement we have 24 with that juror stricken?

17 MS. BERKOWER: Yes. That's right, Your Honor.

18 THE COURT: And do you all agree, both sides, that we
19 should aim for 37, or do you think we should go to 38?

20 MS. BERKOWER: I think 37 is --

21 THE COURT: I think 37. We don't have a break. We're
22 going to do the peremptories today. So at some point later, I
23 want to talk to you all about the -- how we're going to do the
24 strikes in the Ceremonial Courtroom. It's a little more
25 challenging with everyone spaced apart. So I just want to make

1 sure we're all on the same page about how that's going to work,
2 but let's not keep the jury waiting any longer.

3 Also, just so you know, I am asking the court to take
4 another look at whether, given the relaxing of COVID protocols
5 generally, whether we can do anything to relax the Court's
6 order. I don't know if I will have any luck on that. But I
7 think Mr. Reffitt's family member, his wife, would have
8 priority, as well as the press. So we're just really jammed
9 operating under a six-foot social distancing order. So I just
10 want you all to know that I've made that request.

11 Let's see. Anything else, Ms. Berkower, you want to say?

12 MS. BERKOWER: Very briefly, Your Honor. I know Your
13 Honor wanted to address the government's PowerPoint for opening.

14 THE COURT: Right.

15 MS. BERKOWER: But we did have, before we brought in
16 the prospective -- the next prospective juror, a request
17 concerning one of the jurors who did qualify yesterday. We
18 wanted to just raise a question about whether further
19 questioning might be appropriate for one of these jurors, and I
20 can address that now or after --

21 THE COURT: What juror number is this?

22 MS. BERKOWER: Sorry.

23 THE COURT: This is one who qualified?

24 MS. BERKOWER: Yes, Your Honor. It's juror 0457.

25 THE COURT: And just briefly, what's the issue? I'm

1 not sure I want to get into it now, given the jury's waiting for
2 us.

3 MS. BERKOWER: Well, Your Honor, this was the juror
4 who had said that she had listened to podcasts, a lot of
5 podcasts in recent weeks about January 6 and followed it very
6 closely, one podcaster or journalist in particular.

7 And upon leaving court yesterday, we learned a little bit
8 more, that that podcaster has expressed the view that January 6
9 was a false flag attack committed by the government.

10 And while we addressed this juror's opinion concerning the
11 guilt or innocence of defendants or people involved with
12 January 6 and she said she could set those views aside, we did
13 not get into whether she has opinions about the government and
14 biases towards the government or against the government that she
15 could set aside to be a juror.

16 And in light of Your Honor's preference --

17 THE COURT: I let you re-examine her. You could have
18 brought that out. I'm not going to continue to call folks back.
19 You drilled down quite a bit on that, and she certainly is
20 worthy probably of a peremptory strike by the government. But I
21 don't -- we need to move it. We've got jurors waiting. We
22 spent a lot of time with her.

23 MS. BERKOWER: Understood, Your Honor. Thank you.

24 THE COURT: All right. Okay. I will address the
25 issues with the demonstrative exhibits later. I really don't

1 want to keep -- we've got jurors waiting in the jury room now,
2 Mr. Hopkins?

3 COURTROOM DEPUTY: Yes, Your Honor, we do.

4 THE COURT: All right. I don't want to wait anymore
5 at this point.

6 Mr. Welch, any issues for you and Mr. Reffitt before we
7 bring the rest of the jurors in?

8 MR. WELCH: No, Your Honor. Thank you.

9 THE COURT: Okay. If I'm correct, the next juror up
10 is 1650. This juror has said yes to questions 18, question 20,
11 and question 22. I will start with 22, and I note that this
12 juror is over 70.

13 (Prospective juror steps up.)

14 THE COURT: Good morning, ma'am.

15 PROSPECTIVE JUROR: Good morning.

16 THE COURT: I'm very sorry we didn't get to you
17 yesterday.

18 PROSPECTIVE JUROR: That's okay.

19 THE COURT: If you're comfortable taking your mask
20 off, could you, please?

21 PROSPECTIVE JUROR: Thank you.

22 THE COURT: Of course. Ma'am, I just want to remind
23 you that you are still under oath. Yesterday, you were placed
24 under oath. I just want to remind you of that.

25 So I understand that you have said yes to the question that

1 serving as a juror would be an extreme hardship. And before you
2 answer that question, I want to remind you that I'm happy to
3 take your answer on the telephone if you would like to say why
4 it would be a hardship privately to me and to the court staff.

5 But also, I want to make sure that you realize that you are
6 here voluntarily, given your age. Am I correct you're over 70?

7 PROSPECTIVE JUROR: Yes, ma'am.

8 THE COURT: You're not required to serve.

9 PROSPECTIVE JUROR: I know.

10 THE COURT: So if you would prefer not to serve,
11 that's your prerogative. We would be delighted to have you
12 serve, but I want you to know that you have that right.

13 PROSPECTIVE JUROR: Yes. I have only one -- I may not
14 have answered the question correctly. But I have an excuse for
15 March the 7th.

16 THE COURT: Okay. And that would be hard for you to
17 be here on March the 7th?

18 PROSPECTIVE JUROR: Correct, because I already have
19 arbitration on March the 7th.

20 THE COURT: All right. And this trial, today's the
21 1st, and I think it's probably likely to still be going on by
22 March the 7th.

23 And you can't miss that?

24 PROSPECTIVE JUROR: Correct.

25 THE COURT: Given that you don't have to serve, does

1 either side have any objection to excusing this juror?

2 MS. BERKOWER: No, Your Honor.

3 MR. WELCH: (Shook head.)

4 THE COURT: All right, ma'am. Thank you for your
5 service.

6 (Prospective juror steps down.)

7 THE COURT: All right. So that juror, I don't know
8 whether it's appropriate to strike for cause or she's just
9 exercised her right not to appear, but she won't be a qualified
10 juror.

11 The next juror is 0365. This juror has answered yes to
12 questions 1, 3, 4, 5, and 20.

13 (Prospective juror steps up.)

14 THE COURT: Good morning, ma'am.

15 PROSPECTIVE JUROR: Good morning.

16 THE COURT: Sorry to keep you waiting all day
17 yesterday and not get to you. If you feel comfortable taking
18 your mask off, please do. Again, I want to remind you that you
19 are still under oath.

20 I see that you have answered yes to question number 1,
21 which is that you live or work at or near the Capitol. Which is
22 it, or both?

23 PROSPECTIVE JUROR: It's both. I work in Northeast,
24 and I live in Northwest.

25 THE COURT: How far from the Capitol would you say,

1 roughly? Are you on Capitol Hill?

2 PROSPECTIVE JUROR: No, I'm not in the area. I wasn't
3 actually sure about that answer.

4 THE COURT: Were you inconvenienced at all on
5 January 6 as a result of the events at the Capitol?

6 PROSPECTIVE JUROR: On that day?

7 THE COURT: Yes.

8 PROSPECTIVE JUROR: No.

9 THE COURT: Were you here in D.C. on that day?

10 PROSPECTIVE JUROR: No. I was in San Francisco.

11 THE COURT: You've also said that you have heard news
12 about the January 6 events and that you heard news about
13 Mr. Reffitt or others who were at the Capitol on January 6.

14 Can you tell us what you've heard?

15 PROSPECTIVE JUROR: I haven't heard specifically, but
16 just events reported on the news, but I haven't heard specific
17 names or anything.

18 THE COURT: Ma'am, can you please keep your voice up?
19 It's hard to hear. That's the microphone.

20 PROSPECTIVE JUROR: Sure. Sorry.

21 THE COURT: That's all right.

22 So I'm wondering, the news that you've seen or heard, was
23 that concentrated on or around January 6, or has it been
24 constant since that date?

25 PROSPECTIVE JUROR: No, it's just like general news.

1 THE COURT: So, what, you've read articles and seen
2 things on TV just as you follow the news?

3 PROSPECTIVE JUROR: Sure, yeah.

4 THE COURT: Are you tracking the January 6 events
5 specifically?

6 PROSPECTIVE JUROR: No.

7 THE COURT: You have to keep your voice up.

8 PROSPECTIVE JUROR: No.

9 THE COURT: Have you seen -- you haven't seen anything
10 about Mr. Reffitt in particular that you can recall?

11 So Mr. Reffitt's seated at that table. Do you recognize
12 him?

13 PROSPECTIVE JUROR: Nope.

14 THE COURT: Have you formed any opinion about the
15 guilt or innocence of the people involved in the events at the
16 Capitol on January 6?

17 PROSPECTIVE JUROR: Can you repeat that? Sorry.

18 THE COURT: The question is, have you formed an
19 opinion about the guilt or innocence of the individuals who were
20 involved in the January 6 events at the Capitol?

21 PROSPECTIVE JUROR: Not about the people. I think it
22 was -- as a D.C. resident, I think it was a lot of failures,
23 yeah. I don't know.

24 THE COURT: When you say "a lot of failures," what do
25 you mean? Do you mean on the part of the individuals who

1 participated in the riot or on the part of the security folks,
2 or both?

3 PROSPECTIVE JUROR: I think it was probably a
4 combination of things, and I don't -- I think people were
5 probably somewhat drawn into the situation and it perhaps got
6 out of hand, and I think that's where some of the
7 miscommunication and system failures and -- with respect to
8 Mayor Bowser's call to Capitol Police. I think it escalated
9 quickly from what I saw on TV.

10 But during that year, I had -- I reside in D.C., but my
11 parents are in California. So during 2020, working from home, I
12 was working remotely from San Francisco.

13 THE COURT: So you were in San Francisco still on
14 January 6th of 2021?

15 PROSPECTIVE JUROR: Correct, yeah. We were still in
16 work-from-home -- my parents are elderly, too. At that point,
17 everyone was quarantining.

18 THE COURT: So given your feelings and the opinions
19 you have about what happened on January 6, is there anything
20 about those feelings, those opinions, that would be difficult
21 for you to set aside and judge this case solely based on the
22 evidence that's presented in this court?

23 PROSPECTIVE JUROR: No. I think it's fair to hear all
24 sides. I don't -- I think -- I don't succumb to everything the
25 news says either. So I mean, I think people are entitled to

1 present their side of what happened.

2 THE COURT: And you realize what you've seen and heard
3 in the news is not and could not be evidence in this case, in
4 this trial?

5 PROSPECTIVE JUROR: Sure, yeah. I mean, it's TV.

6 THE COURT: All right. You realize that media may not
7 be fully accurate or complete?

8 PROSPECTIVE JUROR: I totally -- yes, I agree.

9 THE COURT: So you could kind of wipe the slate clean
10 with what you've seen and heard and decide this case based on
11 the evidence in this courtroom?

12 PROSPECTIVE JUROR: I think I could be fair and
13 objective, yes.

14 THE COURT: All right. You have also said yes to you
15 or someone you know having been arrested, charged, or convicted
16 of a crime or been a victim or witness to a crime.

17 And before you answer that, let me remind you that if you
18 feel more comfortable answering that by the telephone headset
19 privately, you may do so.

20 PROSPECTIVE JUROR: No. I recently was a victim of
21 crime myself.

22 THE COURT: What kind of crime?

23 PROSPECTIVE JUROR: My identity was stolen. My credit
24 card information was lifted and used at a golf course in New
25 Jersey for a paintball session.

1 But long story short, between when I found out that day,
2 once I saw the money out of my account, I kind of sprung into
3 action. I called the golf course down in New Jersey. They
4 ended up arresting the person.

5 THE COURT: Really?

6 PROSPECTIVE JUROR: Yeah.

7 THE COURT: You're one of the lucky few.

8 Was there a prosecution?

9 PROSPECTIVE JUROR: Yes. Well, as of -- so I spoke
10 to, I think it was, the district attorney around New Year's, and
11 they were going to offer the person a plea bargain. I just
12 really wanted to know how this person obtained my credit card
13 info. They could have bought it. It could have been lifted
14 from a gas station. I don't know. I had the card on me.

15 So that was the last I heard from the detective, and that
16 was around, I think -- yeah, they were going to offer a plea
17 bargain, and then they said if the person didn't take the plea
18 bargain, then it would probably go to trial, in which case I
19 might -- I don't know. I just haven't followed up.

20 THE COURT: All right. And these are New Jersey law
21 enforcement authorities you were dealing with?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Is there anything about the way that case,
24 that investigation or prosecution was handled that would make
25 you lean towards one side or the other in this case?

1 PROSPECTIVE JUROR: No. I mean, they sprung into
2 action. I mean, between -- you know, they showed up at the golf
3 course the next day, like, undercover, and the person showed up
4 with 15 of his friends expecting to play paintball, and I think
5 I ruined his birthday party.

6 The amount that was withdrawn from my checking was about
7 1,800. It was enough to, like, put my -- go into overdraft as
8 well, too. So unfortunately, in the last, I don't know, say 20
9 years, I've had my identity stolen a few times. So this was
10 like --

11 THE COURT: Very bad luck.

12 PROSPECTIVE JUROR: Yeah. And oftentimes, I think
13 these things happen where they don't have enough, you know, but
14 the person was going to show up.

15 But they were very professional.

16 THE COURT: Thank you.

17 Ms. Berkower?

18 MS. BERKOWER: Good morning.

19 PROSPECTIVE JUROR: Good morning.

20 MS. BERKOWER: So just a couple of questions for you
21 to start with, when you said you were teleworking from
22 California. When did you start teleworking from California?

23 PROSPECTIVE JUROR: Probably around March 16th or 17th
24 of 2020.

25 MS. BERKOWER: So like right after the shutdown?

1 PROSPECTIVE JUROR: It was kind of around that time,
2 yeah.

3 MS. BERKOWER: And how long were you out in California
4 for?

5 PROSPECTIVE JUROR: During 2020, probably most of the
6 year. I think I came back to D.C. maybe in October, but then I
7 went back out. During this time, my mom also fell out there.
8 So she suffered like three fractures. So it was between
9 maintaining my employment, because my employer's in D.C., and
10 then, you know, keeping safe, social distancing, like not going
11 anywhere.

12 So that's -- my parents are out there.

13 MS. BERKOWER: To make sure I understand, it sounds
14 like you left for California in March of 2020 --

15 PROSPECTIVE JUROR: Yeah, I was gone probably most of
16 2020, even though I paid rent every month.

17 MS. BERKOWER: You said you came back in
18 October of 2020?

19 PROSPECTIVE JUROR: I did, yeah, because I had been
20 away from my apartment for so long, my car was parked on the
21 street. We were all instructed to still be working from home,
22 and I had gotten approval from my manager and vice president to
23 work from California. Like, I was a work-from-home in D.C., but
24 I was actually like remote. So I had their permission, and I
25 was able to continue my job effectively and stuff.

1 MS. BERKOWER: Okay. So you came back in
2 October of 2020. When did you go back to California?

3 PROSPECTIVE JUROR: It was around Thanksgiving, and
4 then I stayed out in San Francisco through Christmas, through
5 January. And then it was probably around maybe Martin Luther
6 King Day where they started wanting people to return to the
7 office and showing up to work. With everyone's different
8 personal situations at home, people have kids and stuff, so --

9 MS. BERKOWER: So when did you come back to D.C.?
10 Martin Luther King --

11 PROSPECTIVE JUROR: It was probably around that time.

12 MS. BERKOWER: -- of 2021?

13 PROSPECTIVE JUROR: Uh-huh.

14 MS. BERKOWER: And have you been back to California
15 since then?

16 PROSPECTIVE JUROR: So I went out for --

17 MS. BERKOWER: And I don't mean like little vacation
18 trips. I mean like, did you remote work from California?

19 PROSPECTIVE JUROR: I think it was in April of 2021,
20 we were all back. I've been going back to the office every day.
21 So --

22 MS. BERKOWER: And you think you came back for that in
23 January of 2021?

24 PROSPECTIVE JUROR: That sounds about right. It was
25 probably Martin Luther King, or end of January. Then I was

1 probably maybe working from home a couple days a week in D.C.
2 and then going to campus.

3 MS. BERKOWER: But not teleworking from the other
4 coast anyway?

5 PROSPECTIVE JUROR: Yes. Eastern Standard Time.

6 MS. BERKOWER: Thank you for clearing that up.

7 So a couple of questions for you. You said that you
8 thought that people -- well, first of all, you said that you
9 have heard some news about it. Do you know what news sources
10 generally you got that news from?

11 PROSPECTIVE JUROR: A variety of news sources. I
12 mean, I'm --

13 MS. BERKOWER: Is it on TV? On the Internet? Social
14 media?

15 PROSPECTIVE JUROR: I think it's -- I don't read like
16 blogs or anything. I don't go down rabbit holes with stuff.

17 MS. BERKOWER: Any particular channel?

18 PROSPECTIVE JUROR: I think with respect again to
19 January 6, as someone who has been a D.C. resident now for ten
20 years, I am active in the statehood cause and all that. So I
21 think it's a part of a larger issue than just a person or a
22 group of people. I think there was like lots of --

23 MS. BERKOWER: You said you thought people were drawn
24 in. So which people were you talking about getting drawn in?

25 PROSPECTIVE JUROR: I think people who came to the

1 Capitol that day, I imagine that they didn't know that was going
2 to happen.

3 MS. BERKOWER: Is that an opinion you have that's
4 pretty firmly held?

5 PROSPECTIVE JUROR: I think that some people probably
6 were misled, yeah.

7 MS. BERKOWER: Do you have an opinion as to whether
8 everyone who was there was misled and didn't know that was going
9 to happen?

10 PROSPECTIVE JUROR: It's hard to say. I don't know.
11 I really -- I personally don't think I know anyone directly that
12 went to the Capitol that day. I mean --

13 MS. BERKOWER: So the Judge is going to ask you to set
14 aside your, you know, preconceived opinions --

15 PROSPECTIVE JUROR: Right.

16 MS. BERKOWER: -- and views about the case. She is
17 going to order you to do that in order to consider the evidence.
18 Are you going to be able to put that out of your mind?

19 PROSPECTIVE JUROR: I think so; yeah, I think so.

20 MS. BERKOWER: If you hear evidence in the case, are
21 you going to be comparing that to that preconceived belief that
22 you have?

23 PROSPECTIVE JUROR: No. I think people are entitled
24 to a fair trial and to present their side of the story as well,
25 too.

1 MS. BERKOWER: Okay. That's not quite what I mean,
2 though.

3 PROSPECTIVE JUROR: Oh.

4 MS. BERKOWER: What I mean is, the Judge is going to
5 ask you to set aside the information you know from before coming
6 to court and only listen to what's there.

7 So as you're hearing the evidence, are you going to be
8 comparing it in the back of your mind to what you heard
9 before --

10 PROSPECTIVE JUROR: No, no. I think I -- I know
11 enough to not take everything that's presented in front of me on
12 TV, on the Internet at face value.

13 MS. BERKOWER: And you said that you have opinions
14 about certain failures. Can you just explain? I want to make
15 sure I understand what you meant about certain failures that
16 contributed to the events of that day.

17 PROSPECTIVE JUROR: Well, based on what I heard from
18 Mayor Bowser, she -- or from her office, I understand that she
19 called in, I think it was, the National Guard, and they really
20 ignored her calls. So I think that our mayor tried to contain
21 the situation.

22 And honestly, like that day for me, I do remember it as
23 like different -- we were three hours behind, and it was a big
24 day because they were going to certify the election. And it's a
25 huge deal. So I was working that day. I started work probably

1 around 4:30 a.m. So --

2 MS. BERKOWER: Oh, wow. To stay on the East Coast
3 time?

4 PROSPECTIVE JUROR: Yeah. And it just unfolded, and I
5 was like, this is spiraling out of control. Within a couple of
6 hours, it was like (indicating).

7 And to me, I think, like -- I lived in New York City during
8 9/11. I saw it with my own eyes. And I was -- yeah.

9 MS. BERKOWER: So when you talk about failures, you
10 have in mind that Mayor Bowser called the National Guard and
11 they ignored her? That's sort of what you have in your mind's
12 eye?

13 PROSPECTIVE JUROR: Yeah. I think it spiraled out of
14 control. I think it -- I don't know if -- it's hard to say
15 whether that was the intended outcome, but I do think that -- I
16 don't know how many people were down there. I don't know like
17 the size of the crowds, per se. But I don't think that -- let's
18 see.

19 MS. BERKOWER: I think we understand what you're
20 getting at. So thank you very much.

21 THE COURT: All right. Mr. Welch?

22 MR. WELCH: No questions. Thank you.

23 THE COURT: All right. Thank you. Thank you, ma'am.
24 You're excused from the courtroom.

25 (Prospective juror steps down.)

1 THE COURT: Ms. Berkower, two things. One, watch the
2 leading questions. Sometimes when witnesses answer a question a
3 certain way, you're really pressing to change their answer, and
4 I don't know that you should be doing that.

5 And two, quit saying I'm going to order them to follow the
6 law. They will be instructed. "Order" sounds very strong.

7 All right?

8 MS. BERKOWER: Understood, Your Honor.

9 THE COURT: Okay. Next juror is 0038. They've
10 answered yes to 3, 4, 6, and 20.

11 (Prospective juror steps up.)

12 THE COURT: Good afternoon, sir.

13 PROSPECTIVE JUROR: Hello.

14 THE COURT: If you're comfortable taking off your
15 mask, please do.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: And let me remind you that you are still
18 under oath from yesterday.

19 PROSPECTIVE JUROR: Correct.

20 THE COURT: Sorry to keep you waiting all day
21 yesterday and bring you back here today, but I appreciate your
22 patience.

23 You have answered yes to having followed the news about the
24 January 6 events and having seen news about either Mr. Reffitt
25 or other individuals at the Capitol.

1 Can you give us some detail about that?

2 PROSPECTIVE JUROR: Yes. So I followed what was
3 happening, the insurrection that was happening on the 6th, and
4 since then, in terms of specific individuals, I only saw
5 headlines of certain people, like the Shaman person, the person
6 who took Nancy Pelosi's desk, not the individual for this case,
7 I didn't see any news about, but a few others.

8 THE COURT: Do you recognize Mr. Reffitt here in the
9 courtroom?

10 PROSPECTIVE JUROR: No, no.

11 THE COURT: So he's at this table. You don't
12 recognize him?

13 PROSPECTIVE JUROR: No, I do not.

14 THE COURT: The news that you've seen, have you
15 tracked it closely, or are you just reviewing general news and
16 reading the articles about January 6 as they arise?

17 PROSPECTIVE JUROR: I tracked it closely at the time.
18 It was very -- it was something that was very scary for me to
19 see, living a few miles away and seeing what was happening. It
20 was kind of horrific to watch on the day of, and so I continued
21 consuming news about it.

22 THE COURT: All right. And you were here in D.C. on
23 the day of?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Where were you when the actual events were

1 occurring?

2 PROSPECTIVE JUROR: At my home, which is about two
3 miles away from the Capitol.

4 THE COURT: All right. And were you afraid that day?

5 PROSPECTIVE JUROR: Yes, yes, I was. I was afraid for
6 my city.

7 THE COURT: For the city?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: Were you afraid for yourself?

10 PROSPECTIVE JUROR: Not for myself, because I was safe
11 at home.

12 THE COURT: Do you know any individuals who were at
13 the Capitol that day, either as rioters or folks inside the
14 Capitol?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Do you think -- based on what you've seen
17 and heard in the news, do you think that you would be able to
18 set aside what you've seen and heard and decide this case solely
19 based on the evidence that's presented here in court and the
20 instructions I would give you?

21 PROSPECTIVE JUROR: I feel that I can review
22 information in an unbiased way, but I do have strong opinions
23 about the individuals who participated in that -- in the
24 insurrection. So I just want to make that clear, that I do have
25 a general feeling about that.

1 THE COURT: A general feeling about the event as a
2 whole?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You also answered yes to having an opinion
5 about Mr. Reffitt's guilt or innocence. As he sits here now, do
6 you have a feeling that he's guilty based on the strong feelings
7 you have about the events of January 6?

8 PROSPECTIVE JUROR: Just participating in the events
9 makes me concerned, but I do -- I feel that I can review
10 information in an unbiased way. But I do understand that just
11 his being there is concerning.

12 THE COURT: If the government were to present evidence
13 that Mr. Reffitt was present, near the Capitol on January 6,
14 based on that evidence alone, would you be inclined to convict
15 him of the crimes charged?

16 PROSPECTIVE JUROR: There was several crimes charged,
17 and not all are related necessarily to him being there. So I
18 would say no.

19 THE COURT: All right. So you would carefully listen
20 to the evidence and apply that evidence to the elements, the
21 multiple elements that the government would have to prove?

22 PROSPECTIVE JUROR: Correct, yes.

23 THE COURT: All right. And you realize that anything
24 you've seen or heard in the news is not evidence in this case?

25 PROSPECTIVE JUROR: Correct; yes, I do.

1 THE COURT: And you realize as Mr. Reffitt sits here
2 he is presumed under the law to be innocent?

3 PROSPECTIVE JUROR: Yes, I do.

4 THE COURT: And you understand that it would be the
5 government's burden to prove his guilt beyond a reasonable
6 doubt, and unless and until it did, Mr. Reffitt could not be
7 convicted of any of the offenses with which he's charged?

8 PROSPECTIVE JUROR: I understand, yeah.

9 THE COURT: And you would have no problem following my
10 instruction?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Yes, you would not have a problem?

13 PROSPECTIVE JUROR: I would not have a problem.

14 THE COURT: You also indicated that you or someone you
15 know has been arrested, convicted, or been a victim of a crime.
16 And I want to remind you that if you feel more comfortable
17 answering that question on the telephone, the private telephone
18 line, you may do that.

19 PROSPECTIVE JUROR: I think I heard the question
20 poorly. I don't know anyone who has been convicted of a crime.
21 I have seen crimes committed.

22 THE COURT: What kinds of crimes have you seen
23 committed?

24 PROSPECTIVE JUROR: I participated in many of the
25 Black Lives Matter protests two years ago in D.C. and saw police

1 officers committing crimes against peaceful protestors such as
2 myself.

3 THE COURT: So you feel that police officers committed
4 crimes against you and others in connection with the protests in
5 the summer of January 2020?

6 PROSPECTIVE JUROR: Yes, but I believe that those are
7 completely different from the -- what took place on January 6,
8 because I was participating in peaceful protests on public
9 property.

10 THE COURT: Where were you when you were participating
11 in a peaceful protest on public property?

12 PROSPECTIVE JUROR: I was marching but also Lafayette
13 Square.

14 THE COURT: In Lafayette Square?

15 PROSPECTIVE JUROR: Yes, including on June 1st.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR: On June 1st, when there were
18 significant events at Lafayette Square, I was there.

19 THE COURT: Can you remind me what happened on
20 June 1st?

21 PROSPECTIVE JUROR: That was the day when Secret
22 Service police on cavalry charged into the protestors who were,
23 of course, standing outside of Lafayette Square and pushed us
24 all out with --

25 THE COURT: And cleared the area when the President

1 spoke in front of St. John's Church?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: You were there that day?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And based on what you experienced yourself
6 that day and what you saw, do you have a general view about law
7 enforcement officers, a negative view of them generally?

8 PROSPECTIVE JUROR: I do not have a negative view of
9 police officers. I think -- I believe that there's systemic
10 issues with how police officers may operate, but I do not
11 believe that in general police officers are -- that there's
12 anything wrong about them, or I'm not afraid of them, if that's
13 what you mean, yeah.

14 THE COURT: Well, based on your view that there's
15 systemic issues with how police officers may operate, would you
16 be more or less inclined to -- let me rephrase that.

17 Would you weigh the testimony of a police officer or a
18 federal agent any differently than any other witness, based on
19 your views of the police in general or the way the police acted
20 on June 1st of 2020?

21 PROSPECTIVE JUROR: No, I do not.

22 THE COURT: And I don't expect -- the government can
23 correct me if I'm wrong, but I don't expect that any of the
24 officers who were present on June 1st of 2020 will be witnesses
25 in this case.

1 But again, you can set aside what happened on that day and
2 weigh the credibility of any law enforcement officer just like
3 you would any other witness?

4 PROSPECTIVE JUROR: Yes. I feel that what I
5 experienced and what took place on January 6 were completely
6 different and completely different law enforcement actions.

7 THE COURT: And let me see if I understand what you're
8 saying. Is it fair to say that you're saying that the actions
9 took -- that the police took on June 1st of 2020, in your view,
10 were inappropriate, but the actions the police took on
11 January 6, 2021, were appropriate? Is that simplifying what
12 you're saying too much, or is that a fair characterization?

13 PROSPECTIVE JUROR: That's a fair assessment, yes.

14 THE COURT: And based on your view that the police
15 acted appropriately on January 6 of 2021, again, would you come
16 into this courtroom giving any greater weight to the testimony
17 of police officers or the government's case in general?

18 PROSPECTIVE JUROR: No. I believe that -- well, I
19 feel that I would be able to consider each individual's
20 experiences because I did not personally experience what took
21 place on January 6; whereas, I did in 2020.

22 THE COURT: As I said yesterday, our goal here is to
23 select a neutral poll of jurors who can come in here and
24 impartially judge this case based solely on the evidence that's
25 presented and the instructions I give.

1 Do you feel that you could come into this courtroom or a
2 courtroom two floors down and be fair and open-minded to both
3 sides as the trial begins?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Is there any hesitation?

6 PROSPECTIVE JUROR: I -- in a general sense, I am very
7 horrified and ashamed about what happened on January 6, but I do
8 feel that I can be an unbiased participant to hear about and
9 make opinions about what actually happened to this individual.

10 THE COURT: And follow my instructions, even if you
11 disagree with them?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Ms. Berkower?

14 MS. BERKOWER: Nothing for the government, Your Honor.

15 THE COURT: Mr. Welch?

16 MR. WELCH: I have a couple, please, Your Honor.

17 THE COURT: All right.

18 MR. WELCH: Do you have strong feelings --

19 COURTROOM DEPUTY: Forgive me for interrupting.

20 Please make sure the microphone is --

21 MR. WELCH: Even closer. Not a problem.

22 Do you have strong feelings about people who have, say, the
23 opposite opinions and political views from yourself?

24 PROSPECTIVE JUROR: Yes.

25 MR. WELCH: For instance, if someone were opposed to

1 Black Lives Matter protests, how would you feel about that
2 person?

3 PROSPECTIVE JUROR: I might think that that individual
4 doesn't know all the facts or maybe is prejudiced.

5 MR. WELCH: I didn't hear.

6 THE COURT: Sir, can you keep your voice up? That's
7 the microphone.

8 PROSPECTIVE JUROR: I would feel like that person
9 might not know all the facts or is prejudiced.

10 MR. WELCH: And if that person felt it was you who
11 didn't have all the facts and it was you who was prejudiced, how
12 would you feel about that person?

13 PROSPECTIVE JUROR: I would want to learn all the
14 information that I could to make a sound conclusion and learn
15 their point of view.

16 MR. WELCH: Would you be able to set aside your
17 political feelings, your political beliefs, and judge the
18 conduct of another person who held the opposite opinions and the
19 opposite political feelings from you?

20 PROSPECTIVE JUROR: I feel that I would be able to
21 review the actions that that person took without considering
22 what their political viewpoint was and specifically focus on
23 what they did.

24 MR. WELCH: And you're promising us that you can set
25 aside your own political feelings and opinions, even if you find

1 that other person's political feelings and beliefs offensive?

2 PROSPECTIVE JUROR: I do find -- I would find that
3 person's beliefs offensive, and I would have an opinion about
4 that. But I realize from a legal perspective that that's
5 irrelevant in a situation such as this courtroom, because it's
6 focused on the actual actions and not beliefs.

7 MR. WELCH: So you're promising us, just so that I
8 understand, that you would set aside your own feelings about
9 someone whose beliefs and opinions are offensive to you, you
10 will set that all aside and just judge the conduct of the
11 person, and that's it, even if that person offends you and
12 upsets you?

13 PROSPECTIVE JUROR: I will do my best, yes.

14 MR. WELCH: Thank you, Your Honor.

15 THE COURT: Thank you, sir.

16 PROSPECTIVE JUROR: Thank you.

17 (Potential juror steps down.)

18 THE COURT: All right. The next juror is 1184. This
19 juror answered yes to questions 3 and 4.

20 (Prospective juror steps up.)

21 THE COURT: Good morning, ma'am. How are you?

22 PROSPECTIVE JUROR: Good. How are you?

23 THE COURT: Doing well. Thanks. Sorry to keep you
24 waiting all day yesterday and to bring you back this morning.

25 PROSPECTIVE JUROR: That's fine. I got a lot of

1 reading done.

2 THE COURT: If you feel comfortable taking your mask
3 off, please do. And let me remind you that you are still under
4 oath from yesterday.

5 All right. So you have answered yes to having followed the
6 news about the January 6 events at the Capitol and having heard
7 news about either Guy Reffitt or other individuals at the
8 Capitol on January 6.

9 Can you please tell us what you have heard in general?

10 PROSPECTIVE JUROR: Yeah. So in terms of following
11 the news, I mean, just it was national news. I was getting
12 texts from friends. I think I was in the middle of the workday,
13 so just kind of co-workers --

14 THE COURT: Can you lean a little bit towards the
15 microphone there?

16 PROSPECTIVE JUROR: So co-workers were chatting about
17 it. I'm trying to think. I think people were sending like
18 Twitter links showing what was going on. I was kind of trying
19 to figure out like where everything was taking place, just to
20 make sure that, like, it wasn't anywhere near where I was or the
21 rest of my family.

22 THE COURT: And where were you on that day?

23 PROSPECTIVE JUROR: I was at home in like the Adams
24 Morgan area.

25 THE COURT: All right.

1 PROSPECTIVE JUROR: And so not anywhere close to it,
2 yeah.

3 And so then after that, I think just kind of what the
4 national news was about it, just kind of seeing -- there were
5 videos and photos that were being shown.

6 And then in terms of the people specifically, I hadn't
7 heard of the specific gentleman's name, and I don't think I
8 could name anybody, but I've seen those names. None of them
9 have stuck with me, but just kind of as people were being
10 identified, I remember seeing things like that. But I think
11 nothing that I could name specifically.

12 THE COURT: All right. Do you recognize Mr. Reffitt
13 seated at the table over there?

14 PROSPECTIVE JUROR: No, I don't.

15 THE COURT: And have you tracked the news yourself,
16 the January 6 events in particular, or have you just read what
17 comes across your normal news that you consume?

18 PROSPECTIVE JUROR: Just what comes across normal
19 news.

20 THE COURT: And what do you do? You read the paper?
21 You mentioned Twitter.

22 PROSPECTIVE JUROR: Yeah. I get a Washington Post
23 news digest every morning that I read maybe like 20 percent of
24 the time or mostly just skim the headlines. And then I do have
25 Twitter, but I mostly follow pet accounts. So sometimes things

1 get retweeted and I see them there.

2 THE COURT: All right. And have you read the recent
3 articles about this case in The Washington Post?

4 PROSPECTIVE JUROR: No.

5 THE COURT: You've not?

6 PROSPECTIVE JUROR: No. I didn't know this was
7 happening.

8 THE COURT: As a result of the news you've seen and
9 heard, do you have any opinion about the guilt or innocence of
10 the people who were involved in the events at the Capitol on
11 January 6?

12 PROSPECTIVE JUROR: No, not without, you know, seeing
13 specific evidence attached to specific people.

14 THE COURT: And you understand that anything you've
15 seen to this point or heard cannot be evidence in this case?

16 PROSPECTIVE JUROR: Yes, I understand.

17 THE COURT: And do you feel that you could put aside
18 what you've seen and heard to date and judge this case solely
19 based on the evidence that's presented in this courtroom?

20 PROSPECTIVE JUROR: Yes, I believe so.

21 THE COURT: As a result of what you've seen and heard,
22 have you formed any strong opinions that you think would be
23 difficult to set aside in weighing the facts that are presented
24 in this case?

25 PROSPECTIVE JUROR: No, I don't believe so. I think I

1 could set any previous ideas aside.

2 THE COURT: And do you have any opinion at all about
3 Mr. Reffitt's guilt or innocence as he sits here today?

4 PROSPECTIVE JUROR: No, I do not.

5 THE COURT: You understand that under the law he's
6 presumed innocent?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: And you understand that he cannot be
9 convicted of any of the charged offenses unless and until the
10 government proves its case beyond a reasonable doubt?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And you would have no problem following
13 that instruction?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you.

16 Ms. Berkower?

17 MS. BERKOWER: Good morning.

18 PROSPECTIVE JUROR: Good morning.

19 MS. BERKOWER: Very briefly, where do you work?

20 PROSPECTIVE JUROR: I work at the George Washington
21 University. I work in graduate admissions.

22 MS. BERKOWER: Okay. So are you in the admissions
23 office?

24 PROSPECTIVE JUROR: So graduate admissions is
25 separated by schools. So I'm at the Elliott School of

1 International Affairs. So that's where I work.

2 MS. BERKOWER: Thank you.

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Any questions, Mr. Welch?

5 MR. WELCH: No, thank you, Your Honor.

6 THE COURT: All right. Thank you, ma'am. I
7 appreciate it.

8 (Prospective juror steps down.)

9 THE COURT: All right. The next juror is -- is it
10 1201? Is that right?

11 MR. WELCH: That's what I have, Your Honor.

12 THE COURT: 1201. She has answered yes to 1, 2, 3, 4,
13 and 19.

14 (Prospective juror steps up.)

15 THE COURT: Good morning, ma'am. How are you today?

16 PROSPECTIVE JUROR: I'm well. Thank you.

17 THE COURT: My apologies for keeping you here all day
18 yesterday and coming back today. Thank you for coming. If you
19 feel comfortable, please take off your mask, and let me remind
20 you that you are still under oath that you received yesterday.

21 All right. So you've answered yes to question number 1,
22 which is that either or both you live and/or work at or near the
23 U.S. Capitol.

24 PROSPECTIVE JUROR: Yes; that's correct.

25 THE COURT: And which one is it?

1 PROSPECTIVE JUROR: I work near the Capitol.

2 THE COURT: And where do you work?

3 PROSPECTIVE JUROR: I work at 400 North Capitol
4 Street.

5 THE COURT: And what do you do for a living?

6 PROSPECTIVE JUROR: I work for a trade association.

7 THE COURT: What does the trade association do?

8 PROSPECTIVE JUROR: We -- do you want me to say the
9 name of the trade association?

10 THE COURT: If you're comfortable doing so.

11 PROSPECTIVE JUROR: I work for the American Gas
12 Association. We represent natural gas utilities.

13 THE COURT: All right. Were you at work on January 6?

14 PROSPECTIVE JUROR: I was working from my home. I was
15 not in my office.

16 THE COURT: And is your home near the Capitol?

17 PROSPECTIVE JUROR: No, it is not.

18 THE COURT: Did you watch the events on TV live that
19 day?

20 PROSPECTIVE JUROR: Yes, after I was alerted to what
21 was happening, yes, I did turn the TV on.

22 THE COURT: All right. Did you happen to see
23 Mr. Reffitt, the defendant in this case, on television that day?

24 PROSPECTIVE JUROR: No, I did not.

25 THE COURT: Have you followed the news closely since

1 January 6?

2 PROSPECTIVE JUROR: I followed the news initially
3 following January 6, but over time, not as much.

4 THE COURT: You stated that you have seen news about
5 either Mr. Reffitt or other individuals who were at the Capitol
6 on January 6. Have you seen news about Mr. Reffitt in
7 particular?

8 PROSPECTIVE JUROR: No, I have not.

9 THE COURT: Have you read any recent articles about
10 him or seen anything online?

11 PROSPECTIVE JUROR: No. I, obviously, saw -- I saw
12 headlines but have gone past those.

13 THE COURT: Headlines about Mr. Reffitt?

14 PROSPECTIVE JUROR: Not about him in particular, just
15 about the events of January 6.

16 THE COURT: I see. So you haven't followed it that
17 closely as time has gone on; is that fair?

18 PROSPECTIVE JUROR: That is correct.

19 THE COURT: You also said you or someone you know has
20 a direct or indirect connection to the events at the U.S.
21 Capitol on January 6. Was someone that you knew or know there
22 on that day?

23 PROSPECTIVE JUROR: No. I know someone that is
24 involved in -- is an attorney who is involved in January 6
25 cases.

1 THE COURT: And who is that?

2 PROSPECTIVE JUROR: Elita Amato.

3 THE COURT: And she's a defense attorney for some of
4 the -- one or more of the January 6 defendants?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Do you know which one?

7 PROSPECTIVE JUROR: No, I do not.

8 THE COURT: Have you talked to her about those cases?

9 PROSPECTIVE JUROR: No. That is all that I know.

10 THE COURT: Is she a close friend?

11 PROSPECTIVE JUROR: Yes, she is.

12 THE COURT: In general, do you talk about the criminal
13 law with her?

14 PROSPECTIVE JUROR: No.

15 THE COURT: So you also mentioned that you know
16 lawyers, or you yourself is a lawyer. Obviously, Ms. Amato is
17 someone you know. Are there others?

18 PROSPECTIVE JUROR: My sister went to law school.

19 THE COURT: And I suppose in your job you have to work
20 with a number of lawyers?

21 PROSPECTIVE JUROR: Yes. There are several on staff.

22 THE COURT: Do you talk about legal issues with them?

23 PROSPECTIVE JUROR: Not beyond contracts.

24 THE COURT: All right. There are no contracts at
25 issue in this case.

1 I'm just wondering, in your role as a member of this trade
2 association, do you work closely with members of Congress and
3 their staffs?

4 PROSPECTIVE JUROR: No, I do not. I am the senior
5 director of membership. So I specifically work with our member
6 companies on recruiting and retaining the membership. I'm not
7 involved in advocacy.

8 THE COURT: Is there anything about your job or your
9 experience that would make you favor one side over the other in
10 this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Do you have strong feelings about what
13 happened on January 6?

14 PROSPECTIVE JUROR: No.

15 THE COURT: All right.

16 PROSPECTIVE JUROR: I mean, I --

17 THE COURT: I assume you have some feelings.

18 PROSPECTIVE JUROR: I have feelings about it, and I
19 followed it because it certainly impacted us, but not -- I mean,
20 not any more than -- I don't know how to describe it. I would
21 just say I have feelings about it, but not strong feelings.

22 THE COURT: All right. Because most people have
23 feelings about what happened that day. It was a big day.

24 I guess the question is, whatever those feelings are, would
25 you be able to put them aside and judge this case solely based

1 on the evidence that you hear in this courtroom and the
2 instructions I give you?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Do you have any hesitation in being able
5 to do that?

6 PROSPECTIVE JUROR: No.

7 THE COURT: All right. Ms. Berkower?

8 MS. BERKOWER: Good morning.

9 PROSPECTIVE JUROR: Good morning.

10 MS. BERKOWER: So just to follow up about
11 conversations you had with your friend, Ms. Amato, what has she
12 told you about January 6?

13 PROSPECTIVE JUROR: She has not told me anything about
14 January 6. I only know that she has clients, a client or
15 clients. That's all that I know.

16 MS. BERKOWER: How did that come up?

17 PROSPECTIVE JUROR: Honestly, I don't even recall. We
18 very rarely speak about our work. I don't recall how it came
19 up, but I do know that she is representing one or more.

20 MS. BERKOWER: Any information that she mentioned to
21 you other than just the fact that she has those cases?

22 PROSPECTIVE JUROR: No.

23 MS. BERKOWER: And you said a moment ago that you did
24 have feelings about what happened on January 6. Did those
25 feelings lead to opinions that you have about the events of that

1 day?

2 PROSPECTIVE JUROR: Well, yes, I do have opinions and
3 feelings about that day.

4 MS. BERKOWER: Okay. And will you be able to set
5 aside those opinions if you were picked as a juror?

6 PROSPECTIVE JUROR: Yes.

7 MS. BERKOWER: How confident are you that you can set
8 aside your opinions?

9 PROSPECTIVE JUROR: I'm confident I could do that.

10 MS. BERKOWER: Thank you.

11 THE COURT: Mr. Welch?

12 MR. WELCH: No questions. Thank you.

13 THE COURT: Thank you, ma'am. I appreciate your time.

14 (Prospective juror steps down.)

15 THE COURT: All right. The next juror is 0442. This
16 individual answered yes to number 22 and 27.

17 (Prospective juror steps up.)

18 THE COURT: Good morning. My apologies for keeping
19 you here all day yesterday and having to bring you back again
20 this morning. If you're comfortable taking off your mask,
21 please do, and let me remind you that you're under oath still
22 from yesterday.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: So you have answered yes to the question
25 that serving as a juror would be an extreme hardship to you.

1 Before you explain why, let me remind you if you would like to
2 explain why through the telephone headset in a private way, you
3 may do so.

4 Are you comfortable answering that question publicly?

5 PROSPECTIVE JUROR: I can answer it, but I don't
6 recall. That was number 22?

7 THE COURT: Yes, I think I'm right about that.

8 PROSPECTIVE JUROR: I don't think that's --

9 THE COURT: I think that's right, 22. Let me take a
10 look and make sure I've got that right.

11 Yes. So I said that we expected the evidence in this case
12 to conclude early next week, and then, of course, there would be
13 a period of time for deliberations. And I asked whether it
14 would be difficult for the jurors, prospective jurors to serve.

15 And you answered yes, but was that an accident, you think?

16 PROSPECTIVE JUROR: Yeah, because I didn't recall 22
17 reading like that.

18 THE COURT: Just to confirm, you are juror 442?

19 PROSPECTIVE JUROR: I am.

20 THE COURT: Let me review the questions on either
21 side.

22 PROSPECTIVE JUROR: Please.

23 THE COURT: Question 21 was, have you had an
24 experience as a juror that would affect your ability to be a
25 fair and impartial juror in this case.

1 PROSPECTIVE JUROR: Maybe that's it.

2 THE COURT: Have you served as a juror before?

3 PROSPECTIVE JUROR: Plenty of times, yeah.

4 THE COURT: In civil or criminal cases?

5 PROSPECTIVE JUROR: Both.

6 THE COURT: And have you served in this court or
7 across the street in Superior Court?

8 PROSPECTIVE JUROR: In June this year here.

9 THE COURT: Here in federal court?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: During COVID?

12 PROSPECTIVE JUROR: Criminal.

13 THE COURT: Do you remember who the judge was?

14 PROSPECTIVE JUROR: I can't remember his name.

15 THE COURT: Do you remember what type of case it was?

16 PROSPECTIVE JUROR: Tax.

17 THE COURT: Tax case? All right.

18 Have you served in other criminal cases?

19 PROSPECTIVE JUROR: In district courts many, many
20 years ago.

21 THE COURT: In Superior Court?

22 PROSPECTIVE JUROR: Superior Court, yes.

23 THE COURT: And I don't want you to get into -- I
24 don't want you to tell me what the verdicts were in any of those
25 criminal cases on which you served, but I'm wondering whether

1 the jurors did reach a verdict in those cases. Do you remember?

2 PROSPECTIVE JUROR: We did.

3 THE COURT: In every case?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Including the one here in June?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Is there anything about your experience
8 having served as a juror in all of those cases that would make
9 you reluctant to serve here?

10 PROSPECTIVE JUROR: No. I think the reason that I
11 answered the question the way I did is because of how it was
12 described about the three courtrooms or the three rooms where
13 people would hear you, and that kind of --

14 THE COURT: That kind of bothered you?

15 PROSPECTIVE JUROR: That kind of bothered me a little
16 bit, yeah, and being able now for facial recognition in this
17 case.

18 THE COURT: Right. You understand that in every case
19 in which you served the courtrooms were open to the public?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And in a typical period of time, the
22 public and the press in a high-profile case would be in the
23 actual courtroom itself.

24 Do you understand that?

25 PROSPECTIVE JUROR: I do understand, but I think the

1 clarity for me was because this case we did in June, pandemic
2 was on or it was going on, and the judge had it a little bit
3 stricter.

4 THE COURT: Had it stricter than here?

5 PROSPECTIVE JUROR: It was more stricter with people
6 coming inside.

7 THE COURT: So you mean there weren't people coming
8 inside?

9 PROSPECTIVE JUROR: No.

10 THE COURT: I think in any trial that's happened, even
11 in COVID, there is an overflow courtroom. There may not be as
12 many as we have in this case, but every defendant has a right, a
13 constitutional right, to a public trial. That may not have been
14 as obvious to you then because perhaps that wasn't as high of a
15 profile case as this one.

16 PROSPECTIVE JUROR: Maybe.

17 THE COURT: But am I hearing you correctly to say that
18 that concerns you about serving on a jury in this case because
19 there is media and public attention on this case?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And can you explain generally what you're
22 concerned about? Are you concerned for your safety?

23 PROSPECTIVE JUROR: I guess more so and --

24 THE COURT: More so than the cases that you've served
25 on previously?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And is that based on the nature of this
3 case?

4 PROSPECTIVE JUROR: I don't think so much as the
5 nature. I think when this case that we're approaching, the
6 pandemic was out. I was stressed out about the pandemic. I
7 didn't watch this case. I just had enough stress on me at that
8 time.

9 THE COURT: So I'm just noticing, am I correct you're
10 over 70?

11 PROSPECTIVE JUROR: I am.

12 THE COURT: Do you realize that it's your choice
13 whether to show up here and serve again?

14 PROSPECTIVE JUROR: I do, but --

15 THE COURT: And given what you're saying, I'm
16 wondering whether your preference would be not to serve on this
17 case, because you are not compelled to serve on this case. If
18 you would prefer not to serve on this case, you don't have to
19 serve on this case.

20 PROSPECTIVE JUROR: Okay. I'd prefer not.

21 THE COURT: Okay. We appreciate you showing up and
22 doing your civic duty time and time again.

23 PROSPECTIVE JUROR: Thank you.

24 THE COURT: But I will excuse you.

25 PROSPECTIVE JUROR: Thank you.

1 (Prospective juror steps down.)

2 THE COURT: All right. The next juror is 1655. This
3 juror has answered yes to number 3, number 5, and number 17.

4 (Prospective juror steps up.)

5 THE COURT: Good morning, ma'am. How are you today?

6 PROSPECTIVE JUROR: I'm good, thanks.

7 THE COURT: If you're comfortable taking off your
8 mask, please do.

9 PROSPECTIVE JUROR: Oh, yeah, sure.

10 THE COURT: Sorry for keeping you waiting all day
11 yesterday and bringing you back today, but thank you for being
12 here. Let me remind you that you're still under oath from
13 yesterday.

14 Do you understand?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: So you have answered yes to following the
17 news about the January 6 events.

18 PROSPECTIVE JUROR: Yeah. I can't say it was
19 intensely, just sort of the same as everyone else, just sort
20 of --

21 THE COURT: Can you keep your voice up? There's a
22 microphone right there to your left.

23 PROSPECTIVE JUROR: Is this it?

24 THE COURT: Yes.

25 PROSPECTIVE JUROR: I can't say I followed it

1 intensely, probably the same amount as everybody else did just
2 to keep updated as to what was going on.

3 THE COURT: And have you followed it fairly
4 consistently since January 6?

5 PROSPECTIVE JUROR: No, sorry, not really.

6 THE COURT: Okay. Have you seen any articles or heard
7 any news about Mr. Reffitt, the defendant in this case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Do you recognize him here in the
10 courtroom?

11 PROSPECTIVE JUROR: No.

12 THE COURT: You have also indicated that you're
13 concerned that you have strong feelings or opinions about the
14 events that occurred on January 6, that you might not be able to
15 put them aside and serve as a fair and impartial juror on this
16 case.

17 You understand that you can't judge this case based on
18 anything that you've seen or heard outside the courtroom?

19 PROSPECTIVE JUROR: (Nodded head.)

20 THE COURT: You have to say yes or no.

21 PROSPECTIVE JUROR: Yes. Sorry.

22 THE COURT: And your concern is that you have feelings
23 about what happened on January 6 that just make you an
24 unbiased -- I mean a biased juror?

25 PROSPECTIVE JUROR: Oh, I see. I answered yes to that

1 question because I suppose when you asked the question about
2 like, oh, do you have a bias or any specific thoughts about the
3 events that occurred on that date, I sort of -- when I thought
4 about that, I did sort of walk away from January -- and when I
5 stopped reading the articles about it that week or the following
6 week, I did kind of walk away from it being just like -- having
7 an opinion about the events, which were just that it was sort of
8 unnecessary and strange.

9 But so that's why I answered yes to that question.

10 THE COURT: I appreciate you being forthcoming.
11 That's helpful and better to answer yes than not at all.

12 But based on what you're saying, it sounds like you
13 understand that you would have to put aside any feelings you
14 have about the events of January 6 and judge this case solely
15 based on the evidence --

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: -- that's presented in the courtroom?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And are you confident that you would be
20 able to listen to the evidence and do so with an open mind and
21 follow my instructions?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: All right. You understand that as the
24 defendant sits here he is presumed innocent under the law?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And you understand that he cannot be
2 convicted unless and until the government proves its case --

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: -- beyond a reasonable doubt?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Do you come into this courtroom favoring
7 one side or the other as you sit here now?

8 PROSPECTIVE JUROR: One political side or --

9 THE COURT: No, no. One side, either the prosecution
10 or the defense.

11 PROSPECTIVE JUROR: Oh, no.

12 THE COURT: Have you formed any opinion --

13 PROSPECTIVE JUROR: No.

14 THE COURT: -- on one side or the other?

15 PROSPECTIVE JUROR: No.

16 THE COURT: All right. You also answered yes to
17 having strong views about firearms and guns such that you're
18 concerned that you might not be able to be a fair and impartial
19 juror.

20 Did you answer this question the way you did -- in the same
21 way you answered the first question about feelings about the
22 January 6 events?

23 PROSPECTIVE JUROR: Yeah. My gut instinct, just me
24 personally, I don't like guns or firearms. I understand that in
25 a lot of situations in our circumstances across the country they

1 are necessary for individuals. However, no, my gut instinct is
2 yeah, I don't like firearms.

3 THE COURT: All right. Given that you don't like
4 firearms, is that going to make you predisposed to the
5 government's case in -- the government's side in this case?

6 The defendant, as you know, is charged with two counts that
7 involve firearms. And would you be able to put aside your
8 personal views about firearms and, again, judge this case solely
9 based on the evidence presented in this court and the
10 instructions that I give?

11 PROSPECTIVE JUROR: I believe -- well, like I said, I
12 mean, I guess on one hand, I want to say yes because I do
13 understand that there's circumstances in which people need
14 firearms and such. But on the other hand, I did just say my gut
15 instinct is that I don't like them. So I don't know entirely.
16 So I guess I'm going to say no, then.

17 THE COURT: So you don't think you could put aside
18 your views about firearms and judge this case based on the
19 evidence?

20 PROSPECTIVE JUROR: I think I -- sorry. I think that
21 I could. However, I don't want to, like, sit here and lie and
22 say that I don't have, like, a personal view on firearms, if
23 that makes sense.

24 THE COURT: No, I understand you have a personal view.
25 And again, most people have personal views on firearms.

1 Would the fact that you have a strong personal view on
2 firearms make it difficult for you to be fair to the defendant
3 in this case?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And you don't think you could be impartial
6 in weighing the evidence against him?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. I just want to follow up with you,
9 because your answers initially were that you thought you could
10 be, and now you're thinking that you can't be. And I'm not
11 trying to press you. We really want you to be completely
12 forthcoming and honest.

13 When it comes to the firearm charges, the government would
14 have to prove certain elements beyond a reasonable doubt to
15 convict Mr. Reffitt of the charges.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: Simply having a firearm in his possession
18 is not enough to convict him of the charge, that alone.

19 Again, given your views about firearms, are you going to be
20 more inclined to convict him of those charges simply because you
21 don't like firearms, even if you find based on the evidence the
22 government hasn't proven either that he possessed the firearm or
23 the other elements relating to those offenses?

24 PROSPECTIVE JUROR: Oh, okay. I see what you're
25 saying. Phrased that way, if the government is not able to

1 prove beyond a reasonable doubt or whatever, what you mentioned,
2 then no, I don't feel like I would be able to convict him, in
3 which case my answer to your initial question would be yes, I
4 believe I would be able to be impartial if the evidence
5 presented by the government was not sufficient.

6 THE COURT: All right. You have no hesitation about
7 that?

8 PROSPECTIVE JUROR: No.

9 THE COURT: All right. Again, you understand that as
10 he sits here under the law he is presumed innocent?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Are there -- do you have any
13 other strong personal or political views that would make it
14 difficult for you to give the defendant or the government a fair
15 trial in this case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. Ms. Berkower?

18 MS. BERKOWER: Nothing from the government, Your
19 Honor. Thank you.

20 THE COURT: Mr. Welch?

21 MR. WELCH: No questions. Thank you.

22 THE COURT: All right. Thank you, ma'am. I
23 appreciate it.

24 PROSPECTIVE JUROR: Thank you.

25 (Prospective juror steps down.)

1 THE COURT: All right. The next juror I have is 1774.
2 He answered yes to number 3 only.

3 (Prospective juror steps up.)

4 THE COURT: Good morning, sir.

5 PROSPECTIVE JUROR: Good morning.

6 THE COURT: Very sorry to keep you waiting all day
7 yesterday and not get to you and have to bring you back this
8 morning.

9 PROSPECTIVE JUROR: That's okay.

10 THE COURT: If you're comfortable taking off your
11 mask, please do, and let me remind you that you are still under
12 oath from yesterday.

13 Do you understand?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: I see that you answered yes to just one of
16 my questions, and that was the question about have you seen news
17 about the January 6 events at the Capitol.

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Can you tell us in general what you saw in
20 the news?

21 PROSPECTIVE JUROR: Obviously, that day, it was all
22 over the news. So my family and I probably watched it for the
23 majority of the day. And I've seen various snippets throughout
24 the time from then to now. Not a lot. I don't watch the news a
25 lot, actually. I find it too depressing.

1 THE COURT: You're not the first juror who said that
2 they avoid the news because it makes them less happy.

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: All right. Well, have you -- it sounds
5 like you haven't tracked the events specifically, but you just
6 watch the news as it comes up on TV. Is that --

7 PROSPECTIVE JUROR: If I happen to be watching the
8 news and it comes up, I may stay tuned to it. But no, I don't
9 track it.

10 THE COURT: All right. Have you seen anything on the
11 news about the defendant in this case, Mr. Reffitt?

12 And he is seated at that table. Do you recognize him?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Have you seen his name in the news, as far
15 as you recall?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Aside from TV, are there other sources of
18 news that you read or watch?

19 PROSPECTIVE JUROR: I read -- every day, I read the
20 news feed from my iPhone.

21 THE COURT: And what is your news feed that comes on
22 your iPhone?

23 PROSPECTIVE JUROR: Mostly just the headlines from the
24 country's news. So, I mean, I read stories about politics,
25 sports, human interest.

1 THE COURT: Are these from newspapers, or are these
2 from blogs or social media, anything like that?

3 PROSPECTIVE JUROR: Mostly newspapers, Wall Street
4 Journal, Washington Post, Apple News.

5 THE COURT: As a result of everything that you've seen
6 and heard and read about the events of January 6, have you
7 formed any opinion about the guilt or innocence of any of those
8 individuals who were involved in those events on that day?

9 PROSPECTIVE JUROR: Not about individuals, but the
10 overall, I think I kind of have an opinion that it was -- that
11 it was an interesting activity. I feel like in this country
12 sometimes you have to do things out of the ordinary to get some
13 attention. So --

14 THE COURT: And is there anything about your feelings
15 and your opinions about the events of January 6 that make you
16 feel like you might not be fair to one side or the other in this
17 case?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Would you come into the courtroom with an
20 open mind and put what you've seen and heard and read out of
21 your mind and judge this case solely based on the evidence
22 presented in the courtroom?

23 PROSPECTIVE JUROR: Yes, I could do that.

24 THE COURT: All right. You understand as Mr. Reffitt
25 sits here he's innocent until presumed guilty?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: He's presumed innocent?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: And the government would have to prove him
5 guilty beyond a reasonable doubt to convict him for any of the
6 crimes for which he is charged?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Would you have any hesitation following my
9 instructions in that regard?

10 PROSPECTIVE JUROR: No.

11 THE COURT: All right. Ms. Berkower?

12 MS. BERKOWER: Good morning.

13 PROSPECTIVE JUROR: Good morning.

14 MS. BERKOWER: So a moment ago, you were asked if you
15 formed opinions about the January 6 events generally. You said
16 you thought it was interesting activity.

17 PROSPECTIVE JUROR: Yes.

18 MS. BERKOWER: Can you explain a little bit more what
19 you mean by that?

20 PROSPECTIVE JUROR: Well, interesting from the
21 standpoint that you actually had citizens who felt they were
22 wronged enough to go and interrupt an activity. So in that
23 regard, I thought that was very interesting.

24 MS. BERKOWER: What about that fact was interesting?

25 PROSPECTIVE JUROR: Because you had people who felt

1 that was wrong and they had to do something about it.

2 MS. BERKOWER: And you said sometimes you have to do
3 things out of the ordinary to get attention. Can you explain
4 that a little bit more, too?

5 PROSPECTIVE JUROR: I think from the United States's
6 perspective, I think since this country has been around, I mean,
7 there's always been incidents throughout history where people
8 have decided to go against the norm to get their voices heard.

9 I think back to the '60s and the human rights marches and
10 the bus boycotts and whatever. Sometimes you just have to speak
11 up; you have to do things out of the ordinary.

12 MS. BERKOWER: Do you view what you know about
13 January 6 to be similar to the marches from the '60s?

14 PROSPECTIVE JUROR: I don't know if I would go that
15 far. I don't know if I would put them on the same page. But --

16 MS. BERKOWER: What are the differences, in your mind,
17 and what are the similarities?

18 PROSPECTIVE JUROR: I think the similarity is where
19 you had a group of people who came together to voice an opinion,
20 maybe in not the most -- in the best way, but they did come
21 together to voice their opinion.

22 What was the second part of that? How are they different?

23 MS. BERKOWER: Yes. Sorry.

24 PROSPECTIVE JUROR: Well, I think with the marches of
25 the '60s, I think that was a systemic issue that affected the

1 whole country and a particular race of people.

2 MS. BERKOWER: And what about the January 6 events?
3 What was different about that?

4 PROSPECTIVE JUROR: Well, I think what was different
5 is that you had probably just a small fraction of folk who were
6 calling for that support, that help.

7 MS. BERKOWER: And you said you thought that citizens
8 felt wronged enough to get together for the activity of
9 January 6. That's what you found interesting about it?

10 PROSPECTIVE JUROR: Yes.

11 MS. BERKOWER: Do you think that they were wronged?

12 PROSPECTIVE JUROR: Overall, I think it was probably
13 the wrong tack to take. I don't know individually, if I can say
14 individually people were wrong, but I think overall, as a group,
15 I think it was the wrong activity, yes.

16 MS. BERKOWER: And why was it the wrong tack to take?

17 PROSPECTIVE JUROR: Well, I mean, it would be similar
18 to us sitting here trying to conduct business and you have a
19 group of people just barge in and try to stop us. I don't think
20 that's right.

21 MS. BERKOWER: So I guess one follow-up question to
22 that is, if people break the law while they're trying to get
23 their voices heard, should they be held accountable, in your
24 view?

25 PROSPECTIVE JUROR: Any time you break the law, you

1 should be held accountable.

2 MS. BERKOWER: And one last question. May I ask, I
3 saw that you work for a company, and I wasn't sure what it was.
4 Could you explain what kind of work you do?

5 PROSPECTIVE JUROR: Yes. I'm a senior project manager
6 for the Cerner Corporation.

7 MS. BERKOWER: What kind of company is that?

8 PROSPECTIVE JUROR: It's a IT healthcare corporation.
9 We actually do software development for, I personally, the part
10 of the company I work on, we support the VA, Veterans Affairs.

11 MS. BERKOWER: You said you're a senior project
12 manager. Does that mean you have a team of people working for
13 you?

14 PROSPECTIVE JUROR: Yes. There are about 70, 80
15 people across the country that work under me, yes.

16 THE COURT: And have you been at that company for a
17 period of time, then?

18 PROSPECTIVE JUROR: No, not at Cerner. I've been at
19 Cerner since December 6.

20 MS. BERKOWER: Where did you work before then?

21 PROSPECTIVE JUROR: A company called LTS. Same kind
22 of work, probably a smaller team, about 40 people, again at the
23 VA.

24 MS. BERKOWER: Thank you, sir.

25 THE COURT: Mr. Welch?

1 MR. WELCH: No questions. Thank you.

2 THE COURT: All right. Thank you, sir, very much.

3 (Prospective juror steps down.)

4 THE COURT: The next juror is 0548. This juror has
5 answered yes to number 1, 3, 4, 5, 6, 17, 22, and 23. I will
6 start with 22 and 23.

7 (Prospective juror steps up.)

8 THE COURT: Good morning, ma'am. How are you today?

9 PROSPECTIVE JUROR: I'm good. How are you?

10 THE COURT: Fine, thanks. If you feel comfortable
11 taking off your mask, please do. And sorry about keeping you
12 here all day yesterday and having to bring you back today, but I
13 appreciate your patience.

14 PROSPECTIVE JUROR: No problem.

15 THE COURT: Let me remind you that you're still under
16 oath from yesterday. Do you understand?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. You've answered yes to a
19 number of the questions I asked yesterday. I want to start with
20 the answer to the question I asked about whether serving on a
21 jury would be an extreme hardship to you, and you indicated that
22 it would.

23 Is that a question you feel comfortable answering in
24 public, or would you feel more comfortable --

25 PROSPECTIVE JUROR: It's more of a physical.

1 THE COURT: Again, are you comfortable talking about
2 this in public?

3 PROSPECTIVE JUROR: Yes. I'm in my early pregnancy.
4 I'm very nauseous and ill --

5 THE COURT: Oh, I'm sorry to hear that.

6 PROSPECTIVE JUROR: And I have my first two
7 appointments Wednesday and Thursday of this week.

8 So I'm not quite sure if that counts as extreme but --

9 THE COURT: Well, it's certainly important. When --
10 what time are your appointments?

11 PROSPECTIVE JUROR: 3:00 and 3:30, I believe, on
12 Wednesday and Thursday.

13 THE COURT: On Wednesday and Thursday of this week?

14 PROSPECTIVE JUROR: Yeah.

15 THE COURT: These are your first appointments?

16 PROSPECTIVE JUROR: First two in person, yeah.

17 THE COURT: Do you happen to know whether you might be
18 able to get them scheduled earlier or later in the day?

19 PROSPECTIVE JUROR: I can try.

20 THE COURT: Would you try to check on that?

21 PROSPECTIVE JUROR: I've waited quite a while for
22 them. So I'm not quite sure.

23 THE COURT: Yeah, I understand, but if you could
24 check, that would be helpful.

25 In terms of how you're feeling, are there times in the day

1 when you're nauseated and --

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Does that happen frequently?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Does it make you concerned about having to
6 sit from 9:30 to 4:30 for a period of probably five days or so?

7 PROSPECTIVE JUROR: A little bit, yeah.

8 THE COURT: A little bit?

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: So the plan would be to sit from roughly
11 9:30 to 4:30, 4:45, take an hour break for lunch, and probably a
12 mid-morning and a mid-afternoon break.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: Would that be challenging for you?

15 PROSPECTIVE JUROR: It's just a little tough to not
16 eat and go to the bathroom.

17 THE COURT: How often do you have to eat and go to the
18 bathroom?

19 PROSPECTIVE JUROR: Eating every couple hours and
20 going to the bathroom probably like once an hour or so.

21 THE COURT: Okay. All right. Let me go ahead and
22 follow up with some of your other questions while we have you
23 here.

24 First of all, you say that you live or work near the
25 Capitol?

1 PROSPECTIVE JUROR: Yes, I do.

2 THE COURT: Where about?

3 PROSPECTIVE JUROR: I live in Navy Yard, which is
4 right next to the highway on the other side of the Capitol.

5 THE COURT: If I can ask you to please keep your voice
6 a little bit up. That's a microphone in front of you.

7 PROSPECTIVE JUROR: Sure.

8 THE COURT: Were you home on January 6 of 2021?

9 PROSPECTIVE JUROR: I was not. I was at work.

10 THE COURT: Were you working in D.C.?

11 PROSPECTIVE JUROR: I was working in Maryland, so
12 driving home during the curfew.

13 THE COURT: What do you do for a living?

14 PROSPECTIVE JUROR: I'm a chiropractor.

15 THE COURT: Were you inconvenienced by the events of
16 that day?

17 PROSPECTIVE JUROR: I think I left work a little bit
18 early because of the curfew. I think there was a curfew that
19 day. And just being nervous. My boyfriend was home. So I was
20 a little worried about him.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR: My boyfriend was home. So I was
23 worried about him.

24 THE COURT: Was he near the Capitol?

25 PROSPECTIVE JUROR: He was at home in the apartment.

1 THE COURT: I see. You mentioned that you've -- like
2 most people, you've heard news about the January 6 events. Have
3 you tracked that news carefully?

4 PROSPECTIVE JUROR: Pretty closely. I'm not searching
5 it out, but it's been in the headlines quite often.

6 THE COURT: Have you reviewed any news stories or seen
7 anything on the television about Mr. Reffitt, the defendant in
8 this case?

9 PROSPECTIVE JUROR: I have not.

10 THE COURT: Do you recognize him? He's seated at that
11 table.

12 PROSPECTIVE JUROR: I do not.

13 THE COURT: You did mention that you've heard or seen
14 news about others, other individuals --

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: -- in connection with the January 6
17 events. Can you tell us if you remember names of who they are?

18 PROSPECTIVE JUROR: I can't remember names, no. I
19 just remember seeing different people doing different acts
20 throughout the day.

21 THE COURT: All right. And is this again just normal
22 headline news or TV clips?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: As a result of what you've seen and heard
25 in the news, have you formed any opinions about the January 6

1 events that would be difficult to set aside coming to court and
2 serving as a juror in this case?

3 PROSPECTIVE JUROR: Yeah. I mean, it's pretty -- to
4 be honest, as soon as I heard you say January 6, I was kind of
5 already like oh, okay, well -- I kind of have my opinions about
6 it.

7 THE COURT: And these opinions are based solely on
8 what you've seen in the news?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And you're saying that it would be
11 difficult for you to set those opinions aside and be a fair and
12 impartial juror, fair to both sides in this case, if you were
13 selected as a juror?

14 PROSPECTIVE JUROR: A little bit, just because it
15 seems like most involved are pretty guilty, from what I've seen.

16 THE COURT: You did mention that you have an opinion
17 about Mr. Reffitt's guilt or innocence. Can you elaborate?

18 PROSPECTIVE JUROR: Just generally speaking. I had
19 not heard his name before.

20 THE COURT: Again, please keep your voice up.

21 So you're saying you had not heard his name before?

22 PROSPECTIVE JUROR: I have not heard his name before.

23 THE COURT: So did you answer yes to the question
24 because you have a general view about anyone who participated in
25 the events that they're guilty of a crime?

1 PROSPECTIVE JUROR: Just generally speaking.

2 THE COURT: All right. Do you understand that under
3 the law Mr. Reffitt is innocent, there's a presumption of
4 innocence that applies? Do you walk into this courtroom
5 thinking he's guilty of crimes?

6 PROSPECTIVE JUROR: It's hard to put my opinion that I
7 had before aside, but I do understand that that's how that
8 works.

9 THE COURT: I guess I'm asking whether you think that
10 would be a challenge for you to do, because of course, you would
11 be instructed that any personal views, any political views have
12 to be kept out of the courtroom and you have to judge
13 Mr. Reffitt's guilt or innocence solely based on the evidence in
14 the case and the instructions that I provide.

15 Do you have any hesitation in being able to do that?

16 PROSPECTIVE JUROR: I would do my absolute best. It's
17 just a little bit tough knowing so much about what happened that
18 day.

19 THE COURT: And when you say "knowing so much about
20 what happened that day," what --

21 PROSPECTIVE JUROR: Just generally speaking, what was
22 going on, the people who were there and why they were there.

23 THE COURT: Again, this is just coming from the news
24 stories that you've seen?

25 PROSPECTIVE JUROR: It is, yes.

1 THE COURT: And you understand that what's on the news
2 cannot be considered evidence in this case?

3 PROSPECTIVE JUROR: I do.

4 THE COURT: And you understand that an indictment, a
5 charging document itself is not evidence in this case?

6 PROSPECTIVE JUROR: I do.

7 THE COURT: And you understand that if you were
8 selected as a juror you really have to come into the courtroom
9 with a clean slate and be open-minded? Is that something that
10 you think you can do?

11 PROSPECTIVE JUROR: It is something I would try very
12 hard to do, yes.

13 THE COURT: You also answered yes to the question
14 about having strong views on firearms such that you're concerned
15 that you can't be a fair and impartial juror.

16 You understand that the charges in this case include
17 firearm-related charges?

18 PROSPECTIVE JUROR: I do.

19 THE COURT: Based on the views you have about
20 firearms, are you concerned that you would favor one side or the
21 other based on your views alone?

22 PROSPECTIVE JUROR: A little bit, yes.

23 THE COURT: And again, as I explained before, the
24 instructions would tell you you have to set your personal views
25 aside and decide this case based solely on the evidence.

1 PROSPECTIVE JUROR: Right.

2 THE COURT: And you have reservations about being able
3 to do that?

4 PROSPECTIVE JUROR: I guess I thought you were
5 asking -- I have an opinion, but yes, I would try to put all my
6 opinions aside to be as objective as possible. But I do have
7 opinions.

8 THE COURT: As I explained yesterday, our goal here is
9 to select a neutral panel of jurors, folks who don't have
10 preconceived notions, who aren't predisposed towards one side or
11 the other.

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Would you put yourself in that category of
14 open-minded, neutral jurors, or do you feel that you are
15 predisposed -- it sounds like if you're disposed one way or the
16 other, it's towards the government's side. Is that correct?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And do you feel that you could be fair to
19 the defense and be neutral, open, judge the evidence fairly,
20 impartially, despite the views you have about firearms and the
21 events of January 6?

22 PROSPECTIVE JUROR: I would do my best to be objective
23 about it.

24 THE COURT: All right. You know yourself best. We
25 can't ask for a guarantee. But if you were sitting in

1 Mr. Reffitt's position, would you feel that you could be a fair
2 juror in deciding this case?

3 PROSPECTIVE JUROR: All I can say is I will do my best
4 to be open-minded and hear all of the evidence that's presented.

5 THE COURT: Ms. Berkower?

6 MS. BERKOWER: Nothing from the government, Your
7 Honor. Thank you.

8 THE COURT: Mr. Welch?

9 MR. WELCH: No questions for the venire person; a
10 question for the Court.

11 THE COURT: All right. So I'm going to ask you to
12 step out. And if you could, please, make a call about --

13 PROSPECTIVE JUROR: I will.

14 THE COURT: Before you leave, let me just follow up on
15 the appointment issue. You say these are your first
16 appointments relating to your pregnancy?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And do they have to occur in this next
19 week? Is that what's required?

20 PROSPECTIVE JUROR: They said before week 12, and this
21 is week 12. So I was waiting to get in, and I finally got in.
22 So that's where it kind of became a difficult thing to navigate.
23 But I can give them a call today.

24 THE COURT: That would be helpful information to have.

25 PROSPECTIVE JUROR: All right.

THE COURT: All right. Thank you.

(Prospective juror steps down.)

MR. WELCH: Your Honor, I have a motion for cause.

This juror is being candid. She has told the Court repeatedly that it would be hard to put her opinion aside knowing everything that -- or knowing so much and everything that has happened, she would try her best. She has strong feelings about guns, but she would try her best. She is concerned that she would favor one side, that she would be predisposed to the government. The best that she can say is that she would try her best to put that aside.

So when the Court asked would she, if she sat where Mr. Reffitt sits, want her to serve as a juror, she didn't say yes. She said, "I will try my best."

So I think she's trying to candidly tell the Court that she is biased is basically what it boils down to.

On top of that, she would want, and anyone would want her to go to her first appointments --

THE COURT: Well, I agree. If that comes back, given that this is her 12th week, and she can't reschedule those appointments until early in the day or late in the afternoon, I think that's a for-cause strike, and I assume the government would not object.

So I hear on you that issue. I think the other one is a closer call.

1 Ms. Berkower, I will hear from you.

2 MS. BERKOWER: Yes, Your Honor, and since I wasn't
3 standing near the microphone, if the appointments can't be
4 rescheduled, her medical appointments, we would not object to
5 striking her for cause, of course.

6 But with regard to her opinions about the case, I think the
7 Court was very clear with her what would be required of her as a
8 juror. And the question really is not is it hard for the person
9 to set aside their opinions, but whether they can do it. And
10 she repeatedly said she would do her absolute best. I wrote
11 down "absolute best" to put her opinions aside, and she said
12 that she thinks she could do it.

13 And we would submit that that is really what's required
14 here. She formed an opinion, but she can set it aside in order
15 to judge the case fairly. So we would submit she should not be
16 struck for cause.

17 THE COURT: I'm going to reserve on this for now and
18 hear what the answer is on the medical issue before I resolve
19 this motion for strike. So that's a question mark for now.

20 All right. The next juror I have is 0541. This juror
21 answered yes to questions 3 and 4.

22 (Prospective juror steps up.)

23 THE COURT: Good morning, ma'am.

24 PROSPECTIVE JUROR: Good morning.

25 THE COURT: If you feel comfortable taking off your

1 mask, would you, please?

2 PROSPECTIVE JUROR: Thank you.

3 THE COURT: Sorry for keeping you here all day
4 yesterday and having to bring you back this morning, but there
5 are a lot of you. This takes time.

6 I want to remind you that you're under oath. Do you
7 understand that the oath you took yesterday applies today?

8 PROSPECTIVE JUROR: Yes, ma'am.

9 THE COURT: So you have answered yes to having heard
10 news about the January 6 events and seeing news either about
11 Mr. Reffitt or other individuals who were involved in the
12 January 6 events.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Can you give us a general idea of what
15 you've seen and heard in the news?

16 PROSPECTIVE JUROR: Just mostly during the time that
17 January the 6th happened, it was almost impossible to avoid in
18 the news, and then just casually hearing about certain people,
19 not even their names, certainly not Mr. Reffitt.

20 THE COURT: So far as you are aware now, so far as you
21 can recall, have you seen or heard anything about Mr. Reffitt,
22 the defendant in this case?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Do you recognize him sitting at the table
25 over there?

1 PROSPECTIVE JUROR: No.

2 THE COURT: All right. Did you watch the events of
3 January 6 live on that day?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Were you here in the District?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Where were -- were you close to the
8 Capitol at all?

9 PROSPECTIVE JUROR: No. Define "close." I live off
10 of U Street.

11 THE COURT: All right.

12 PROSPECTIVE JUROR: But no, I wasn't anywhere near the
13 Capitol.

14 THE COURT: And I take it from your comments already
15 that you haven't been tracking these particular cases but,
16 rather, reading the headlines that you see as you read news?

17 PROSPECTIVE JUROR: Exactly; exactly.

18 THE COURT: As a result of what you've seen and heard
19 in the news, have you formed any opinions about the guilt or
20 innocence of those who were involved in the January 6 events?

21 PROSPECTIVE JUROR: No.

22 THE COURT: All right. And you understand that as
23 Mr. Reffitt sits here he's presumed innocent under the law?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: And you understand he can't be convicted

1 unless and until the government proves its case beyond a
2 reasonable doubt?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Would you have any difficulty applying
5 those instructions and deciding this case based solely on the
6 evidence you hear in this courtroom?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Ms. Berkower?

9 MS. BERKOWER: Good morning.

10 PROSPECTIVE JUROR: Good morning.

11 COURTROOM DEPUTY: Can I ask for the potential juror
12 to speak in the microphone in front of you. Yes, ma'am. Thank
13 you.

14 MS. BERKOWER: Ma'am, you said that you did watch news
15 at the time of the January 6 events generally, just not live on
16 TV that day?

17 PROSPECTIVE JUROR: Yes.

18 MS. BERKOWER: Can I ask, what sources of news do you
19 remember getting that information from?

20 PROSPECTIVE JUROR: I usually type into like Google
21 News. That's my primary source.

22 MS. BERKOWER: Any other sites that Google takes you
23 to?

24 PROSPECTIVE JUROR: No. I read The Wall Street
25 Journal every day, but I'm not seeking out information.

1 MS. BERKOWER: Understood; understood.

2 And given what you did see back at the time, did you form
3 an opinion at all about the events that occurred?

4 PROSPECTIVE JUROR: I think my opinion changed over
5 time.

6 MS. BERKOWER: So could you explain what your opinion
7 originally was and how it changed?

8 PROSPECTIVE JUROR: It's really hard to describe. I
9 thought at first it was people exercising their right to
10 disagree, and then when you saw the events and the descriptions
11 later of what happened inside the Capitol -- I know people get
12 caught up in the times, but I still don't really have any
13 opinion about --

14 MS. BERKOWER: So at first -- you said at first --

15 PROSPECTIVE JUROR: You know how TV exaggerates;
16 right? So they show one thing over and over again, and you
17 think it's a lot more.

18 MS. BERKOWER: Okay. So at first you thought people
19 were exercising their right to disagree. And did you have an
20 opinion on their position, their point of view?

21 PROSPECTIVE JUROR: Just that they had the right to do
22 so.

23 MS. BERKOWER: And you said later your view on that
24 changed. So what view did you come to?

25 PROSPECTIVE JUROR: The people on the Mall versus the

1 people actually climbing the walls of the Capitol.

2 MS. BERKOWER: What difference are you drawing in your
3 mind?

4 PROSPECTIVE JUROR: It kind of went beyond free
5 speech; climbing the walls of the Capitol went beyond free
6 speech.

7 MS. BERKOWER: Where do you view that line being
8 drawn?

9 PROSPECTIVE JUROR: Physical probably. It would start
10 when you --

11 MS. BERKOWER: Okay. So you said you did hear some
12 news or descriptions of what happened that changed your view.
13 Can you be a little more specific about what kinds of
14 descriptions you heard that changed your view?

15 PROSPECTIVE JUROR: The mob attacking a Capitol
16 policeman.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: And actually stealing the
19 speaker's lectern, as you saw on TV.

20 MS. BERKOWER: Okay. Judge Friedrich will instruct
21 you that if you are selected as a juror you have to set aside
22 what you know.

23 PROSPECTIVE JUROR: Yes.

24 MS. BERKOWER: Do you understand that?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 MS. BERKOWER: How confident are you that you will be
2 able to follow her instruction on that point?

3 PROSPECTIVE JUROR: Very confident.

4 MS. BERKOWER: Do you currently work?

5 PROSPECTIVE JUROR: Yes, ma'am.

6 MS. BERKOWER: What kind of work do you do?

7 PROSPECTIVE JUROR: I'm a scientist.

8 MS. BERKOWER: What kind of science?

9 PROSPECTIVE JUROR: Materials science, but I have a
10 background in engineering as well.

11 MS. BERKOWER: Do you work for the government?

12 PROSPECTIVE JUROR: No. I work for Lawrence Livermore
13 National Laboratory. Anyone who is not familiar with that, it's
14 a nuclear weapons design lab. And I'm on assignment here in
15 Washington employed by Lawrence Livermore, and currently, I'm
16 working at the Pentagon.

17 MS. BERKOWER: I see. And were you in that position
18 at the time of January 6 as well?

19 PROSPECTIVE JUROR: Yes.

20 MS. BERKOWER: Any conversations you had with people
21 at the Pentagon about the events of that day?

22 PROSPECTIVE JUROR: No.

23 MS. BERKOWER: I hear that you speak with an accent.

24 PROSPECTIVE JUROR: Yes, I do.

25 MS. BERKOWER: May I ask where you're originally from?

1 PROSPECTIVE JUROR: I was born in England, and I've
2 been here since 1973, and I'm a nationalized citizen since 1979.

3 MS. BERKOWER: Understood. Thank you.

4 THE COURT: Mr. Welch, any questions?

5 MR. WELCH: No, thank you, Your Honor.

6 THE COURT: Thank you, ma'am, very much.

7 (Prospective juror steps down.)

8 THE COURT: All right. I would like to do two more,
9 the last two, and then we can take a break. Can everyone wait
10 that long to take a break?

11 All right. I'm informed there's three more. We're not
12 sure if we have two or three, but let's try to get through two
13 or three.

14 The next juror is 1484, answered yes to 3, 4, 5, and 6, 12,
15 and 19.

16 (Prospective juror steps up.)

17 THE COURT: Good morning, sir.

18 PROSPECTIVE JUROR: Good morning.

19 THE COURT: If you feel comfortable taking off your
20 mask, please do. I'm very sorry to keep you here all day
21 yesterday and have to bring you back, but thank you for your
22 patience.

23 Let me remind you that you are still under oath. Do you
24 understand?

25 PROSPECTIVE JUROR: Yes, I do.

1 THE COURT: All right. You have answered yes to a
2 number of questions relating to the January 6 events. You've
3 said that you've heard news about the events and you've heard
4 news about specific individuals.

5 Have any of those news stories been about Mr. Reffitt, the
6 defendant in this case?

7 PROSPECTIVE JUROR: Not as far as I can remember, no.

8 THE COURT: Do you recognize him? He's seated at that
9 table.

10 PROSPECTIVE JUROR: I don't recall. I don't know. I
11 don't think so.

12 THE COURT: Can you keep your voice up? It's hard to
13 hear.

14 PROSPECTIVE JUROR: No, I don't remember him, him
15 specifically.

16 THE COURT: You've also stated that you have an
17 opinion about his guilt or innocence as he sits here. Can you
18 explain what that's based on?

19 PROSPECTIVE JUROR: That is based on the people that I
20 already know about, you know, and this whole QAnon thing. I
21 don't know if I should have said opinion on guilt or innocence,
22 but as soon as I heard, you know, January 6 rioter, I just heard
23 guilty in my head, just like no.

24 THE COURT: As you sit here now, you feel the folks
25 involved in the January 6 events are guilty?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And you understand under the law that
3 Mr. Reffitt, the defendant here, is presumed innocent?

4 PROSPECTIVE JUROR: Yeah. Under the law, he's
5 presumed innocent, but --

6 THE COURT: Do you think you'd have a hard time
7 following my instruction that you cannot --

8 PROSPECTIVE JUROR: I do.

9 THE COURT: -- find Mr. Reffitt guilty unless and
10 until the government proves its case beyond a reasonable doubt?

11 PROSPECTIVE JUROR: I do, and I will tell you why,
12 because my mother was Jewish, and the QAnon people are not very
13 fond of her or her family. I'm going to be honest.

14 And -- I'm going to be honest. I had a hard time following
15 some of your questions, because when I found out who I was
16 sitting in the same room with, I was just really upset, quite
17 frankly, and I don't think I could remain emotionally neutral in
18 a trial like this.

19 THE COURT: All right. So even as you sit here now,
20 you feel that you're leaning towards the government's side in
21 this case?

22 PROSPECTIVE JUROR: Yeah, I am.

23 THE COURT: Ms. Berkower, any questions?

24 MS. BERKOWER: No, Your Honor. Thank you.

25 THE COURT: All right. Thank you, sir.

1 (Prospective juror steps down.)

2 THE COURT: I assume there's no objection to striking
3 this potential juror for cause?

4 MS. BERKOWER: No objection, Your Honor.

5 THE COURT: All right. That juror is stricken.

6 Just one moment. Mr. Hopkins?

7 (Pause.)

8 THE COURT: Okay. I have one more card here.

9 Apparently, there should be a card for juror 0715. I don't have
10 that card. We're trying to track that card down. As I see it,
11 we have two options. One would be to have me go through the
12 questions with her, I think, again in this courtroom one by one.
13 Or she is the last witness -- I mean the last potential juror.
14 We could make her sit through the general again.

15 Do the parties have a preference? Mr. Welch?

16 MR. WELCH: Your Honor, I think it just makes sense --
17 we're on the cusp of having you do the general again.

18 THE COURT: That's what we'll do. I'm hoping we can
19 find the card, because she's been waiting around, and that's
20 going to be annoying to have to sit through that again, but
21 that's what we will do if we can't find the card.

22 So the next juror is 1718. The only yes answer was to
23 number 1.

24 (Prospective juror steps up.)

25 THE COURT: Good morning, sir.

1 PROSPECTIVE JUROR: Good morning.

2 THE COURT: If you feel comfortable taking off your
3 mask, please do. Thank you for your patience. I'm very sorry
4 to keep you all day here yesterday and have to bring you back.
5 We appreciate it.

6 Let me remind you, you understand you're still under oath
7 from yesterday?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You've answered yes to living or working
10 near the Capitol.

11 PROSPECTIVE JUROR: Uh-huh.

12 THE COURT: Which is it?

13 PROSPECTIVE JUROR: Work. I'm a Senate woodcrafter.

14 THE COURT: You're a what?

15 PROSPECTIVE JUROR: A Senate woodcrafter. I'm a
16 cabinetmaker and carpenter on the Senate-side buildings.

17 THE COURT: And are you employed by the Senate?

18 PROSPECTIVE JUROR: Architect of the Capitol.

19 THE COURT: Okay. And were you employed in that
20 capacity on January 6?

21 PROSPECTIVE JUROR: No. I've only been there for five
22 months.

23 THE COURT: So just recently?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: All right. You did not indicate that you

1 had seen anything in the news about the January 6 events.

2 Were you in D.C. at the time?

3 PROSPECTIVE JUROR: I was.

4 THE COURT: Were you aware of the events?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Have you seen news stories about them?

7 PROSPECTIVE JUROR: I did, yeah.

8 THE COURT: Have you followed those news stories
9 closely?

10 PROSPECTIVE JUROR: Not really.

11 THE COURT: Have you seen news stories or heard news
12 stories about specific individuals who participated in the
13 January 6 events?

14 PROSPECTIVE JUROR: There's a few that I recall about,
15 you know, a man with the headpiece and a few of the flashy
16 things on the front page, but otherwise, I haven't followed
17 anything closely.

18 THE COURT: Do you recall anything about Mr. Reffitt?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Do you recognize him? He's seated at the
21 table over there.

22 PROSPECTIVE JUROR: No.

23 THE COURT: Do you think there's anything about your
24 current job that would make you come into this courtroom
25 favoring one side over the other?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Do you have close relationships with
3 members of Congress or their staff or anyone else who was
4 present in the Capitol on January 6?

5 PROSPECTIVE JUROR: No. Everyone that I know was out
6 for COVID reasons, that I can recall.

7 THE COURT: You mean the individuals who you know now
8 from your job were not folks who were in the Capitol on
9 January 6?

10 PROSPECTIVE JUROR: No, they -- most of them -- they
11 were staggering staff pretty heavily, and I haven't spoken with
12 anyone that was actually in the building.

13 THE COURT: Have you talked to the folks you do know
14 about the events, even though they weren't there? Have you
15 learned information from them about what happened that day?

16 PROSPECTIVE JUROR: No, I haven't actually had those
17 conversations. When I started the job, I didn't -- it hasn't
18 come up, and I haven't spoken to any of my co-workers about it.

19 THE COURT: Are you involved in making repairs to
20 property that was damaged as a result of the January 6 events?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Have you heard about what needed to be
23 repaired before as a result of the January 6 events?

24 PROSPECTIVE JUROR: I did read one article about the
25 lumber that was being sourced to repair some of the historic

1 items, but otherwise, that's as far as my knowledge goes.

2 THE COURT: Have you formed any personal views or do
3 you have any political views about the January 6 participants?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: And do you think that you could put those
6 views, those opinions aside and decide this case solely based on
7 the evidence that's presented here in the courtroom?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Do you understand that as Mr. Reffitt sits
10 here he's presumed innocent under the law?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And do you understand that he cannot be
13 convicted of any crimes unless and until the government proves
14 its case beyond a reasonable doubt?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: And you would have no hesitancy in
17 following my instructions, legal instructions, even if you
18 disagreed with them?

19 PROSPECTIVE JUROR: Yes, I would not have a hesitancy.

20 THE COURT: All right. I understood. Thank you for
21 clarifying.

22 All right. Do you have any concerns about working at the
23 Capitol in light of what occurred on January 6 of 2021?

24 PROSPECTIVE JUROR: It was definitely something that
25 is always -- the week before I took the job, there was an

1 incident that shut down the neighborhood when I was trying to do
2 a delivery, and I was like, well, this is a part of the job.

3 And I'm actually leaving next week because it's not really
4 for me.

5 THE COURT: It's not what?

6 PROSPECTIVE JUROR: The job wasn't -- working in that
7 sort of place wasn't really my cup of tea. So I won't be there
8 any longer.

9 THE COURT: So you're about to stop working there?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Would it be a problem to serve on this
12 jury for this period, given your current job?

13 PROSPECTIVE JUROR: No. My supervisors were
14 understanding, and my responsibilities have been diminished for
15 my final weeks.

16 THE COURT: Are the reasons that you're leaving the
17 job, do they have anything to do with, directly or indirectly,
18 the January 6 events or security issues at the Capitol?

19 PROSPECTIVE JUROR: No.

20 THE COURT: And based on your current job -- I think I
21 may have asked you this already, but let me ask it again.
22 Anything about your current job make you favor one side or the
23 other in this case?

24 PROSPECTIVE JUROR: No.

25 THE COURT: All right. Ms. Berkower?

1 MS. BERKOWER: Good morning.

2 PROSPECTIVE JUROR: Good morning.

3 MS. BERKOWER: So you said that the job you're
4 currently in you did not hold on January 6; is that correct?

5 PROSPECTIVE JUROR: That's correct.

6 MS. BERKOWER: Were you working at a different job
7 then?

8 PROSPECTIVE JUROR: Yes.

9 MS. BERKOWER: What job was that?

10 PROSPECTIVE JUROR: A small general contractor based
11 in Hyattsville called Fajen & Brown.

12 MS. BERKOWER: Is that also a business that did
13 woodcrafting?

14 PROSPECTIVE JUROR: Yes.

15 MS. BERKOWER: Is that something you've been trained
16 in?

17 PROSPECTIVE JUROR: Yes.

18 MS. BERKOWER: What job are you leaving for?

19 PROSPECTIVE JUROR: I'm going back to my former
20 position.

21 MS. BERKOWER: You said you have formed views about
22 the events of January 6? Did I understand you right about that?

23 PROSPECTIVE JUROR: Yes.

24 MS. BERKOWER: Can you explain a little bit what views
25 you've formed?

1 PROSPECTIVE JUROR: I came to conclusions of why the
2 events took place.

3 MS. BERKOWER: What kinds of conclusions did you come
4 to?

5 PROSPECTIVE JUROR: That they were primarily driven by
6 the former president and people that were following him, and
7 that's about it.

8 MS. BERKOWER: And how did you come to those
9 conclusions? Did you do research? Did you read news? What
10 drew you to those conclusions?

11 PROSPECTIVE JUROR: Yeah, radio, news that you
12 overhear in the morning.

13 MS. BERKOWER: What kinds of sources are you talking
14 about? What news sources?

15 PROSPECTIVE JUROR: Radio, news, and newspapers.

16 MS. BERKOWER: Which ones?

17 PROSPECTIVE JUROR: NPR is generally what I was, and
18 then -- yeah, just the NPR at that time is all I was receiving.

19 MS. BERKOWER: Do you read NPR's web site in addition
20 to listening to the radio or --

21 PROSPECTIVE JUROR: I didn't at the time. I recently
22 have.

23 MS. BERKOWER: You understand if you are selected as a
24 juror, the Judge will instruct you you have to set that -- what
25 you know and what you've learned in those conclusions out of

1 your mind as you consider the case? Do you understand that?

2 PROSPECTIVE JUROR: Yes. I'm only looking at the
3 evidence and not any preconceived notions.

4 MS. BERKOWER: Do you feel confident you will be able
5 to follow her instruction on that point?

6 PROSPECTIVE JUROR: Yes.

7 MS. BERKOWER: How confident are you?

8 PROSPECTIVE JUROR: I'm fully confident.

9 MS. BERKOWER: Thank you, sir.

10 THE COURT: Mr. Welch, any questions?

11 MR. WELCH: No questions. Thank you.

12 THE COURT: Sir, I have one question. I want to make
13 sure. You were not directly appointed by anyone in public
14 office?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Who is your boss?

17 PROSPECTIVE JUROR: The actual architect of the
18 Capitol? I'm blanking on his name right now.

19 THE COURT: Okay. But you were not appointed by
20 anyone elected to public office?

21 PROSPECTIVE JUROR: No. I was hired by James Atkins,
22 who is the woodcrafting supervisor.

23 THE COURT: All right. Thank you, sir. You're
24 excused.

25 PROSPECTIVE JUROR: Thank you.

1 (Prospective juror steps down.)

2 THE COURT: All right. Good news. We found the card.
3 This last one is juror 715. This juror has answered yes to 4,
4 17, 22, and 24. So that's the mask question. I will put on my
5 mask. And I will start with 22.

6 (Prospective juror steps up.)

7 THE COURT: Good morning, ma'am. How are you?

8 PROSPECTIVE JUROR: Good morning. I'm fine. And
9 yourself?

10 THE COURT: Doing well, thanks.

11 Sorry for the inconvenience, and thank you for your
12 patience. I know you've been waiting a long time to come in
13 here and talk to us.

14 Let me remind you that you are still under oath from
15 yesterday. Do you understand?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. You have answered yes to the
18 question I asked about whether serving as a juror would be an
19 extreme hardship. Is that a question you feel comfortable
20 answering publicly?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Can you explain why you answered yes to
23 that question?

24 PROSPECTIVE JUROR: Typically, governments and courts
25 and laws and everything never really have truly been my thing.

1 But I am a person that don't feel comfortable with being on
2 anyone's jury because I really value the safety of myself and my
3 family. People who are qualified to do so should, and those who
4 aren't shouldn't.

5 THE COURT: I just want to make sure that I understand
6 what you're saying. Is it your position that serving on any
7 jury, civil or criminal, poses a risk to your safety?

8 PROSPECTIVE JUROR: Yes; for me, yes.

9 THE COURT: A civil case?

10 PROSPECTIVE JUROR: I just don't feel comfortable,
11 honestly.

12 THE COURT: You understand it is your civic duty to
13 serve on a jury when called to do so?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Can you explain to me why you feel that
16 there's a security issue in you serving on a jury, particularly
17 in a civil trial where there's not a criminal defendant?

18 PROSPECTIVE JUROR: Well, from how I grew up, I just
19 believe in -- you know, if you don't have the necessary, you
20 know, -- the necessary steps or educated enough about to do
21 something, you shouldn't be doing it.

22 I just really -- it don't make me feel no type of
23 comfortable to be doing this. It makes me feel very
24 uncomfortable actually. And I have social anxiety. So this is
25 a little bit much for me.

1 THE COURT: You understand that your sole job as a
2 juror in this case would be to decide the facts, not the law,
3 that the Court would instruct you on what the law is? So you
4 don't need any special legal training to fulfill this role as a
5 juror.

6 PROSPECTIVE JUROR: The only thing I really know about
7 everything is what you all tell me, and, you know, I'm a person
8 that likes to do research of our own.

9 THE COURT: You like to do what?

10 PROSPECTIVE JUROR: Do research of our own, because I
11 only know what you tell me about my civic duty to do this.
12 Actually, I understand this is my civic duty. I learned it when
13 I was younger for the fact that at some point you may have to
14 serve, go to jury duty and everything.

15 THE COURT: But your view as you sit here is you
16 should not ever have to sit on a jury?

17 PROSPECTIVE JUROR: No. I said that I grew up -- I
18 was told when I was younger that at some point your civic duty
19 would be to do jury duty at some point.

20 THE COURT: But you're unwilling to fulfill that duty?

21 PROSPECTIVE JUROR: Yes, I'm a little uncomfortable.
22 This is kind of uncomfortable.

23 THE COURT: And again, it's because you're concerned
24 for your safety or your ability?

25 PROSPECTIVE JUROR: More so my safety, honestly.

1 Well, yeah, and ability, too, but more so my safety. I just
2 don't really feel comfortable.

3 THE COURT: But your unwillingness to serve as a juror
4 has nothing to do with your inability to judge another person?
5 That's not what you're saying? It's solely safety or some
6 concern about your ability to fulfill the role?

7 PROSPECTIVE JUROR: Yes, ma'am.

8 THE COURT: So again, not based on your inability to
9 sit in judgment of someone else?

10 PROSPECTIVE JUROR: Yes, ma'am.

11 THE COURT: Yes, ma'am, what?

12 PROSPECTIVE JUROR: What you --

13 THE COURT: When you say yes, I don't know if you're
14 agreeing with me or you're saying --

15 PROSPECTIVE JUROR: Yes, I'm agreeing with you, ma'am.

16 THE COURT: You're agreeing with me?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: You also indicate that you have such
19 strong feelings or opinions about firearms that you can't be
20 fair and impartial.

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You understand if you're selected as a
23 juror in this case that I would instruct you that you have to
24 put your personal views aside and you have to weigh the evidence
25 in the case based solely on what you see in the courtroom?

1 PROSPECTIVE JUROR: Yes, ma'am.

2 THE COURT: And do you think you would be able to do
3 that?

4 PROSPECTIVE JUROR: To do what's right, yes, I
5 probably could. This is all new for me. It's a little
6 nerve-wracking, if you ask me.

7 THE COURT: I can certainly understand feeling
8 uncomfortable --

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: -- being in a courtroom if you haven't
11 been here before.

12 PROSPECTIVE JUROR: I've never been in a courtroom.

13 THE COURT: You've never been in a courtroom?

14 PROSPECTIVE JUROR: I've never been in a courtroom. I
15 was so lost coming here, but I swear, this is my first time.
16 So --

17 THE COURT: It's not so bad, is it?

18 PROSPECTIVE JUROR: Well, this is a little
19 uncomfortable, to be honest. Yeah, to do what's right. I don't
20 like to have someone's freedom in my hands. That's too much of
21 responsibility for me. That's another thing. I don't like to
22 have anyone's freedom in my hands, and that's pretty much how I
23 view things.

24 THE COURT: And that's because it feels stressful and
25 anxiety --

1 PROSPECTIVE JUROR: Exactly. And I have anxiety, and
2 I get overwhelmed very quickly.

3 THE COURT: And do you think that if you're chosen to
4 serve as a juror in this case you will be worried sitting in the
5 jury box, or in this case in the gallery during COVID, you would
6 be nervous sitting there and listening to the evidence that's
7 presented?

8 PROSPECTIVE JUROR: Yes, ma'am.

9 THE COURT: Would that make it hard to focus on the
10 evidence?

11 PROSPECTIVE JUROR: Yes, ma'am.

12 THE COURT: You also indicated that you've heard or
13 seen news about Mr. Reffitt or others who were at the Capitol on
14 January 6?

15 PROSPECTIVE JUROR: Yes, ma'am. Well, I actually --
16 days prior to me being served, I had a friend who discussed
17 something along the lines of the case.

18 THE COURT: This case?

19 PROSPECTIVE JUROR: Yes, like days prior to
20 everything.

21 THE COURT: What did the friend say about this case?

22 PROSPECTIVE JUROR: The only thing he said was -- he
23 said his ass needs to go to jail, he did that.

24 THE COURT: Is this a close friend of yours?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And based on what your friend said, would
2 you be more inclined to favor the government if you were picked
3 as a juror in this case?

4 PROSPECTIVE JUROR: I don't think I understand your
5 question.

6 THE COURT: Let me rephrase it.

7 Would you be able to set aside what your friend told you
8 and judge this case based only on what you hear and see in the
9 courtroom?

10 PROSPECTIVE JUROR: Yes. I didn't actually do no type
11 of research or really took, you know, interest in it when it
12 happened, but I thought it was kind of amazing how someone was
13 able to get inside the Capitol, because I been inside of there
14 before, and it's a lot of security.

15 But what he said, we were regularly talking, casually
16 talking, because it popped up on The Shade Room.

17 THE COURT: It popped up on what?

18 PROSPECTIVE JUROR: The Shade Room. It's a social
19 media outlet that gives you, like, daily news.

20 THE COURT: But that comment that you've heard would
21 not influence you if you were to serve as a juror on this case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Do you live or work close to the Capitol?

24 PROSPECTIVE JUROR: No, ma'am.

25 THE COURT: Were you in D.C. on January 6?

1 PROSPECTIVE JUROR: Yes, ma'am.

2 THE COURT: Did you watch the events live on TV that
3 day?

4 PROSPECTIVE JUROR: No, ma'am.

5 THE COURT: You've just seen news since that date?

6 PROSPECTIVE JUROR: Clips on Shade Room, yes.

7 THE COURT: You said that you feel anxious. Did the
8 events of January 6 make you feel anxious about living in D.C.,
9 being in D.C. after the fact?

10 PROSPECTIVE JUROR: Yes. Actually, it did, because I
11 went to school in South Carolina. So a lot of my friends from
12 there were contacting me like, you know, Ta, What's going on?
13 And I'm like, bro, I can't even tell you.

14 I've been to the Capitol. I've been to the White House.
15 I've been inside all of those buildings. And the way the
16 security was set up, I was just so surprised that this was able
17 to happen.

18 THE COURT: And you're a teacher; is that right?

19 PROSPECTIVE JUROR: Yes; I work in the teacher's
20 field, yes. I'm a substitute teacher.

21 THE COURT: And is the school where you work at all
22 near the Capitol?

23 PROSPECTIVE JUROR: Well, I actually was supposed to
24 start this week, but when I got my summons, I had to take off.

25 THE COURT: You were supposed to start what?

1 PROSPECTIVE JUROR: This week, my new job this week.
2 Prior to that, I was at the bus lot, yes.

3 THE COURT: Where were you before?

4 PROSPECTIVE JUROR: At the school bus lot prior to
5 being a substitute teacher aide.

6 THE COURT: All right. I want to circle back to your
7 concerns about being anxious about serving on the jury.

8 PROSPECTIVE JUROR: Uh-huh.

9 THE COURT: You know yourself best.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: It's important to pay attention and listen
12 to the witnesses and view the exhibits and be focused in doing
13 that. Are you telling me that you feel so worried about serving
14 on this jury that you think you won't be able to do that?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Ms. Berkower?

17 MS. BERKOWER: Good morning.

18 PROSPECTIVE JUROR: Good morning.

19 MS. BERKOWER: So you said you have strong views about
20 firearms; did I hear that right?

21 PROSPECTIVE JUROR: Yes.

22 MS. BERKOWER: Could you explain what those views are?

23 PROSPECTIVE JUROR: Typically, in this situation, I
24 felt as though if you are bringing a firearm to this riot, you
25 have every intention on using it. It's like the street code.

1 If you show it, you better use it. So, you know, that's
2 typically my personal opinion, even though the evidence stated
3 that he wasn't -- he didn't use the firearm, but he had every
4 intention to do so, whether it was shooting it or hitting
5 someone with one.

6 MS. BERKOWER: The Judge is going to instruct you you
7 have to set your views aside when you're considering the case.
8 Are you going to be able to set that view aside?

9 PROSPECTIVE JUROR: I have strong views as far as that
10 goes. So it would definitely be a task for me to do so. Like
11 the Judge said, I know myself better than anyone. I would
12 probably have an issue.

13 MS. BERKOWER: And by saying you would probably have
14 an issue, you mean you think --

15 PROSPECTIVE JUROR: Putting my personal views aside.

16 MS. BERKOWER: You would have an issue putting your
17 personal views aside?

18 PROSPECTIVE JUROR: Yes, when it comes to firearms.

19 MS. BERKOWER: And you also said that you are -- you
20 don't want to have someone's freedom in your hands; did I hear
21 that right?

22 PROSPECTIVE JUROR: Yes, ma'am.

23 MS. BERKOWER: So you know this defendant is charged
24 with crimes; right?

25 PROSPECTIVE JUROR: Yes, ma'am.

1 MS. BERKOWER: And if the government proves its case
2 beyond a reasonable doubt, would it be hard to convict him since
3 you don't want to have someone's freedom in your hands?

4 PROSPECTIVE JUROR: Probably so, only because like I
5 said, stated earlier, having someone's freedom in my hands is a
6 big responsibility for me. So it would definitely carry on to
7 me going home. So that's the only thing that's going to be on
8 my mind. I never really typically wanted to be in a courtroom
9 for any reason, to have that weight on my shoulders.

10 MS. BERKOWER: So even if the government proves the
11 charges beyond a reasonable doubt, you still --

12 PROSPECTIVE JUROR: Whatever the government decided to
13 do, conviction, I'm glad to go along with it, but you know,
14 that's just me.

15 THE COURT: Anything further, Ms. Berkower?

16 MS. BERKOWER: No, Your Honor.

17 THE COURT: Anything from the defense?

18 MR. WELCH: Just a question.

19 Ma'am --

20 PROSPECTIVE JUROR: Yes.

21 MR. WELCH: -- would you have any concerns if you were
22 picked to serve and the government failed to prove its case --
23 the Judge would instruct you that in that situation, the law
24 requires you to find a person not guilty -- would you be
25 concerned that your friend who said something to the effect that

1 "his ass needs to go to jail, he did that," would you be afraid
2 that that friend would be upset with you?

3 PROSPECTIVE JUROR: To cause me bodily harm, no, not
4 at all, but I know he's going to be pissed. I'm sorry. I know
5 he's going to be upset. I'm sorry.

6 MR. WELCH: Do you fear it would affect your
7 relationship with that friend?

8 PROSPECTIVE JUROR: No.

9 MR. WELCH: All right. Thank you.

10 THE COURT: Thank you, ma'am. I appreciate it.

11 PROSPECTIVE JUROR: One more thing. I had answered on
12 the question that I probably was going to be uncomfortable with
13 the no-mask thing. I just want to address that. I've had COVID
14 before, and I have family members at home with underlying health
15 issues. So I would not be comfortable at all.

16 THE COURT: Understood. I appreciate your candor.
17 Thank you. That's all.

18 (Prospective juror steps down.)

19 THE COURT: All right. Is there a motion?

20 MS. BERKOWER: Yes, Your Honor. The government will
21 move to strike this juror for cause.

22 MR. WELCH: I will join.

23 THE COURT: I was going to be inclined to anyway.
24 Initially, I thought she was just trying to avoid jury service,
25 but as she spoke, I think she genuinely has both anxiety about

1 serving, pretty severe anxiety, and also an inability to sit in
2 judgment, and also issues putting her personal views aside.

3 So for all those reasons, I will strike her for cause.

4 So that ends the initial batch. We're going to need to go
5 back to the Ceremonial Courtroom. I think it's a good time to
6 take a little bit of a break. I appreciate you all forging
7 through without a break this morning. If ever anyone is
8 uncomfortable, raise your hand or speak up during a break. I
9 just really want to try to get through these today.

10 So why don't we say, to give the court staff adequate time,
11 would 20 minutes be adequate for you all? Mr. Nestler?

12 MR. NESTLER: Where should we go after 20 minutes?

13 THE COURT: To the Ceremonial Courtroom. So we will
14 be in there, and then I think it might make sense after I do the
15 general to take a lunch break. That's a natural time. And then
16 we will go through.

17 I have strikes for cause for 1650, 442, 1484, and 715. Did
18 I miss any?

19 MS. BERKOWER: That's what we have.

20 THE COURT: And we're waiting on the other. And we'll
21 get information and share that with you when we come back in the
22 Ceremonial Courtroom. And if we have information, I'll decide
23 on that juror.

24 So far, you all agree these four have been stricken for
25 cause?

1 MS. BERKOWER: Correct.

2 MR. WELCH: Yes.

3 THE COURT: Not taking into the account the juror
4 we're waiting for additional information on, what's our total
5 number now?

6 COURTROOM DEPUTY: 32.

7 THE COURT: So we're close.

8 COURTROOM DEPUTY: For the next group, do you want me
9 to bring the entire group?

10 THE COURT: How many do we have?

11 COURTROOM DEPUTY: 38.

12 THE COURT: At this point, I'm just reluctant to let
13 everyone go because it would be a crying shame if we had bunch
14 of strikes and couldn't get a jury. They got to go home
15 yesterday. So they can wait.

16 All right. So we will be adjourned until 10 till.

17 (Recess taken from 11:33 a.m. to 12:02 p.m.)

18 (Call to order of the court.)

19 THE COURT: All right. Good afternoon, ladies and
20 gentlemen. We have to wait and get the public line open.

21 (Pause.)

22 THE COURT: All right. Good afternoon, everyone.

23 Welcome to the U.S. District Court for the District of Columbia.
24 I am Dabney Friedrich, and I will be presiding over the case
25 that you've been called to serve as a potential juror.

1 I want to thank all of you for taking time out of your busy
2 schedules. I'm sorry that we weren't able to accommodate all of
3 you yesterday, but I hope you were sent home and not waiting in
4 the courthouse all day to appear here. But thank you again for
5 taking time out of your busy lives to assist the court by coming
6 here to participate in the process.

7 As you know, jurors play a critical role in our justice
8 system. The Constitution guarantees every citizen a right to a
9 jury trial by a jury of one's peers. And this is a very
10 important civic duty that you've been called to perform today.

11 The goal today will be to select a neutral panel of jurors
12 who will hear the evidence in this case and be fair and
13 impartial in their decisionmaking.

14 This is a criminal case that relates to the events that
15 occurred at the Capitol on January 6, 2021. The defendant in
16 this case, Guy Wesley Reffitt, is charged with four crimes
17 relating to Congress's meeting at the United States Capitol on
18 January 6 to certify the Electoral College vote for president.

19 First, he is charged with obstructing an official
20 proceeding for allegedly interfering with Congress's meeting.
21 Second, he is charged with being unlawfully present on the
22 Capitol grounds while using or carrying a firearm. Third, he is
23 charged with transporting firearms knowing or intending that
24 they will be used unlawfully in furtherance of a civil disorder.
25 Fourth, he is charged with interfering with law enforcement

1 officers during a civil disorder. The government has also
2 charged Mr. Reffitt with obstructing justice based on statements
3 he made to his children while at home in Wylie, Texas, around
4 January 11th of 2021.

5 Mr. Reffitt has pleaded not guilty to all charges.

6 In a moment you will be sworn in, and what that means is
7 that you'll be bound to answer the questions you will be asked
8 truthfully, and that is essential to this process.

9 Before we start, let me explain how this process will work.
10 It will take several stages. First, I will ask this entire
11 group a set of questions. Once we finish those questions, each
12 one of you will be brought into another courtroom one at a time
13 where you will be asked to follow up on some of the answers that
14 you gave here in this courtroom.

15 You will be called in the order that you're seated. And
16 given the large number of people in this courtroom, this process
17 is likely to take a little bit of time. We will try very hard
18 to move things along, but please understand that some amount of
19 waiting will be unavoidable.

20 While you're waiting in this courtroom for your turn to be
21 called, please feel free, if you wish, to talk quietly with one
22 another or to read, but I ask that you not talk to each other or
23 communicate outside of the courtroom about anything at all
24 relating to this case or the January 6 events or the parties in
25 this case.

1 I also ask that you don't use the Internet to read or
2 research anything about the case or the parties, nor should you
3 make a telephone call or send an e-mail or a text or a tweet or
4 a blog or instant message or Snapchat or use any other form of
5 communication to tell others about this case or the fact that
6 you're a potential juror in this case. Any juror who violates
7 these restrictions jeopardizes the process and possibly the
8 trial, which could require the entire process to start over.

9 Finally, I ask that you not use your mobile devices at any
10 point during the jury selection process or during the trial if
11 you are selected as a juror. You can tell close friends and
12 family members or your employer that you've been called to serve
13 as a juror on a criminal case, but that is all.

14 From this point on, you must not read anything about this
15 case, and you should try to avoid receiving any information
16 about the case from the news media. If it comes to your
17 attention inadvertently, please ignore it, even headlines, and
18 if you receive automatic alerts from any source, you may need to
19 change your push notifications, your news subscriptions, RSS, or
20 Twitter feeds. And if you happen to hear the case being
21 discussed, you should walk away from the conversation or change
22 the channel on the TV.

23 Please know when you're called into the separate courtroom
24 to follow up with questioning, it's not my intention, nor is it
25 the lawyers' intention, to embarrass or make you feel

1 uncomfortable in any way. Our sole goal is to select a fair and
2 impartial jury that is composed of jurors who are not biased and
3 who will return a verdict based solely on the evidence and the
4 legal instructions that I provide.

5 You should understand that courtrooms and trials are open
6 to the public. So throughout jury selection and during the
7 trial, members of the public and the media will be watching and
8 listening to these proceedings, perhaps in the courtroom itself,
9 like now, or in other rooms in the courthouse, in overflow
10 courtrooms. And that's why that line was turned on, so that
11 folks who are in overflow rooms right now and who could not come
12 in here because of social distancing requirements can also hear
13 what is going on.

14 So during follow-up questioning, if there are any questions
15 that you feel raise sensitive or personal issues, you can ask
16 permission to give your answers to me and to the lawyers through
17 a headset with a husher on that will ensure that only the
18 parties to the case and court staff can hear your answer.

19 And please understand that in the end we might not need to
20 talk to all of you and will likely end up excusing some of you.
21 If that happens to you, please understand it's not because we
22 don't like you. It's not because we think you said something
23 inappropriate or improper. It's just because we have more
24 potential jurors than we might need, and there may be a reason
25 why you're not one of the people who are selected to serve as a

1 juror in this case.

2 Before we proceed, please make sure that you have at your
3 seat both a note card and a pencil, and if you don't have both
4 of those, please raise your hand.

5 All right. I will ask that you first write in the
6 right-hand corner of that card your badge number.

7 And in this first stage of the process, I'm going to read
8 27 questions to you. You should be able to answer each of these
9 questions with a simple yes or no. If there's a question that
10 you answer a yes to, all you need to do is write down the number
11 of the question. You don't need to write down anything else.
12 You don't need to write down even yes. Just the number of the
13 question.

14 So for example, if I ask you the first question and your
15 answer to that question is a yes, simply write down the number 1
16 on your card. If the answer is a no, don't write down anything
17 at all.

18 Once I've gone through all 27 questions, I will go to the
19 other courtroom, and I will speak to each one of you again in
20 the order that you're seated, and I will speak to you even if
21 you don't answer yes to any question that I ask you.

22 And also, please understand that after I've asked you
23 questions the attorneys themselves might have some brief
24 follow-up questions for you based on your responses.

25 Once we've qualified the number of people who are needed to

1 select a jury, we will bring all of the qualified jurors back
2 into this courtroom to finish the selection process. In all
3 likelihood, that process of the selection process will happen
4 later today, but at this point, it's hard to say for certain.

5 Before I begin with the questions, let me introduce the
6 court staff. I think you've already met Mr. Hopkins, the
7 courtroom deputy, who is seated in here in front of me to my
8 right. He's the one who makes sure that the trains run on time
9 and that I don't make any mistakes.

10 Next to him is Ms. Wick. She's the court reporter who is
11 taking down everything that's said in this courtroom.

12 Sitting on either side of me are my law clerks.

13 I will now ask all of you to stand and please raise your
14 right hand so that you may be sworn in.

15 (Jury venire sworn.)

16 THE COURT: All right. So with your note card and
17 pencil ready, I'm going to start with the 27 questions.

18 The first question is, do you live or work at or near the
19 U.S. Capitol? If the answer to that question is a yes, please
20 write down number 1 on your note card. If the answer is a no,
21 don't write anything down.

22 Question number 2, do you or someone you know have a direct
23 or indirect connection to the events that occurred at the U.S.
24 Capitol on January 6, 2021? If the answer is yes, please write
25 the number 2. If the answer is no, no need to write anything

1 down.

2 Question number 3, have you followed the news about the
3 events that took place at the U.S. Capitol on January 6, 2021?
4 Again, if the answer is a yes, please write the number 3 on your
5 card.

6 Question 4, have you heard or seen anything in the news or
7 elsewhere about Guy Wesley Reffitt, the defendant in this case,
8 or about anyone else who was present at the Capitol on
9 January 6, 2021?

10 Question number 5, does anyone have such strong feelings or
11 opinions about the events that took place at the U.S. Capitol on
12 January 6, 2021, that it would make it difficult for you to
13 serve as a fair and impartial juror in this case?

14 Question 6, as you sit here, do you have an opinion about
15 Mr. Reffitt's guilt or innocence in this case?

16 Question 7, do you no longer live in the District of
17 Columbia? If the answer is yes, please write down the number 7.

18 Question number 8, the government in this case is
19 represented by Assistant U.S. Attorney Jeffrey Nestler, who is
20 standing, and Risa Berkower. I will ask them to introduce other
21 members of their trial team as well.

22 MS. BERKOWER: Good afternoon, everyone. Here at our
23 table, we have paralegal Amanda Rohde and Special Agent Thomas
24 Ryan with the FBI.

25 THE COURT: In addition, the defendant -- you all may

1 have a seat.

2 The defendant, Guy Wesley Reffitt, is represented by
3 William Welch. Mr. Reffitt resides in Wylie, Texas. I'm going
4 to ask you -- and this is again question number 8 -- whether you
5 know or recognize any of these people. If so, write down the
6 number 8 on your note card. If not, you don't need to write
7 anything down.

8 I will now ask the government to introduce its witnesses by
9 name and ask you whether you know any of these witnesses.

10 MS. BERKOWER: Thank you, Your Honor.

11 During this trial, you may hear from or about the following
12 individuals: From the United States Capitol Police, Inspector
13 Monique Moore, Sergeant Adam DesCamp, Sergeant Matthew Flood,
14 Officer Shauni Kerkhoff; from the United States Secret Service,
15 Special Agent Paul Wade; from the Federal Bureau of
16 Investigation, Special Agent Thomas Ryan from Washington, D.C.,
17 Special Agent Stacy Shahrani from Washington, D.C., Special
18 Agent Laird Hightower from Dallas, Texas, Karla Kennedy, a nurse
19 and photographer from Dallas, Texas; from the United States
20 Senate, Daniel Schwager, counsel to the Secretary of the Senate;
21 from Wylie, Texas, which is near Dallas, Jackson Reffitt and
22 Peyton Reffitt; and from Cedar Park, Texas, which is near
23 Austin, Rocky Hardie.

24 Thank you, Your Honor.

25 THE COURT: Thank you, Ms. Berkower.

1 So if you know any of those witnesses who have been
2 introduced to you, please write down the number 8 -- sorry, the
3 number 9 on your card.

4 Question 10, if you could please take a look around the
5 room and see if you recognize any other potential jurors in this
6 case. If you do, please write down the number 10 on your card.

7 Question number 11, as I've mentioned, the courtroom deputy
8 is Jonathan Hopkins, and the court reporter is Sara Wick.
9 Again, seated on either side of me are my law clerks.

10 Do you know me or any member of my staff? If so, write
11 down the number 11.

12 Question number 12, the government bears the burden of
13 proving Mr. Reffitt guilty beyond a reasonable doubt, and he is
14 presumed innocent unless and until the government meets that
15 burden. This burden of proof never shifts to Mr. Reffitt, and
16 he has no obligation to offer his own evidence.

17 Would you have any difficulty or hesitation with respecting
18 this allocution of the burden of proof? If the answer to that
19 question is yes, then write down the number 12, please.

20 Question 13, a defendant has a constitutional right not to
21 testify, and if Mr. Reffitt decides not to testify, I will
22 instruct you that you cannot hold his silence against him in
23 any way.

24 Would you have any difficulty following that instruction?
25 If the answer is yes, please write the number 13 on your card.

1 Question number 14, jurors are the sole judges of the
2 facts, but they must follow the principles of law as I instruct.
3 The jury may not follow some rules of law and ignore others.
4 And even if the jury disagrees or dislikes any rule of law or
5 does not understand the reasons for some of the rules, it is the
6 jury's duty to follow them.

7 Do you have any personal beliefs that would make it
8 difficult to follow my instructions, whatever they may be? If
9 the answer is yes, please write the number 14 on your card.

10 As I've mentioned already, if you're selected as a juror in
11 this case, I will continue to instruct you to avoid all media
12 coverage relating to the case, including radio, television,
13 podcasts, social media, and other Internet sources. That is,
14 you will be forbidden from reading any newspaper articles about
15 this case, listening to any radio or podcast stories about this
16 case, or watching any TV news about this case.

17 You will also be forbidden from Googling this case or
18 blogging, tweeting, reading, or posting comments about this case
19 on social media or anywhere else on the Internet.

20 Do you have any reservations or concerns about your ability
21 or your willingness to follow that instruction? If the answer
22 is yes, please write 15 on your card.

23 Question 16, I will be instructing the jury at the end of
24 trial that the testimony of a police officer should be treated
25 the same as the testimony of any other witness and that the jury

1 should not give either greater or lesser weight to the testimony
2 of a witness simply because that witness is a police officer.

3 Does anyone have such strong feelings or opinions about the
4 police, either positive or negative, that would make it
5 difficult for you to be a fair and impartial juror in this case?
6 If the answer is yes, please write the number 16 on your card.

7 Question 17, this case involves allegations about the
8 possession of a handgun and rifles, none of which were fired.

9 Does anyone have such strong feelings or opinions about
10 firearms that you are unable to put them aside and serve as a
11 fair and impartial juror in this case? If the answer is yes to
12 that question, please write the number 17 on your card.

13 The next three questions I'm going to ask you relate to you
14 and to members of your family, your immediate family, and to
15 close personal friends.

16 So the first question is, does anyone in that group now
17 work for or previously worked for any law enforcement agency?
18 This includes any police department in or outside the District
19 of Columbia, and it includes special police officers as well as
20 prosecutors' offices, such as the U.S. Attorney's Office or a
21 State Attorney's Office. It also includes federal law
22 enforcement agencies like the Department of Justice, the FBI,
23 the Secret Service, the Department of Homeland Security, and the
24 U.S. Park Police, and it includes any local police or sheriffs'
25 departments.

1 If the answer to that question is yes for you, your
2 immediate family, or any close friend, please write the number
3 18 on your card.

4 Has any member of that group, again, you, your immediate
5 family, or close personal friend, ever attended law school,
6 worked as a lawyer, or worked in a law office? If the answer is
7 yes, please write the number 19.

8 Question 20, has any member of that group ever been
9 arrested for, charged with, or convicted of a crime or been a
10 victim or a witness to a crime? If the answer to that question
11 is yes for you, any member of your immediate family, or any
12 close friend, please write down the number 20 on your card.

13 Question number 21, have any of you had an experience as a
14 juror that would affect your ability to be a fair and impartial
15 juror in this trial? If the answer is yes, write the number 21.

16 We expect that the presentation of evidence in this case to
17 conclude early next week after the close of evidence. The jury
18 will deliberate until it reaches a decision.

19 Would serving as a juror in this case be an extreme
20 hardship to you? And by this, I mean extreme. Serving as a
21 juror is certainly an inconvenience to all. What I'm asking is
22 whether serving on the jury would be very difficult for you for
23 some reason. If the answer to that question is yes, please
24 write the number 22.

25 Question 23 is, do you have any health or physical problems

1 that would make it difficult to serve on the jury? If the
2 answer to that question is yes, please write the number 23.

3 Question number 24, the witnesses in this case will be
4 testifying behind plexiglass, like is in front of me now,
5 without their masks on so that the jury can assess their
6 demeanor and their credibility.

7 Would any of you in this room be uncomfortable with the
8 attorneys or with me not wearing masks when we are speaking for
9 long periods of time? We are all vaccinated. If you would be
10 uncomfortable with me or the attorneys not wearing masks when
11 we're speaking for long periods of time, please write the number
12 24 on your card.

13 Do you have any difficulty reading, speaking, or
14 understanding the English language? If the answer is yes,
15 please write the number 25 on your card.

16 Question 26 relates to something that happened yesterday.
17 I don't know if it happened again today. But I understand at
18 least yesterday someone outside was handing out a pamphlet to
19 jurors.

20 Did any of you read a pamphlet that was being handed out
21 somewhere outside the courthouse yesterday? If the answer is
22 yes, please write the number 26 on your card.

23 My final question is what I call a catchall question, and
24 this asks whether there's any other reason that I've not asked
25 about that might make it difficult for you to sit fairly and

impartially and attentively as a juror in this case?

Perhaps you have a strong religious, moral, or philosophical reason or a strong personal or political belief that you believe would make it hard for you to be fair and impartial.

In sum, is there any reason that I have not already mentioned that would make it difficult for you to sit as a fair and impartial juror in this case? If so, please right the number 27 on your card.

So folks, that completes the general questioning. As I mentioned, what will happen next is one by one you will be brought down to a smaller courtroom down the hallway where one by one I will ask you follow-up questions based on your responses.

Given that it is now 12:30, I think it makes sense to take a break for lunch. Mr. Hopkins, I would be inclined to take an hour break. Should the jurors remain in the courthouse during that period?

COURTROOM DEPUTY: Yes, Your Honor.

THE COURT: We ask, given the short time frame, that you stay in the courthouse for that period. There's a cafeteria downstairs. And we will be back at 1:30 sharp, and we will start again in the order that you're called. We ask that those of you who aren't called in initially, that you wait in this room, and if you need to leave the room in order to get a drink

1 from the water fountain or use the restroom or make a call, that
2 you just let the staff know that you're stepping out for a
3 moment.

4 Again, we do hope to complete this process today.

5 Mr. Hopkins, is there any reason why I can't just release
6 them now and stay in here to talk to the attorneys?

7 COURTROOM DEPUTY: That's fine, Your Honor.

8 THE COURT: So I'm going to release you all now, and I
9 will see you back in an hour or so in the other courtroom. But
10 come back here. Report here first.

11 Thank you. Yes, we need to collect those note cards before
12 you leave. Mr. Hopkins is going to walk around and take your
13 note cards in the order that you're seated. And he has some
14 helpers. Thank you all again for your patience.

15 (Jury venire left courtroom.)

16 THE COURT: So I've just been informed that juror
17 number 548 was unable to change her medical appointments. So
18 she will be stricken for cause based on her medical
19 appointments.

20 Secondly, I have some good news. I have been given
21 authorization to reduce the social distancing protocols for
22 trial such that I can allow a press person and Mr. Reffitt's
23 wife or other family member in the courtroom, the actual trial
24 courtroom for trial, possibly one other person.

25 We're looking at the seating now. But I'm pleased that I

1 can relax those somewhat now. I think we can still do so
2 safely, but the court has consulted further with experts about
3 whether we think we can do this in a safe way, and we can. So I
4 will be able to give you more information later today about
5 where those individuals will sit in the courtroom.

6 And finally, before I go, Mr. Welch, I understand that
7 you've asked for authorization for the transcripts, and I am
8 ordering release of the transcripts to him.

9 Is there anything else I need to do from the court
10 reporter's standpoint? Do I need to put an order on the record,
11 or is that fine?

12 COURT REPORTER: No, that's fine, Your Honor.

13 THE COURT: Okay. I will see you back in Courtroom 16
14 at 1:30.

15 Mr. Hopkins, if you can keep the jurors in the jury room so
16 I can come in and address if I have any additional information
17 before we bring the jurors in.

18 All right. See you all back.

19 (Recess taken at 12:36 p.m.)

20 (Afternoon session of this proceeding was reported by
21 Lorraine Herman and is bound under separate cover.)

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1 CERTIFICATE OF OFFICIAL COURT REPORTER
23 I, Sara A. Wick, certify that the foregoing is a
4 correct transcript from the record of proceedings in the
5 above-entitled matter.6
7
8 /s/ Sara A. Wick

March 1, 2022

9 SIGNATURE OF COURT REPORTER

DATE

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