

BEFORE THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, .  
Plaintiff, . Case Number 21-cr-32  
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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## P R O C E E D I N G S

(Call to order of the court.)

COURTROOM DEPUTY: Your Honor, we are in Criminal Action 21-32, United States versus Guy Reffitt.

Representing the United States, we have Mr. Jeffrey Nestler and Ms. Risa Berkower. Representing Mr. Reffitt, we have Mr. William Welch.

THE COURT: First off, the government's correct in terms of the number of jurors we need to qualify. We were double counting the alternates. So we're trying to get to a total of 36. Even for those who had conflicts, would prefer not to serve, my understanding is we didn't move any of those to the bottom.

Am I correct?

MR. WELCH: Correct.

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

COURTROOM DEPUTY: 24.

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

Does that make sense to everyone?

MS. BERKOWER: It does, Your Honor, and I think it's 24 without the juror who had a potential residency issue and 25 with her.

THE COURT: Ms. Berkower, I'm told it's hard to hear 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 pool 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.

1 THE COURT: All right. Thank you.

2 (Prospective juror steps down.)

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

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

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

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

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

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

24 So I hear on you that issue. I think the other one is a  
25 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      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

1 impartially and attentively as a juror in this case?

2 Perhaps you have a strong religious, moral, or  
3 philosophical reason or a strong personal or political belief  
4 that you believe would make it hard for you to be fair and  
5 impartial.

6 In sum, is there any reason that I have not already  
7 mentioned that would make it difficult for you to sit as a fair  
8 and impartial juror in this case? If so, please right the  
9 number 27 on your card.

10 So folks, that completes the general questioning. As I  
11 mentioned, what will happen next is one by one you will be  
12 brought down to a smaller courtroom down the hallway where one  
13 by one I will ask you follow-up questions based on your  
14 responses.

15 Given that is it is now 12:30, I think it makes sense to  
16 take a break for lunch. Mr. Hopkins, I would be inclined to  
17 take an hour break. Should the jurors remain in the courthouse  
18 during that period?

19 COURTROOM DEPUTY: Yes, Your Honor.

20 THE COURT: We ask, given the short time frame, that  
21 you stay in the courthouse for that period. There's a cafeteria  
22 downstairs. And we will be back at 1:30 sharp, and we will  
23 start again in the order that you're called. We ask that those  
24 of you who aren't called in initially, that you wait in this  
25 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.)  
22  
23  
24  
25

## 1 CERTIFICATE OF OFFICIAL COURT REPORTER

2  
3 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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