

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

Complainant,

v.

ZACHARY REHL

*(Styled as USA v. NORDEAN incorporating cases
against four Defendants collectively)*

Accused

Criminal Case No.

1:21-cr-00175-TJK-3

ACCUSED ZACHARY REHL'S NOTICE OF FILING VIDEO EXHIBITS

Comes now the Accused ZACHARY REHL, by counsel, and provides notice of the following videos on a so-called "thumb drive" which will be submitted today to the Clerk and to Chambers in aid of pending motions including Zachary Rehl's renewed motion for release from pre-trial detention on bail, and dropped off to the U.S. Attorney's Office to Luke Jones, Esq.

Counsel was unable to burn these videos to DVD discs for reasons unknown, which would have been preferable for the Court's cyber security handling. That delayed this effort.

Therefore, Counsel is constrained to use the next best option of providing thumb drives to the Court and Chambers and to the Government. The Court's technical staff will probably want to copy off the videos from the thumb drive under its security efforts.

The contents will be known to the prosecution but the Court previously discussed the difficulty for the Court when the trial judge does not have the videos in front of him to evaluate while they are being discussed by the parties.

The videos include:

- 1) Videos from the external hard drive provided by the Government Aegis Fortress, showing the group of Proud Boys and others joining in with them calmly walking about 25 abreast not being led by Zachary Rehl, and then standing around on the Washington Mall just milling about – not storming anywhere – and taking photographs of each other, including with the Washington Monument behind them.

The Court may recall that the Government accuses Zachary Rehl of leading protestors storming the Capitol, thus presenting a threat of future danger as a leader of the January 6, 2021, demonstrations and at risk of leading future such events so that bail from pretrial detention has been denied.

However, the photograph used to support this proposition is unfortunately “cropped” – by someone, possibly the private photographer – so as to create a misleading impression. The videos show that Zachary Rehl was not leading anyone, just walking calmly in a large group of people, not ahead of them.

They are from the folder Sony A6500:

- i. ML_DC_20210106_A6500_C0041
- ii. ML_DC_20210106_A6500_C0042
- iii. ML_DC_20210106_A6500_C0044
- iv. ML_DC_20210106_A6500_C0045
- v. ML_DC_20210106_A6500_C0046

These are still designated as sensitive on the grounds that private contact information might be overheard in the audio portion of these privately-recorded videos.

But Rehl by counsel has asked the Government to agree to remove the designation of sensitive as no such audio can be heard in these videos. The government’s response

is still pending.

- 2) The segment of documentary film-maker Eddie Block's "raw" (unproduced) video of 1 hour and 40 minutes, from arrival at the U.S. Capitol until Eddie Block travels up the grass with help with his wheel chair, with the designation of sensitivity removed by the Court through the efforts of Ethan Nordean's counsel Nicholas Smith, which is named

"Bad WiFi in dc_oSOsG5kN5wc_Channel_UCMoPOI9EfzVREnO5YMUR0Gw_"

(referring to Eddie Block's attempt to use internet WiFi to send the video off-site simultaneously with filming the events, and does not refer to the actual quality of the video provided).

The video shows the Proud Boys marching around the outer perimeter of the Capitol grounds patrolling for threats from Antifa, chanting insults at Antifa (even though none are seen, apparently to draw them out), walking away from the Capitol, and generally standing around doing nothing, very calmly. By the time the group approaches the Capitol from the West (Washington monument) side, Zachary Rehl has been separated from the group and is nowhere to be seen for about the last hour of the 1:40 hour video. Note that this is apparently only one segment of video recorded that day by Eddie Block.

However, again, Zachary Rehl is shown as mostly just standing around, and not leading anyone or anything.

- 3) One photograph showing Zachary Rehl generally for the Court's assistance in understanding the videos being used.
- 4) Four photographs showing Zachary Rehl as dressed on January 6, 2021, for the

Court's assistance in understanding the videos being used. (Note that counsel has noticed several videos and photographs showing someone who vaguely resembles Zachary Rehl, but who is wearing very different clothing including blue jeans rather than black pants and a red cap and a different style of jacket.)

- 5) A video from the UK newspaper "The Sun" showing the scene of Proud Boys and those marching with them spontaneously walking 25 abreast on the Washington Mall -- not being led by Zachary Rehl, who is just one in a line of about 25 men -- and further showing no "storming" but just walking calmly and slowly -- and then later random scenes of other demonstrators calmly and peacefully milling about at the U.S. Capitol, titled "thesun.co.uk0176-PH-3400577_0000019_1A0000022_0000001"

Dated: October 25, 2021

RESPECTFULLY SUBMITTED,
ZACHARY REHL, by counsel



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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2021, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following CM/ECF participant(s), and also mailed a copy to the following by first class U.S. mail, postage prepaid, one single copy to the prosecution for distribution internally to all counsel involved for the prosecution. From my review of the PACER / ECF docket records for this case that the following attorneys will receive notice through the ECF system of the U.S.

District Court for the District of Columbia.

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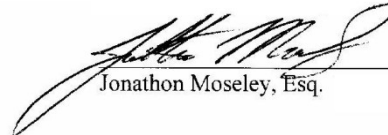
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