

Appendix 11:

The law requires that the prosecution gives all exculpatory (helpful) evidence to the defendant. This is called “turning over Brady evidence.” The government violated Brady when it did not give me this FBI statement.

On January 9, 2021, Officer Pollitt was debriefed about the events he experienced on January 6. This is his statement to the FBI Agent Sara Smither. The prosecution had this statement and did not ever share it with me.

1/10/2021

Mail - Curcio, Stewart Andrew (WF) (FBI) - Outlook

[EXTERNAL EMAIL] - Pollitt Narrative

Smither, Sara <Sara.Smith@uscg.gov>

Sun 1/10/2021 15:34

To: Curcio, Stewart Andrew (WF) (FBI) <sacurcio@FBI.GOV>

“On January 9, 2021 SA Smither and FBI SA Dave Dimarco interviewed Officer Joshua Pollitt #6393 at the Capitol Division Detail Office. Pollitt is assigned to the First Responders Unit, 2nd Shift.

Pollitt started shift at 0700 hours and was on a fixed post rotation. He was at the Law Library Door when the crowd size started increasing and was at Memorial Door when the breaches started on the opposite side of the building.

Pollitt stated that all the hard platoons responded to the breaches on the West front so the East front was left with limited officers. At this time, Pollitt stated that he assisted Officer Colby into the Memorial Door because he was carrying an M4 rifle. Pollitt then moved to the Rotunda steps, stood at the chain line on the steps, and got out his ASP Baton. The crowd surged and pushed Pollitt and the other officers all the way up the stairs and against the Rotunda door. The force of the crowd separated the officers and Pollitt was pushed against the north side of the foyer near the door. Several unknown members of the crowd tried to grab his baton. Pollitt then tried to pepper spray but was unable to get it off his belt.

At this time an unknown individual that was with another white male in a gas mask and military helmet sprayed Pollitt with OC Spray.

Pollitt stated that he then blacked out. When he regained consciousness, he was no longer in the door foyer area and still had possession of his baton. The crowd pushed him over to the other officers that were trying to stop the crowd from breaking windows.

Pollitt stated that someone made the call that they would go inside the building. The officers moved single file back into the Rotunda door and moved to the hallway behind H202A (Kevin McCarthy's Office). There, the officers used water to try and decontaminate from the OC Spray.

Pollitt stated that from there, they moved back to the Rotunda door, pushed people back, and managed to hold the door so that other rioters could not enter. The officers then tried to jam the iron benches in between the doors to prevent it from opening.

Pollitt did not seek medical attention.

SA Smither provided contact information for follow up or if he should need any assistance.”

Sara L Smither
Special Agent
U.S. Capitol Police
Criminal Investigations Section

This is a copy of the sworn testimony the Officer gave at my co-defendant's trial on September 21, 2022. (Page 544) In his debriefing with the FBI three days following J6 (above) and in this testimony almost two years later, he states the same thing: he fainted and he was uninjured. He never felt or stated that he was assaulted and in fact he specifically comments both times that people in the crowd assisted him.

(video playing)

Q. Can you describe what happened there.

A. Yes. I was crushed against the doorway heading into the Rotunda. Unfortunately, I wasn't able to get my arms up, they were pinned at my side, and I couldn't take any deep breaths, and I briefly lost consciousness and collapsed while being yanked out of the doorway.

Q. And then were you -- did you move from the area you were in in front of the doorway?

A. Yes. I was able to get my wits about me, come back to my feet, and worked my way off to the southern more side of -- excuse me, the northern more side of the Rotunda door where I met up with a few other officers who were forming a police line over a broken window into an office.

Q. My apologies there. You said you managed to get back on your feet. Did anybody help you?

A. I think a few rioters helped me up.

This is a copy of the questions/statements the Assistant US Attorney April Ayers-Perez made on June 16, 2022 in open Court. (Page 12) As an officer of the Court, she cannot simply *lie* to the Court - but lie she does, and repeatedly. Not only was this officer not dragged down, not only was he not in distress, not only was he not in a dangerous situation, he also did not need medical assistance, he also walked on his own power uninjured and the crowd actually assisted him. In his debriefing with the FBI he commented that he had his baton when he walked off - meaning that the crowd never intended to harm him. Ms. April Ayers-Perez, Assistant U.S. Attorney was in control of this evidence and her words. She is lying and I look forward to her suing me for defamation if I have misrepresented a single word.

MR. AYERS-PEREZ: And I'm pausing it at 21 seconds. And that is Defendant Gold and Defendant -- I apologize -- Defendant Strand next to her in the sunglasses, and the U.S. Capitol Police officer has now been dragged to the ground in the mob. He's clearly in distress, and he's in a very dangerous situation for himself right now.

MS. AYERS-PEREZ: I'm pausing it at 27 seconds. And, Your Honor, I see about half a dozen people here who have now bent down to help this Capitol Police officer to his feet and hopefully get him out of this situation.

Defendant Gold is right off screen. Defendant Strand is right off screen. They do not help the officer. They do not administer any sort of medical care.