

## **AFFIDAVIT OF ANGELA TABLER**

Angela Tabler, being duly sworn, deposes and says the following under penalty of perjury:

1. I state the following upon my personal knowledge or information and reports I considered reliable upon receipt and consider reliable today. All of the following has been previously reported to University administration, culminating in the creation of the UPD Timeline posted by the University on September 11, 2017. If called to testify in this matter, I would state as follows.

2. I serve as a Patrol Lieutenant for the University of Virginia Police Department (“UPD”). I have served in this capacity since 2015, and have been with UPD since 2003.

3. On Friday, August 11, 2017, “alt-right” protesters associated with the “Unite the Right” rally organized by Jason Kessler staged a surprise torch-lit march on University property.

4. The University received conflicting reports regarding the “alt-right” protesters’ plans for that Friday night, including the locations and proposed routes of the protest and any march. Given what was known, UPD increased on-duty manpower for the evening August 11.

5. By the afternoon of August 11, UPD received information that a march would begin at the site of an unspecified statue of Thomas Jefferson (there are a number of Jefferson statues in the vicinity of the University) and then proceed off University property to St. Paul’s Church.

6. I had Mr. Kessler’s mobile telephone number as a result of interactions with him in March of 2017 concerning his desire to reserve space on University property in connection with a candidate debate.. Knowing Mr. Kessler to be among the organizers and leaders of the march on August 11, I attempted to contact Mr. Kessler on that number to better ascertain his

group's plans for that evening. I placed five calls to Mr. Kessler's number between 7:43pm and 9:52pm.

7. By 7:50 pm on August 11th, UPD learned that the organizers planned a surprise rally on University property that night. This information was a surprise as UPD previously understood any activity by Mr. Kessler and his group would not be substantially on University property.

8. By 8:10 pm, UPD received information that a march would begin at Nameless Field.

9. At 8:15 pm, I called Mr. Kessler to inquire about his plans for the march. Mr. Kessler answered the phone and spoke briefly to me. He then handed the phone to a man he described as "my security guy," Eli Mosely. I understood from Mr. Kessler's comment both that Mr. Kessler was an organizer and leader of the group's efforts and that Mr. Mosely was acting at Mr. Kessler's direction and his subordinate. Only a second elapsed between when Mr. Kessler spoke on the phone and when I began speaking with Mr. Mosely. Mr. Mosely did not dispute Mr. Kessler's description of Mr. Mosely as Mr. Kessler's "security guy." I inferred from that interaction both that Mr. Kessler was within earshot of any conversation Mr. Mosely would have with me and that Mr. Kessler was using his own cell phone to facilitate Mr. Mosely's communication with me.

10. During that first call at 8:15 pm with Mr. Mosely, Mr. Mosely stated that he believed the marchers would gather at Nameless Field, but that he could not confirm the location. We subsequently learned that the rally organizers had long planned a torchlight march from Nameless Field to the Jefferson statue on the north side of the Rotunda, but were keeping this information secret. Mr. Mosely promised that he would call me to confirm the march route

but neither he nor Mr. Kessler, who I believe to have been within earshot of Mr. Mosely at the time this promise was made, ever did. In light of the long-standing plan for marchers to conduct a torchlight march along this route and from Nameless Field, it is clear that Mr. Mosely's statements to me were intended to be deceptive and that Mr. Kessler, on whose phone the conversation was taking place, who was Mr. Mosely's superior, and who was almost certainly within earshot of Mr. Mosely, knew of Mr. Mosely's deception and misdirection. Mr. Kessler took no steps to correct this deceit or to provide truthful or accurate information to me concerning the group's march and route.

11. At 8:50 pm, I again called Mr. Kessler's number. Mr. Mosely answered. This time, Mr. Mosely indicated that demonstrators would gather at Nameless Field at 9:30 pm and would commence a march at 10:00 pm. He stated that the marchers would proceed directly up University Avenue to the Jefferson Statue, where they would assemble for 15 minutes and then leave the area. These statements, had they been honored, would have resulted in only a very short walk from Nameless Field (I estimate two or three minutes) along the periphery of University property. These statements, however, proved to be false and the route that Mr. Kessler's group ultimately marched resulted in a very different route, through the middle of University property, over a much longer period of time.

12. UPD deployed its resources in reliance upon this misdirection. I relayed the information provided to me by Mr. Mosely, using Mr. Kessler's phone and acting as Mr. Kessler's subordinate for "security" purposes, to officers on duty on University property and they positioned accordingly based upon this information. This included Charlottesville City police officers and Virginia State Police troopers, who staged near the north terrace of the Rotunda. In addition, Albemarle County police officers staged on stand-by near University property.

13. At 9:10 pm, UPD first learned that tiki torches were being delivered to Nameless Field. While this was evidently a long-planned development, there had been no indication from the rally organizers that the march would involve tiki torches. Obviously, open flames around vegetation and structures pose a health and safety concern. Mr. Kessler withheld information about this hazard. Given his previous interactions with me concerning time, manner, and location of permissible use of University property, including a previous discussion concerning taking care not to obstruct fire lanes when protesting, it is clear that Mr. Kessler intentionally withheld from me his group's intention to carry open flames in sensitive areas on University property which misdirection, again, impaired the University's ability to deploy resources and provide for the safety and order of the University community during the march.

14. The march began at approximately 9:52 pm. It immediately became clear that the march was taking a different route from that represented to me, proceeding directly through University property and approaching the Lawn. The marchers were flying drones in advance of their apparent route.

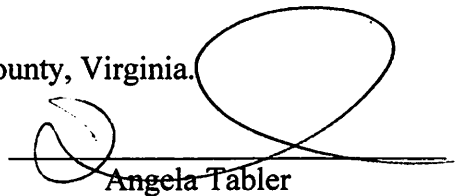
15. I called Mr. Mosely, again on Mr. Kessler's mobile number, and asked him to explain the change in route. I also indicated that we were concerned about the presence of torches near buildings and trees on University Property. I instructed Mr. Mosely to ground the drones that the marchers were using and demanded that the marchers extinguish their torches and not appear on University property with open flames. Mr. Mosely replied that the drones were down, stated "I gotta go," and ended the call abruptly. The marchers did not, as ordered, extinguish their torches, and neither Mr. Mosely nor Mr. Kessler acknowledged the order. Neither man explained their disobedience of the order. The march proceeded down the unannounced route with hundreds of lit, open-flame, torches around vegetation and near

buildings and structures.

16. On September 2, 2017, Mr. Kessler called me directly, using the phone number I had used to contact him and Mr. Mosely on August 11. During that call, he described the content of the telephone conversations I had with Mr. Mosely on Mr. Kessler's phone. Mr. Kessler telephoned me on several occasions after the events of August 11, 2017. In at least one of those conversations, I confronted Mr. Kessler with his and his group's deception concerning the route of the march on August 11. Mr. Kessler did not deny in that conversation that UPD had been misled by the march organizers and leadership.

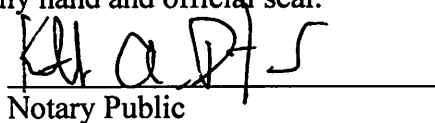
17. The information provided to us on August 11 by Mr. Mosely on Mr. Kessler's behalf, at Mr. Kessler's direction, using Mr. Kessler's telephone, was misleading and inaccurate. Mr. Kessler had numerous opportunities to clarify the truth of what he and his group planned for August 11, including numerous opportunities to truthfully explain the marcher's route and to comply with my order to extinguish open flames on University property but he did not do those things. His direct and indirect actions negatively impacted police readiness for the march that transpired and jeopardized public safety.

Executed on May 17, 2018, in Albemarle County, Virginia.

  
Angela Tabler

Commonwealth of Virginia )  
County of Albemarle )

On May, 17, 2018, before me, a notary public, the undersigned officer, personally appeared Angela Tabler, satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof, I hereunto set my hand and official seal.

  
Notary Public

KENNETH A. ROBERTS  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7056278

My Commission Expires 12/31/2018