

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : **Crim. No. 21-CR-344 (JDB)**
 :
 BRANDON NELSON and :
 ABRAM MARKOFKSI, :
 Defendants. :

NOTICE OF FILING DISCOVERY CORRESPONDENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files a July 6, 2021, preliminary-discovery letter, which was served as an attachment to this notice via the Court's electronic case files system (ECF) on counsel for the defendants.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: /s/ Seth Adam Meinero
SETH ADAM MEINERO
Trial Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 6, 2021, I served a copy of this pleading on the parties listed in ECF.

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

Detaillee

United States Attorney's Office

for the District of Columbia



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

July 6, 2021

VIA EMAIL

Jonas B. Bednarek, Esq.
Counsel for Abram Markofski

Joseph Bugni, Esq.
Counsel for Brandon Nelson

Re: *United States v. Brandon Nelson and Abram Markofski*, 21-CR-344 (JDB)

Dear Counsel:

This memorializes that the United States Attorney's Office for the District of Columbia provided you preliminary discovery comprising the following materials transmitted on the following dates:

May 27, 2021 (via USAfx)

- FD-302 re: Nelson interview (1/19/2021)
- FD-302 re: Markofski interview (1/26/2021)
- FD-302 re: evidence search at 1636 Lakeshore Drive (5/5/2021)
- FD-1087a re: evidence log (5/4/2021)
- FD-302 re: Markofski interview (2/12/2021)
- FD-302 re: Nelson interview (5/5/2021)
- FD-302 re: Markofski interview (5/6/2021)

June 9, 2021 (via USAfx)

- Capitol Police surveillance video depicting defendants inside Senate Wing Door (HIGHLY SENSITIVE under protective order)

June 28, 2021 (via USAfx)

- Video interview of Nelson (8 VOB files)
- Video interview of Markofski (272.5 MB)
- Extraction from Nelson's Samsung cellphone (95 files)
- Extraction from Markofski's Google cellphone (58 files)

Due to the extraordinary nature of the January 6, 2021 Capitol Attack, the government anticipates that a large volume of materials may contain information relevant to this prosecution. These materials may include, but are not limited to, surveillance video, statements of similarly situated defendants, forensic searches of electronic devices and social media accounts of similarly situated defendants, and citizen tips. The government is working to develop a system that will facilitate access to these materials. In the meantime, please let me know if there are any categories of information that you believe are particularly relevant to your client.

The preliminary discovery provided is unencrypted. Please contact me if you have any issues accessing the information, and to confer regarding pretrial discovery as provided in Fed. R. Crim. P. 16.1.

Formal discovery in this case will be provided at a later point.

I recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. I will provide timely disclosure if any such material comes to light. Consistent with *Giglio*, *Ruiz*, and 18 U.S.C. § 3500, I will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

I request reciprocal discovery to the fullest extent provided by Rule 16 of the Federal Rules of Criminal Procedure, including results or reports of any physical or mental examinations, or scientific tests or experiments, and any expert witness summaries. I also request that defendants disclose prior statements of any witnesses defendants intends to call to testify at any hearing or trial. *See* Fed. R. Crim. P. 26.2; *United States v. Nobles*, 422 U.S. 255 (1975). I request that such material be provided on the same basis upon which the government will provide defendants with materials relating to government witnesses.

Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that the defense provide the government with the appropriate written notice if the defense plans to use one of the defenses referenced in those rules. Please provide any notice within the period required by the Rules or allowed by the Court for the filing of any pretrial motions.

I will forward any additional significant preliminary discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

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