

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
: No.: 21-CR-377 (BAH)
: v. :
: ANTHONY ROBERT WILLIAMS, :
: Defendant. :
:

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 its September 13, 2021 discovery letter in this case, memorializing discovery sent on on the same day, which is hereby served as an attachment via ECF on counsel for the Defendants.

Respectfully submitted,

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

By: /s/ Anthony L. Franks
ANTHONY L. FRANKS
Missouri Bar No. 50217MO
Assistant United States Attorney
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CERTIFICATE OF SERVICE

On this 14th day of September, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court’s Electronic Filing System.

/s/
Anthony L. Franks
Assistant United States Attorney



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*

September 13, 2021

Benton C. Martin
FEDERAL COMMUNITY DEFENDER
613 Abbott St.
Suite 500
Detroit, MI 48226

Re: *United States v. Anthony Robert Williams*
Case No. 1:21-cr-00377-BAH

Dear Mr. Martin:

This letter summarizes the discovery that has been served by USAF_x and by email in this case:

- a. The Complaint dated March 24, 2021
 - i. produced on April 22, 2021
- b. Statement of Facts to Complaint
 - i. produced on April 22, 2021;
- c. March 25, 2021 Application for Search Warrant, and accompanying Warrant and Sealing Motion and Order,
 - i. produced on April 22, 2021;
- d. March 8, 2021 Facebook Search Warrant
 - i. produced on April 22, 2021.
- e. Defendant's Facebook Search Warrant Return
 - i. Produced on May 14, 2021
 1. **(please note that the government obtained through the March 8, 2021 Facebook Warrant, Mr. Dolezal's Facebook file. The Government is withholding production of that file at this time.**

We can discuss under what circumstances we can consider producing it.)

- f. CCTV video of Defendant in the Capitol Rotunda
 - i. produced on July 9, 2021
- g. Videos of Defendant on the stairs of the Capitol and inside of the Rotunda that were filmed by defendant
 - i. produced on July 9, 2021
- h. A Geofence map that pertains to Defendant's entry into and remaining in the Capitol
 - i. produced on July 9, 2021
- i. Grand jury transcript
 - i. produced on July 16, 2021
- j. Gmail search warrant and returns
 - i. produced on July 16, 2021
- k. FBI -FD-1057 regarding the physical examination of a phone that belongs to Defendant
 - i. produced on July 16, 2021
- l. FBI Serials 1 -10 and 12 to 46 (Serial 11 is omitted as it includes tipster information.)
 - i. produced on July 16, 2021
- m. Defendant criminal history
 - i. produced on July 16, 2021
- n. CCTV video of Defendant entering the Capitol through the Senate Wing Door
 - i. produced on July 30, 2021
- o. Defendant's posts through his email "Warhavok66";
 - i. produced on September 13, 2021

This material is subject to the terms of the Protective Order issued in this case.

Below is a screenshot of the material that has been provided by USAfx:

All Files > Anthony Robert Williams Discovery File for Defense Counsel

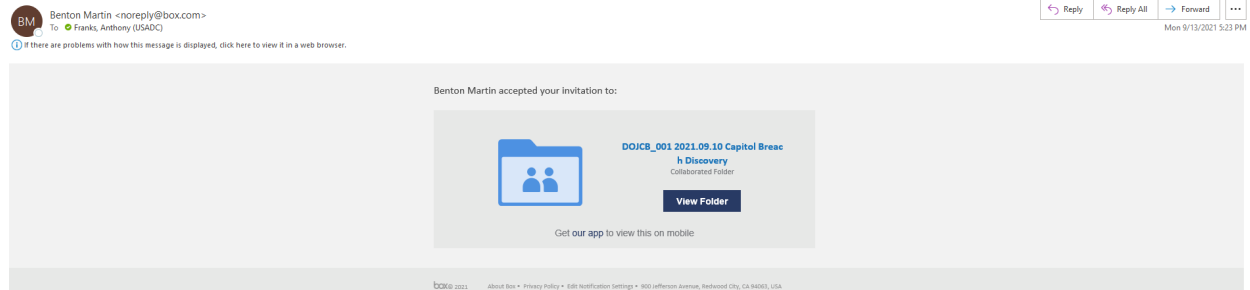
Name	Updated	Size	Sharing	Details
Warhavok66 Posts.zip	Today by Anthony Franks	24.5 MB	AF Anthony Franks Owner	
0102 USCS 01 Senate Wing Door near 5139 - 2021-01-06_14h11min04s...	Jul 30, 2021 by Anthony Franks	490.6 MB	CW Claire Wright Co-owner	
HIGHLY SENSITIVE williams_anthony_CRIMINAL HISTORY.txt	Jul 16, 2021 by Anthony Franks	298.8 KB	BM Benton Martin Viewer	
Serial on Examination of Phone 0176-DE-3383279_0000056.pdf	Jul 16, 2021 by Anthony Franks	348.2 KB	JM Jennifer Mellas Viewer	
July 16 2021 Williams_Discovery_Documents_to_Produce fbi serial 1 -10 a...	Jul 16, 2021 by Anthony Franks	81.8 MB	Shared Link Invited people only	
5977866-20210618-1.zip	Jul 16, 2021 by Anthony Franks	12.4 MB	File Request Enabled	
Williams Gmail Search Warrant.pdf	Jul 16, 2021 by Anthony Franks	823.2 KB		
Anthony Williams Grand Jury Transcript 2021-R-01375.05-26-21.BA.pdf	Jul 16, 2021 by Anthony Franks	58.2 KB		
Anthony Williams Geofence.jpg	Jul 9, 2021 by Anthony Franks	137.6 KB		
Anthony Williams 2 videos_10219442925963409.mp4	Jul 9, 2021 by Anthony Franks	3.4 MB		
Anthony Robert Williams videos_10219447157069184.mp4	Jul 9, 2021 by Anthony Franks	2.3 MB		
0960USC02RotundaNorth_2021-01-06_15h02min09s900ms.mp4	Jul 9, 2021 by Anthony Franks	490.5 MB		

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.

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.

As part of our ongoing discovery production in this case, today I sent to you the below invitation via USAFx to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. Officer names, witness names, and complainant names have been redacted. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still on-going, and we will provide reports of those investigations on a rolling basis as they are concluded.

Benton Martin has accepted the invitation to your 'DOJCB_001 2021.09.10 Capitol Breach Discovery' folder on Box



Some defense counsel in the Capitol Breach cases have requested information that they claim suggests a member (or members) of law enforcement allowed people to enter or remain in the Capitol or on restricted grounds, acted friendly or sympathetic to the rioters, or otherwise failed to do their jobs. As an initial matter, we do not believe that such information is exculpatory as to guilt or punishment within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1973). Nevertheless, the government possesses some information that arguably could be responsive to these requests. Out of an abundance of caution, the government will be making such information available to you, if it has not done so already.

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 defendant disclose prior statements of any witnesses defendant 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 defendant(s) with materials relating to government witnesses.

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

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

Sincerely,

/s/ Anthony L. Franks
Anthony L. Franks
Assistant United States Attorney

Enclosures
cc: