# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA : Criminal No. 21-CR-410 (RC)

:

**v.** 

:

ANTON LUNYK :

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 July 13, 2021 discovery letter in this case, which was served as an attachment via ECF on counsel for the Defendant.

Respectfully submitted,

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

By: /s/

Amanda Fretto Lingwood Assistant United States Attorney D.C. Bar No. 1018284 555 Fourth Street, N.W., Room 3126 Washington, DC 20530 Amanda.Fretto@usdoj.gov Amanda.Lingwood@usdoj.gov (202) 252-7268

## **CERTIFICATE OF SERVICE**

On this 13th day of July, 2021, a copy of the foregoing was served on counsel of record for the defendants via the Court's Electronic Filing System.

/s/
Amanda Fretto Lingwood
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

July 13, 2021

#### VIA ELECTRONIC MAIL

Michael Weil Michael\_Weil@fd.org

Re: United States v. Anton Lunyk

Case No. 21-cr-410

Production 1

#### Dear Counsel:

In response to your request for discovery, and in the hopes of exploring a possible resolution of this matter in the future, we write to memorialize the preliminary discovery that we provided.

# The following materials were provided via USAfx on June 7, 2021:

• Interview of Defendant, audio file.

## The following materials were provided via USAfx on July 13, 2021:

- In the subfolder labeled, "Arrest Warrant Documents":
  - o Arrest Warrant;
  - o Executed Arrest Warrant;
  - o Complaint;
  - o Redacted Complaint;
  - Statement of Facts;
  - o Order to Seal.
- In the subfolder labeled, "Search Warrant Affidavits":
  - o Instagram Search Warrant and Affidavit (36 pages);
  - Residential Search Warrant, Affidavit, and Application and Order to Unseal (62 pages).

We received a notification that counsel has already downloaded some of the materials for this case from USAfx. To the extent you have not already done so, please download all of these files as soon as possible from USAfx, as it is not a storage medium; rather, it is a file transfer method. The folder and its contents will expire within 60 days. Please advise me immediately if you have difficulty downloading the discovery folder. This early discovery is not a complete production, but rather preliminary discovery.

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 government has inquired whether the defense is willing to consent to a Protective Order governing Sensitive and Highly Sensitive Materials.

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(s) disclose prior statements of any witnesses defendant(s) 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.

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

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
For the District of Columbia

By: /s/
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