

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : **Crim. No. 21-CR-254 (RCL)**  
 :  
 FRANK J. SCAVO, :  
 : *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 a May 10, 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 defendant.

Respectfully submitted,

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

By: /s/ Seth Adam Meinero  
SETH ADAM MEINERO  
Trial Attorney  
Detailee  
D.C. Bar No. 976587  
United States Attorney's Office  
for the District of Columbia  
Federal Major Crimes Section  
555 4th Street, N.W.  
Washington, D.C. 20530  
202-252-5847  
Seth.Meinero@usdoj.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 10, 2021, I served a copy of this pleading on the parties listed in ECF.

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

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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*

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

May 10, 2021

**VIA EMAIL**

Ernest D. Preate, Jr., Esq.  
Evan Corcoran, Esq.  
Abigail Ticse, Esq.  
*Counsel for Frank J. Scavo*

Re: *United States v. Frank J. Scavo*, 21-CR-254 (RCL)

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:

Apr. 21, 2021 (via USAfx)

- One folder of materials Mr. Scavo provided to FBI on January 25, 2021 (11 .mp4s, 2 .jps, 1 .pdf of a hand-drawn map, and 1 letter from Mr. Preate)
- One folder of Capitol Police surveillance video (three .asf videos, plus 16 screenshots from the videos) (Note: the .asf videos were disclosed pursuant to the protective order Judge Lamberth signed on April 21, 2021, and are designated HIGHLY SENSITIVE)

April 27, 2021 (via USAfx)

- Return from search warrant executed for Mr. Scavo's Facebook account (1 .pdf (1.2 GB))

May 10, 2021 (via USAfx)

- Three FBI Form 302s (dated January 19, February 4, and March 23, 2021)

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 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.

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 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*  
Detailee

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