

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
 :
 : **Case No. 21-cr-129 (ABJ)**
 v. :
 :
 :
 GABRIEL AUGUSTIN GARCIA, :
 also known as “Gabriel Agustin Garcia,” :
 :
 Defendant. :

NOTICE OF LETTER PROVIDED TO DEFENSE COUNSEL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the United States gave to counsel of record in the above-captioned case via USAfx file exchange, email, and FedEx the discovery listed in the attached letter on the dates set forth in the letter. The government requests that the attached discovery letter, dated September 13, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Angela N. Buckner

Angela N. Buckner
DC Bar #1022880
Assistant United States Attorneys
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Washington, DC 20530
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CERTIFICATE OF SERVICE

On September 13, 2021, a copy of the foregoing notice and attached discovery letter were served on defendant's counsel through the Court's Electronic Filing System with the listed attachments provided to counsel through the means described in the discovery letter.

By: /s/ Angela N. Buckner
Angela N. Buckner
Assistant United States Attorneys



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

By e-mail

Aubrey Webb
aubrey@aqwattorney.com

Charles Haskell
charles@charleshaskell.com

Re: *Gabriel Garcia*
Second Preliminary Discovery for Case Number 21-cr-129

Dear Counsel:

I have uploaded preliminary discovery to USAfx. As we receive and review additional discovery, it will be uploaded to USAfx. When our investigation and review is complete, I will provide a more formal, bates stamped production which will include items such as serialized 302s and responsive search warrants returns.

Note that I have marked certain sensitive law enforcement database reports “highly sensitive” (**HSI**), and thus subject to the protective order in this case. I’ve similarly marked certain confidential disclosures either “sensitive” or “highly sensitive.”

If you have any questions, issues, or concerns with how I’ve marked (or not marked) documents, please let me know and I’m happy to revisit.

As of the date of this letter, the following items have been uploaded to USAfx:

FBI File

Serial 1	Case Opening (2 pages)
Serial 2	Subfile Opening (4 pages)
Serial 3	Records Checks (1 page)
	Attachments: Driver and Vehicle Information (4 pages) Comprehensive Report (34 pages) (HSL)
Serial 4	Records Checks (1 page)
	Attachments: Comprehensive Report (41 pages) (HSL) Driver and Vehicle Information, including photo (1) and system screenshots (3) Database Report (4 pages)(HSL)
Serial 5	Intake – Facebook Account livestreaming from inside Capitol Building (4 pages)
Serial 8	Request to Open Full Investigation (6 pages)
	Attachment: Facebook Post Summary (4 pages)
Serial 9	Preservation Letter – Apple (1 page)
Serial 10	Preservation – Yahoo (1 page)
Serial 11	Preservation – Facebook (1 page)
Serial 12	Preservation – Facebook and Instagram (2 pages)
Serial 13	Record Check (1 page)
	Attachment: Comprehensive Report (41 pages)(HSL)
Serial 14	Military Records Checks (2 pages)

Serial 15	DMV Records Checks (2 pages)
Serial 17	Preservation - Apple Response (1 page)
Serial 18	CCTV Received – Rotunda (1 page)
Serial 19	Preservation – Google (1 page)
Serial 23	CCTV Received – Senate Wing Door (1 page)
Serial 24	CAST Results (1 page)
Serial 25	Cell Phone Seized (2 pages)
Serial 28	Search Warrant Executed (2 pages)
Serial 30	Documenting notable phone contacts (2 pages)(Sl)
Serial 32	Documenting efforts to analyze cell phone (1 page)
Serial 36	Documenting notable phone contacts (1 page)(Sl)

Subpoena Returns¹

PayPal Records	21 PDF files titled “account info,” 21 excel sheets titled “transaction log,” and 21 excel sheets titled “activity log.”
Square Records	Excel sheets (2), PDF files (3), Word document (1)
Stripe Records	PDF files (4), Excel sheet (2), Word document (1)
Transunion Records	PDF file (1)

Additionally, I write to memorialize certain discovery provided on the dates indicated below.

Relevant to Mr. Garcia’s Motion to Compel (ECF No. 27), the following was provided on or about September 12, 2021:

USCP OPR Reports	USAFX folder containing index and zip file of Bates stamped materials, CAPD 000000001 to CAPD 000000848
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¹ Note that these returns, like all other subpoena and search warrant returns in this case, are being disclosed to you regardless of responsiveness.

The following was delivered via FedEx on August 17, 2021:

Phone Extraction	External hard drive containing report and native files
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The following was provided on or about August 16, 2021:

Highly Sensitive Disclosure	Discovery letter (2 pages) and corresponding Bates stamped materials (536 pages) (HSI)
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Please be advised that I anticipate providing additional discovery in this case. If you have any questions, please feel free to contact me.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

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