

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	<b>CASE NO. 21-CR-119 (CJN)</b>
<b>v.</b>	:	
	:	
<b>GARRET MILLER,</b>	:	
	:	
<b>Defendant.</b>	:	

**NOTICE OF FILING**

The government requests that the attached discovery letter, dated August 4, 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: *Elizabeth Kelley*  
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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*

August 4, 2021

Clinton Broden  
Broden & Mickelsen  
clint@texascrimlaw.com  
VIA Email

Re: *United States v. Garret Miller*  
Case No. 21-CR-119 (CJN)

Dear Counsel:

On August 4, 2021, we provided you with additional discovery materials in this case through USAF<sub>x</sub>.

**Summary of Materials Provided.** The materials provided are Bates stamped **CAP05\_000007704 to CAP05\_000013043**.<sup>1</sup> As further described in the enclosed index, the discovery includes most of your client's FBI file including FBI reports, TIES reports, search warrants, photographs, CCTV, body-worn camera videos, witness interview summaries, jail call recordings, and social media evidence.

**Manner of Production.** Please be sure to download the entire folder, including all subfolders and files contained within the subfolders exactly as it was provided **immediately** upon receipt to your own storage media. These materials will be **automatically deleted in 60 days**.

This production contains the following:

- A "PDF" folder containing the discovery in searchable PDF format.

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<sup>1</sup> Please note there were 6 compound natives produced (Facebook/zip): Native Bates CAP05\_000007928, CAP05\_000008269, CAP05\_000008270, CAP05\_000008512, CAP05\_000008513, CAP05\_000008811. Some NEF files were processed and were produced along with their duplicate JPG files.

- A “NATIVE” folder of documents that cannot be converted to PDFs such as audio/video recordings. Files that could not be converted to PDF will have a “placeholder” in the “PDF” folder that references the native file. You will find the referenced file by navigating to the corresponding Bates number in the NATIVE folder.
- An index of the production, provided in both Excel and Adobe PDF formats.

If you would like this production in load files for creating a document review database (e.g., Relativity) please let me know and we will provide load files.

The discovery 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.

**Technical Assistance.** CJA panel counsel and Assistant Federal Public Defenders with technical discovery questions or those who are in need of assistance managing the discovery in this case can contact Kelly Scribner (kelly\_scribner@fd.org) with the Defender Services Office - National Litigation Support Team. While Ms. Scribner is not specifically tasked with assisting retained counsel, she is willing to talk with you about your discovery issues on a limited basis. However, the National Litigation Support Team typically cannot support retained defense counsel as the National Litigation Support Team is funded to assist CJA panel counsel and Federal Public Defender offices appointed through the CJA Act.

**Voluminous Materials.** Due to the extraordinary nature of the January 6, 2021 Capitol Attack, the government anticipates that a large volume of materials may result from our ongoing investigations. These materials may include, but are not limited to, surveillance video, body worn camera footage, statements of other defendants, forensic searches of electronic devices and social media accounts of other defendants, and citizen tips. The government is working to develop a system that will facilitate access to these materials, when appropriate. **In the meantime, please let me know of any specific information that you believe is particularly relevant to your client.**

**Protective Order.** This material is subject to the terms of the Protective Order issued in this case. The index provides a designation for each document as Sensitive, Highly Sensitive, or neither.

**Timing of Disclosures.** 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.

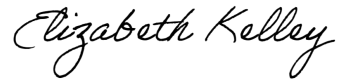
**Reciprocal Discovery.** I request reciprocal discovery to the fullest extent provided by Rule 16 of the Federal Rules of Criminal Procedure, including results or reports of any physical or mental examinations, or scientific tests or experiments, and any expert witness summaries. I also request that 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 the defendant with materials relating to government witnesses.

**Notice of Defenses.** Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that defendant provide the government with the appropriate written notice if he 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,



Elizabeth C. Kelley  
Assistant United States Attorney

cc: AUSA Amanda Jawad