

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

UNITED STATES OF AMERICA :
 :
 v. : **Crim. No. 21-cr-00032 (DLF)**
 :
GUY WESLEY REFFITT, :
 :
 Defendant. :

NOTICE OF DISCOVERY

The United States of America, by and through its undersigned attorneys, hereby informs the Court of the discovery that has been provided in this case. To date, the government has provided the defense with 12 rounds of discovery, the content of which is detailed in 10 discovery letters and 2 emails to counsel. The productions were made on the following dates:

- (1) March 10, 2021 (Email)
- (2) March 16, 2021 (Letter # 1)
- (3) April 10, 2021 (Letter # 2)
- (4) April 28, 2021 (Email)
- (5) July 9, 2021 (Letter # 4)
- (6) August 9, 2021 (Letter # 6)
- (7) August 26, 2021 (Letter # 7)
- (8) September 15, 2021 (Letter # 8)
- (9) September 28, 2021 (Letter # 9)
- (10) October 5, 2021 (Letter # 10)
- (11) October 7, 2021 (Letter # 11)
- (12) October 14, 2021 (Letter # 12)

Two additional discovery letters, on April 26, 2021 (Letter # 3) and July 19, 2021 (Letter #

5), notified the defense of opportunities to tour the crime scene in this case. The government's communications concerning discovery are attached to this Notice as Exhibit 1.

Respectfully submitted,

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

By: /s/ Risa Berkower

Jeffrey S. Nestler
Assistant United States Attorney
D.C. Bar No. 978296
Risa Berkower
Assistant United States Attorney
NY Bar No. 4536538
U.S. Attorney's Office for the District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Phone: 202-252-7277
Email: Jeffrey.Nestler@usdoj.gov

Exhibit 1



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*

Via USAFfx and email

March 16, 2021

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32 (DLF)
Discovery Letter #1

Dear Counsel:

We are writing to provide you with certain information in response to your request for discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

The following materials, which have been uploaded to USAfx, are being produced pursuant to our informal agreement – pending the entry of a formal protective order – that the materials will only be used for your client’s defense, that you will not distribute or display the materials to anyone, and that you will permit your client to review but not retain copies.

1. FBI materials
 - a. 2020-12-24 – Guardian lead (4 pgs)
 - b. 2021-01-11 – [REDACTED] interview (8 pgs)
 - i. Attachments:
 1. 6 text message screenshots
 2. 5 photos
 3. 1 Snapchat video
 4. 6 audio recordings¹
 - c. 2021-01-16 – search warrant execution (3 pgs)
 - d. 2021-01-16 – [REDACTED] interview (5 pgs)

¹ On March 10 and 13, 2021, we provided you with rough transcripts of these 6 audio recordings.

- e. 2021-01-16 – [REDACTED] interview (3 pgs)
 - f. 2021-01-16 – [REDACTED] interview (4 pgs)
 - g. 2021-01-16 – Guy Reffitt interview (9 pgs)
 - i. Attachment: Audio recording
 - h. 2021-01-16 – Guy Reffitt interview re suppressor (2 pgs)
 - i. 2021-01-25 – [REDACTED] interview (3 pgs)
2. Court filings
- a. 21-mj-66 (D.D.C.)
 - i. Arrest warrant
 - ii. Complaint
 - iii. Affidavit
 - b. 21-mj-91 (D.D.C.)
 - i. Arrest warrant
 - ii. Complaint
 - iii. Affidavit
 - c. 4:21-mj-36 (E.D. Tex.)
 - i. Premises search warrant
 - d. 4:21-mj-35 (E.D. Tex.)
 - i. vehicle search warrant (plate HHF1249)
 - e. 4:21-mj-34 (E.D. Tex.)
 - i. vehicle search warrant (plate MKY6885)
3. Grand jury materials
- a. [REDACTED] transcript
 - b. [REDACTED] transcript
4. Jail calls
- a. 38 jail calls recorded between 2021-01-16 and 2021-01-26
5. Open source media
- a. 2020-10-17 – Texas Freedom Force
 - i. <https://www.txfreedomforce.org/titff-news/alamo-cenotaph-victory-rally-notoneinch6555863>
 - b. 2021-01-06 - The Ingraham Angle (host Laura Ingraham), at about 31:00 in the broadcast
 - i. <https://video.foxnews.com/v/6220908664001#sp=show-clips/full-episodes>
 - c. 2021-01-06 – Flickr (two photos)
 - i. <https://www.flickr.com/photos/wx412/50813869496/sizes/6k/>

- ii. <https://www.flickr.com/photos/49283984@N05/albums/72157713988863981/with/50838553973/>
 - d. 2021-01-06 – Reuters
 - i. <https://www.youtube.com/watch?v=KYCSjNh1FvA&list=PLZhRxE9191zMYuqM0lM3hAgPa0CpYn-dH>
 - e. 2021-01-07 - Fox News at Night (anchor Shannon Bream), at about 1:00 in the broadcast
 - i. <https://video.foxnews.com/v/6221234520001#sp=show-clips>
 - f. 2021-01-18 – NBC5 Dallas-Forth Worth
 - i. <https://www.nbcdfw.com/news/local/wylie-man-who-was-at-capitol-riot-threatened-to-kill-his-family-fbi-says/2530571/>
 - g. 2021-01-20 -- NBC5 Dallas-Forth Worth
 - h. 2021-01-22 – Cuomo Prime Time (CNN)
 - i. 2021-01-24 – New York Times
 - i. <https://www.nytimes.com/2021/01/24/us/politics/jackson-reffitt-father-capitol-riot.html>
 - j. 2021-01-26 – Good Morning America
- 6. Search warrant returns
 - a. Devices
 - i. Spreadsheet of messages (in Excel and PDF)²
 - ii. 36 screenshots of messages
 - iii. 1 screenshot of search history
 - b. Facebook
 - i. PDF (1563 pages)
 - c. Life360³
 - i. 1 zip file containing 12 total Excel files
- 7. Other records
 - a. Metropolitan Police Department
 - i. PD 32 (Certificate of no record of registration)
 - ii. PD 36 (Certificate of no record of license)
 - b. Melrose Hotel
 - i. Folio
 - c. Texas Secretary of State
 - i. Corporate Records & Business Registrations: TTP Security Services LLC

² This spreadsheet was produced to you on March 14, 2021.

³ Note that Life360 separately informed the government that the time stamps are in Pacific time.

Please also note that on March 10, 2021, we provided you with a Jan. 26, 2021, email from the government to Mr. Reffitt's Texas counsel, which stated in substance:

Please be aware of the following non-verbatim information regarding the statements that your client, Guy Reffitt, is alleged to have made to his son and daughter, in the presence of another man, on or around January 11, 2021, while inside his home in Wylie, Texas:

- 1. Mr. Reffitt's daughter stated to the government that she didn't think her brother felt threatened by her father.*
- 2. Mr. Reffitt's daughter stated to the government that she never felt threatened by her father, and that she did not think her father would harm her.*
- 3. Mr. Reffitt's wife stated to the government that she did not believe Mr. Reffitt would act on his words.*
- 4. The other man who was present for the conversation stated to the government that he did not believe that either Mr. Reffitt's son or daughter interpreted Mr. Reffitt's words as a threat.*
- 5. Mr. Reffitt's wife stated to the government that neither her son nor daughter felt threatened by Mr. Reffitt's words.*
- 6. Mr. Reffitt's wife stated to the government that Mr. Reffitt is "super passionate" and sometimes says things he does not mean.*
- 7. Mr. Reffitt's son stated to the news media that he did not think his father would "actually do anything bad," and that he did not think his father would hurt him or kill him.*

Please also be aware that, following Mr. Reffitt's son's new media appearances, Mr. Reffitt's son created a GoFundMe page, and as of this writing has received pledges of at least \$133,000.

Please feel free to contact us with any questions.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Jeffrey Nestler
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

Enclosures

From: [Nestler, Jeffrey \(USADC\)](#)
To: wlw@wwelchattorney.com
Cc: [Berkower, Risa \(USADC\)](#)
Subject: US v Reffitt
Date: Wednesday, March 10, 2021 11:49:08 AM
Attachments: [Detention Memo \(002\).docx](#)
[FW Transcripts.msg](#)
[FW Reffitt.msg](#)

Bill: As discussed, attached is the *draft* detention memo that the Texas AUSA shared with Mr. Reffitt's AFPD in Texas. It was not filed. Also attached are two emails that the Texas AUSA sent to the AFPD; one with five rough transcripts and one with a disclosure. On the transcript point, we have since fine-tuned the transcripts, and we will get you updated versions in the near future.

Best,
Jeff

Jeffrey S. Nestler

Assistant United States Attorney
Email: Jeffrey.Nestler@usdoj.gov
Office: 202-252-7277
Cell: 202-815-8672



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*

Via USAFfx and email

April 10, 2021

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32 (DLF)
Discovery Letter #2

Dear Counsel:

We are writing to provide you with certain information in response to your request for discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure. The following materials, which have been uploaded to USAfx, are being produced pursuant to the April 1, 2021 Protective Order [Dkt. 16] in this case.

1. FBI 302 documenting the arrest of Guy Reffitt, with photographs taken at booking (8 pages)
2. Open source media images (2 videos, 2 photographs)
3. Guy Reffitt NCIC report
4. FBI property receipt (2 pages)
5. FBI evidence collection log (4 pages)
6. FBI 1087-a evidence log (11 pages)
7. FBI search warrant inventory (1 page)
8. FBI 1057 documenting consent to search/seized firearms (3 pages)
9. Signed consent to search firearms (3 pages)
10. FBI 302 documenting Reffitt arrest warrant service (1 page)

In addition, we would like to provide you with the following data, but will need a hard drive from you in order to do so:

1. A digital image copy of your client's cell phone;
2. Data obtained from a search warrant of your client's Apple iCloud account;

3. A recorded Zoom video call in which your client was a participant.

Please contact us so that we can facilitate an efficient way to get this data to you.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Risa Berkower
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

Enclosures



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*

Via USAF_x and email

April 26, 2021

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32 (DLF)
Discovery Letter #3

Dear Counsel:

The U.S. Capitol Police have arranged five dates for crime scene tours of the Capitol. The tour dates and times are listed below:

- Monday, May 3rd at 9:00 a.m.
- Saturday, May 8th at 9:00 a.m.
- Sunday, May 9th at noon
- Monday, May 31st at 9:00 a.m.
- Saturday, June 5th at 5:00 p.m.

If you wish to participate in a tour, please email us **and** paralegal Mariela Andrade at Mariela.Andrade@usdoj.gov, and provide the following information:

- Names, phone numbers and email contact information for any counsel who will be participating in the tour.
- Case(s), Case number(s), and AUSA assigned to each case.
- Tour date selected.

The conditions of the U.S. Capitol Police for participating in the tour are as follows:

- The tours are restricted to **counsel**. You may not bring **any** guests, including investigators or paralegals.
- No cameras are permitted but if you would like photographs of specific areas, you will be able to submit your requests to the General Counsel for the U.S. Capitol Police after the tour.

- The tours will be led by officers and questions about the events of January 6 will not be permitted. If you have such questions, you may direct them to me.
- If you drive there, you will need to find your own parking.

The tour will encompass the following areas of the Capitol:

- Speaker's Lobby
- Speaker's Office
- House Chamber
- Senate Chamber
- Senate Gallery
- Statuary Hall
- Crypt
- West Front of Capitol
- East Front of Capitol
- East Grand staircase – Senate
- Rotunda including the East Front Lobby area and steps to the Crypt
- Rotunda West staircase to the Crypt / Rotunda Door exterior
- Upper West Terrace/ Upper West Terrace Door (interior and exterior)
- Lower West Terrace
- West Terrace Steps and staircase and wall
- Senate Wing Door
- Parliamentarian's Office (and adjacent fire door)
- Lower West Terrace Door specifically (interior and exterior)
- Offices ST2 – ST10
- Exterior HT2M window
- S140 & S145
- North and South Doors of Capitol
- House Wing (near House Wing Door) and Hall of Columns
- Memorial Door and interior steps to Second Floor adjacent to Memorial Door
- Capitol Visitors Center (main level and Emancipation Hall)
- Area of the House Majority Leader's Office (Hoyer)

Maps of the grounds and floor plans are attached to assist you.

We look forward to hearing from you.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Jeffrey Nestler
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

Enclosures

From: [Nestler, Jeffrey \(USADC\)](#)
To: wlw@wwelchattorney.com
Cc: [Berkower, Risa \(USADC\)](#)
Subject: US v Reffitt - Discovery materials
Date: Wednesday, April 28, 2021 5:58:55 PM
Attachments: [USCP \[REDACTED\].FD-302.Redacted.pdf](#)
[US Capitol Police Sgt. \[REDACTED\].FD-302.Redacted.pdf](#)
[image001.png](#)

Bill,

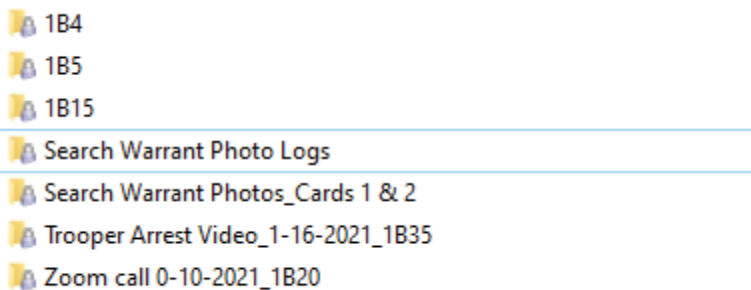
We just filed our opposition to your renewed bond motion. The pleading references three categories of new information:

1. Publicly available videos. You can follow the hyperlinks in the pleading itself to access the videos.
2. Interviews with USCP officers. Attached please find two FBI 302s.
3. Zoom recording. It is being disclosed to you on the external hard drive you provided.

The external hard drive is ready for you to pick up. Do you want us to leave it for you in the USAO mail room at 555 Fourth Street, or get it to you some other way? The hard drive includes:

1. 3 Cellebrite files – 1B4, 1B5, 1B15
2. Search Warrant Photo logs – hard copy logs
3. DVD – SW photos
4. DVD – Trooper Arrest videos
5. DVD – Zoom call

This is a screenshot of the folder structure:



Password for the hard drive is: [REDACTED]

Please let us know if you have any questions.

Best,
Jeff

Jeffrey S. Nestler
Assistant United States Attorney

555 Fourth Street NW, Washington, DC 20530

Email: Jeffrey.Nestler@usdoj.gov

Office: 202-252-7277

Cell: 202-815-8672



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*

Via email

July 9, 2021

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32 (DLF)
Discovery Letter # 4

Dear Counsel:

We are writing to provide you with certain information in response to your request for discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure. The following materials from the FBI's file for this case, which have been uploaded to USAfx, are being produced pursuant to the April 1, 2021 Protective Order [Dkt. 16]. As noted, several of these documents are labeled "sensitive" under the terms of the Protective order.

1. FBI Serial 1; sensitive
2. FBI Serial 2
3. FBI Serial 3; sensitive
4. FBI Serial 4; sensitive
5. FBI Serial 6
6. FBI Serial 7; sensitive
7. FBI Serial 8- GJ; sensitive
8. FBI Serial 8; sensitive
9. FBI Serial 9
10. FBI Serial 10
11. FBI Serial 13
12. FBI Serial 16
13. FBI Serial 18
14. FBI Serial 20
15. FBI Serial 22
16. FBI Serial 23

17. FBI Serial 25
18. FBI Serial 26
19. FBI Serial 28
20. FBI Serial 29
21. FBI Serial 34
22. FBI Serial 35
23. FBI Serial 36
24. FBI Serial 41
25. FBI Serial 43
26. FBI Serial 45
27. FBI Serial 47
28. FBI Serial 52
29. FBI Serial 53
30. FBI Serial 56
31. FBI Serial 59
32. FBI Serial 60
33. FBI Serial 61
34. FBI Serial 63
35. FBI Serial 65
36. FBI Serial 68
37. FBI Serial 72
38. FBI Serial 73
39. FBI Serial 74
40. FBI Serial 75
41. FBI Serial 76
42. Discovery Reffitt Time stamp.pdf
43. Discovery Reffitt WFO.pdf; sensitive
44. Discovery Reffitt FD-674.pdf
45. Discovery Reffitt Search Warrant.pdf; sensitive
46. Discovery Reffitt Evidence Log.pdf
47. Discovery Reffitt FD-886.pdf
48. Discovery Reffitt MXU.pdf; sensitive

Please let us know if you have any questions or concerns.

Sincerely,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Risa Berkower
Risa Berkower
Jeffrey Nestler
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*

July 19, 2021

By e-mail

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32 (DLF)
Capitol Tour
Discovery Letter #5

Dear Defense Counsel:

The U.S. Capitol Police have arranged one new date for a crime scene walkthrough of the Capitol. The tour date and time is **Saturday, August 14, 2021, at 1:00 p.m.**, and the tour will last approximately two hours. If you cannot attend on August 14, please be advised that additional dates will be scheduled in the future.

If you wish to participate in the August 14 walkthrough, please email us **and** paralegal Mariela Andrade at Mariela.Andrade@usdoj.gov, and provide the following information:

- Names, phone numbers and email contact information for any counsel or investigators who will be participating in the tour.
- Case(s), Case number(s), and AUSA assigned to each case.

The conditions of the U.S. Capitol Police for participating in the walkthrough are as follows:

- The tours are restricted to **counsel and one investigator**. You may not bring **any** other guests. A paralegal or legal assistant may function as an investigator for this purpose.
- The public/non-public areas are identified on the attached list. Photos are only allowed in the public areas. Any person who takes photos in the non-public areas will be asked to leave the tour and be banned from further tours.
- The tours will be led by officers and questions about the events of January 6 will not be permitted. If you have such questions, you may direct them to me.
- Masks must be worn at all times.

With respect to transportation, please be advised that there is no parking provided. The closest metro stop is Capitol South (Blue/Orange line).

I look forward to hearing from you.

Sincerely,

CHANNING PHILLIPS
Acting United States Attorney

By: /s/ Jeffrey Nestler
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

Defense Counsel Capitol Walkthrough Locations

- Speaker's Lobby – non-public
- Speaker's Office – non-public
- House Chamber – non-public
- Senate Chamber – non-public
- Senate Gallery – non-public
- **Statuary Hall – public**
- **Crypt – public**
- **West Front of Capitol – public**
- **East Front of Capitol – public**
- **East Grand staircase – Senate –public**
- **Rotunda including the East Front Lobby area and steps to the Crypt – public**
- **Rotunda West staircase to the Crypt – public**
- Rotunda Door exterior – non-public
- Upper West Terrace/ Upper West Terrace Door (interior and exterior) – non-public
- Lower West Terrace – non-public
- West Terrace Steps and staircase and wall – non-public
- Senate Wing Door – non-public
- Parliamentarian's Office (and adjacent fire door) – non-public
- Lower West Terrace Door specifically (interior and exterior) – non-public
- Offices ST2 – ST10 – non-public
- Exterior HT2M window – non-public
- S140 & S145 – non-public
- **North and South Doors of Capitol – public**
- **House Wing (near House Wing Door) and Hall of Columns – public**
- Memorial Door and interior steps to Second Floor adjacent to Memorial Door – non-public
- **Capitol Visitors Center (main level and Emancipation Hall) – public**
- Area of the House Majority Leader's Office (Hoyer) – non-public



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*

August 9, 2021

By e-mail and FedEx

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32 (DLF)*
Discovery Letter #6

Dear Mr. Welch:

We write for two reasons, to provide discovery and to make a demand under Rule 12.3(a)(1).

Discovery

Enclosed please find an external hard drive containing the following data:

1. Raw extractions of data from your client's devices:
 - a. 1B4
 - b. 1B5
 - c. 1B8
 - d. 1B9_blk_cruzer
 - e. 1B9_blkSD_1
 - f. 1B9_blkSD_2
 - g. 1B9_redSD
 - h. 1B9_slv_verbatim
 - i. 1B12
 - j. 1B15
 - k. 1B17
 - l. 1B18
 - m. 1B20_Seagate
 - n. 1B22_SD
2. Jail calls

- a. 116 audio files, from 3/3/21 to 5/13/21
 - b. Message report from 3/3/21 to 5/13/21 (32 pages)
 - c. Attempted call report (10 pages)
 - d. Completed call report (14 pages)
 - e. Subpoena receipt
3. Videos recovered from the cell phone of defendant C.U.
- a. 12 video files, IMG_0185 to _0196
4. Processed data from search warrant returns from:
- a. Microsoft
 - b. Apple
5. Discovery materials from FBI Dallas:
- a. Jail calls provided 1-27-21
 - i. 38 audio files; index; player
 - b. [REDACTED] cell recordings on or about 1-8-21
 - i. 6 audio files
 - c. Recorded interview of [REDACTED] on 3-1-21
 - i. 1 audio file; player
 - d. Recorded interview of Guy Reffitt on 1-16-21
 - i. 1 audio file
 - e. Reffitt videos 1A1; serial 3; serial 72
 - i. 1 video file
 - ii. 1 zip file
 1. iPad (1B5)
 - a. 1 XLSX file
 2. iPhone 12 (1B4)
 - a. Chats
 - i. 94 files
 - b. Contacts
 - i. 1 XLSX file
 3. iPhone 8 (1B15)
 - a. Chats
 - i. 22 files
 - b. Contacts
 - i. 1 XLSX file
 - c. Emails
 - i. 5 files
 - d. Images
 - i. 2 files
 4. Seagate External HD (1B20)
 - a. 3 video files
 - f. Reffitt discovery disc_digital 1 of 2
 - i. 1A1_cellphone video
 1. 1 video file
 - ii. 1A25_jail calls Guy Reffitt
 1. 38 audio files; index; player
 - iii. 1B34_six recordings
 1. 6 audio files
 - iv. 1D1_Interview Guy Reffitt 1_16_21
 1. 1 audio file

- v. 1D2_interview of [REDACTED]
 - 1. 1 audio file
 - vi. Serial 42_1B35_DPS Interview Guy Reffitt
 - 1. 7 video files
 - vii. Serial 57_1D4_Recorded interview 3_1_21
 - 1. 1 audio file
 - viii. Serial 72_video
 - 1. 1 zip file
 - a. iPad (1B5)
 - i. 1 XLSX file
 - b. iPhone 12 (1B4)
 - i. Chats
 - 1. 94 files
 - ii. Contacts
 - 1. 1 XLSX file
 - c. iPhone 8 (1B15)
 - i. Chats
 - 1. 22 files
 - ii. Contacts
 - 1. 1 XLSX file
 - iii. Emails
 - 1. 5 files
 - iv. Images
 - 1. 2 files
 - d. Seagate External HD (1B20)
 - i. 3 video files
 - ix. Serial 73_1A46_YouTube Video Confrontation
 - 1. 1 video file
 - g. Reffitt discovery disc_digital 2 of 2
 - i. Serial 76_1A49_YouTube video 1_6_21
 - 1. 1 video file
 - h. TX DPS – Guy Reffitt video 1-16-21
 - i. 7 video files
 - i. YouTube video (Police battle Trump supporters)
 - i. 22 minutes
 - j. YouTube video (Trump supporters storm Capitol building)
 - i. 25 minutes
6. Grand jury materials¹
- a. [REDACTED] (1/27/21)
 - i. Ex. 1 – affidavit
 - b. [REDACTED] (1/27/21)
 - i. Ex. 2 – Reuters photo
 - ii. Ex. 3 – Fox News photo
 - iii. Ex. 4 – Reuters photo
 - iv. Ex. 5 – [REDACTED] transcript

¹ Please note that the grand jury materials are being produced as “sensitive” pursuant to the Court’s April 1, 2021, protective order (ECF 16).

- v. Ex. 6 – [REDACTED] transcript
- c. [REDACTED] (6/9/21)
 - i. Ex. 7 – Immunity letter
 - ii. Ex. 8 – Zoom recording
- d. [REDACTED] (6/9/21)
 - i. Ex. 8.1 – transcript of Zoom recording
 - ii. Ex. 9 – Reuters video
 - iii. Ex. 10 – News2Share video
 - iv. Ex. 10.1 – still frame
 - v. Ex. 10.2 – still frame
 - vi. Ex. 11 – holster photo
 - vii. Ex. 12 – firearm photo
 - viii. Ex. 13 – 302 of [REDACTED] interview
 - ix. Ex. 14 – 302 of [REDACTED] interview

Demand

Pursuant to Federal Rule of Criminal Procedure 12.3(a)(1), we hereby demand that you provide timely notice if your client “intends to assert a defense of actual or believed exercise of public authority on behalf of a law enforcement agency or federal intelligence agency at the time of the alleged offense.”

Please let us know if you have any questions.

Sincerely,

CHANNING PHILLIPS
Acting United States Attorney

By: /s/ Jeffrey Nestler
Jeffrey Nestler
Risa Berkower
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*

August 26, 2021

By e-mail, FedEx, and USAfx

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32 (DLF)*
Discovery Letter #7

Dear Mr. Welch:

We are producing the following materials to you in discovery, via both FedEx and USAfx.

Via FedEx, on three discs:

1. Raw extraction of data from your client's device:
 - a. 1B20_Microsoft Surface Pro

Via USAfx (and designated as "sensitive" pursuant to the Court's April 1, 2021, Protective Order (ECF No. 16)):

2. USCP exterior surveillance video:

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]

3. USCP radio run

- a. [REDACTED]
- b. [REDACTED]

Please let us know if you have any questions.

Sincerely,

CHANNING PHILLIPS
Acting United States Attorney

By: /s/ Jeffrey Nestler
Jeffrey Nestler
Risa Berkower
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 16, 2021

By e-mail and USAF×

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32 (DLF)*
Discovery Letter #8

Dear Mr. Welch:

This letter explains the discovery we are providing to you today through USAF×

 and also provides an itemized list of the discovery that was included on a hard drive shipped to you via FedEx on September 8, 2021.

September 16, 2021 Production, Via USAFX

Today we are producing to you, via USAF×

, the following materials, some of which (marked below) are designated as “sensitive” pursuant to the Court’s April 1, 2021 Protective Order (ECF No. 16):

A. Materials from the FBI:

1. Serial # 3 [REDACTED] (“sensitive”)
2. Serial #3 TX DL & TWC135246
3. Serial #3 TX DL 135037
4. Serial #3 TX TWC135205
5. Serial \$37 EC135205
6. Serial # 47 [REDACTED] (“sensitive”)
7. Serial # 47 [REDACTED] (“sensitive”)
8. Serial # 67 Telegram EC 135714
9. Serial # 69 [REDACTED] (“sensitive”)
10. Serial # 70 [REDACTED] (“sensitive”)

B. Materials from the U.S. Capitol Police:

As part of our ongoing discovery production in this case, you will receive an invitation via USAFx to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. *(Please note that this is a separate USAFx folder than the one we have used for other productions in this case.)* 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.

If you find an officer’s name that is not redacted, and that officer is a subject of or witness to the allegation of misconduct, we are designating that information highly sensitive under the protective order. That means you cannot share it with your client unsupervised unless you redact it. If you have shared the name with your client already, please tell him that the information can only be used consistent with the protective order’s rules for handling sensitive materials.

Hard Drive Production via FedEx on September 8, 2021

On September 8, 2021, we sent you via FedEx a hard drive that contains the following materials, some of which are “sensitive”:

- A. Data seized by the FBI during the execution of search warrants, all of which is “sensitive,” in a folder labeled “[REDACTED].CART”:
 1. QSA1 Kingston Flash Drive
 2. QSA2 San Disk SD Card
 3. QSA5 SanDisk 64GB Flash Drive
 4. QSA6 Kingston 128GB Micro SD
 5. QSA7 Maxtor 1TB External HDD
 6. QSA8 Dell Laptop P69G
 7. QSA11 LG Phone

B. Materials from the FBI’s files:

1.	[REDACTED]	000001.pdf	Sensitive
2.	[REDACTED]	000002.pdf	
3.	[REDACTED]	000002 1A000001 000001.zip	
4.	[REDACTED]	000002 1A000001 000002.zip	
5.	[REDACTED]	000002 1A000002 photos and videos	
6.	[REDACTED]	000002 1A000003 000001.zip	
7.	[REDACTED]	000003.pdf	
8.	[REDACTED]	000004.pdf	
9.	[REDACTED]	000004 1A000006 000001.jpg	
10.	[REDACTED]	000004 1A000006 000002.jpg	
11.	[REDACTED]	000004 1A000006 000003.jpg	
12.	[REDACTED]	000004 1A000006 000004.jpg	

13.		0000005.pdf	
14.		0000006.pdf	
15.		0000006 1A0000007 0000015.msg	Sensitive
16.		0000006 1A0000007 0000023.pdf	Sensitive
17.		0000006 Import.pdf	
18.		0000007.pdf	
19.		0000008.pdf	
20.		0000009.pdf	
21.		0000010.pdf	
22.		0000010 1A0000009 SW photos	
23.		0000010 1A0000009.pdf	
24.		0000011.pdf	
25.		0000012.pdf	
26.		0000012 1A0000011 SW photos	
27.		0000012 1A0000011 0000001.pdf	
28.		0000012 1A0000011 0000002.pdf	
29.		0000012 1A0000011 0000003.pdf	
30.		0000012 1A0000011 0000004.pdf	
31.		0000012 1A0000011 0000005.pdf	
32.		0000012 1A0000011 0000006.pdf	
33.		0000012 1A0000011 0000007.pdf	
34.		0000012 1A0000011 0000008.pdf	
35.		0000012 1A0000011 0000009 PHYSICAL.pdf	
36.		0000012 1A0000011 0000010.pdf	
37.		0000012 1A0000011 0000011.pdf	
38.		0000012 1A0000011 0000012.pdf	
39.		0000012 1A0000011- PHYSICAL COPIED.pdf	
40.		0000019.pdf	
41.		0000020.pdf	
42.		0000021.pdf	
43.		0000021 Import.pdf	
44.		0000021 1A0000015 0000001.pdf	
45.		0000021 1A0000015 0000002.pdf	
46.		0000021 1A0000015 0000003.pdf	
47.		0000021 1A0000015 0000004.pdf	
48.		0000021 1A0000015 0000005.pdf	
49.		0000021 1A0000015 0000006.pdf	
50.		0000021 1A0000015 0000007.pdf	
51.		0000023 1A0000016 0000001.pdf	Sensitive
52.		0000023 1A0000016 0000002.pdf	Sensitive
53.		0000026.pdf	
54.		0000026 1A0000018 0000001.tar	Sensitive
55.		0000026 1A0000018 0000002.tar	Sensitive
56.		0000026 1A0000018 0000003.png	Sensitive
57.		0000026 1A0000018 0000004.logs	Sensitive

58.		0000026 1A0000018 0000005.logs	Sensitive
59.		0000026 1A0000018 0000006.logs	Sensitive
60.		0000026 1A0000018 0000007.png	Sensitive
61.		0000026 1A0000018 0000008.logs	Sensitive
62.		0000026 1A0000018 0000009.png	Sensitive
63.		0000026 1A0000018 0000010.png	Sensitive
64.		0000026 1A0000018 0000011.logs	Sensitive
65.		0000026 1A0000018 0000012.png	Sensitive
66.		0000026 1A0000018 0000013.png	Sensitive
67.		0000026 1A0000018 0000014.tar	Sensitive
68.		0000026 1A0000018 0000015.png	Sensitive
69.		0000026 1A0000018 0000016.png	Sensitive
70.		0000026 1A0000018 0000017.png	Sensitive
71.		0000026 1A0000019 0000001.pdf	Sensitive
72.		0000029.pdf	
73.		0000031.pdf	
74.		0000031 1A0000020 0000001.pdf	
75.		0000032.pdf	
76.		0000032 1A0000021 0000001.pdf	
77.	Logs		
78.		0000034.pdf	Sensitive
79.		0000034 1A0000022 0000001.zip	Sensitive
80.	DGI DS DIR HDR		Sensitive
81.	Search + Warrant 102849.pdf		Sensitive

Please let us know if you have any questions.

Sincerely,

CHANNING PHILLIPS
Acting United States Attorney

By: /s/ Risa Berkower
Jeffrey Nestler
Risa Berkower
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 28, 2021

By Electronic Mail

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32 (DLF)*
Discovery Letter #9

Dear Counsel:

As part of our ongoing discovery production in this case, we produced the following information:

1. On September 24, 2021: 4,044 files (over one terabyte) consisting of U.S. Capitol Police (“USCP”) Closed Circuit Video (“CCV”) footage from 118 cameras has been shared to the defense instance of evidence.com. The contents of footage being shared includes video from the interior of the U.S. Capitol Visitor Center and from the Capitol grounds. These files are designated Sensitive under the protective order. Additional footage will be provided on a rolling basis, as we ingest it into our own instance of evidence.com.
2. On September 28, 2021: Twenty files that are exhibits to previously produced USCP OPR reports, and a corresponding index, have been shared via USAfx and you should have received a notification via email. Any applicable sensitivity designations are reflected in the index. Additional exhibits will be provided on a rolling basis as we continue to ingest and quality-check them.
3. On September 28, 2021: Forty-two files that consist of MPD internal investigation reports and exhibits, and a corresponding index, have been shared via a second, separate USAfx production, and you should have received a notification via

email. These reports and exhibits are unredacted and thus designated Highly Sensitive under the protective order.

The Federal Public Defender for the District of Columbia (“FPD”) has agreed to serve as the Discovery Liaison for defense counsel in Capitol Breach cases. FPD is currently reviewing the various features of evidence.com and testing out the capabilities of the program with sample data. Within the next two weeks, FPD will be sending out information to defense counsel that includes a point-of-contact for discovery-related inquiries, the procedures to follow for obtaining a license to access evidence.com, and a quick start guide for defense counsel to use with evidence.com.

It has come to our attention that there are sensitivities that must be addressed prior to large scale disclosure of body-worn-camera footage. We are working diligently to resolve these issues and in the interim we have produced a sample of fifty body-worn-camera files to FPD’s instance of evidence.com. This sample will allow our technological teams to discuss the necessary infrastructure and workflows that need to be implemented. Ultimately, we intend to produce the majority of body-worn-camera footage with the least restrictive applicable sensitivity designations, if any, in order to facilitate defendant review.

In the near future, we expect to provide tools that will assist your review of the voluminous video footage described above, to include:

1. Camera maps for USCP CCV;
2. Our work product, consisting of a spreadsheet and related zone maps, identifying body-worn-camera footage by agency, officer, video start time, a summary of events, and location of the camera in 15-minute increments; and
3. Global Positioning Satellite information for Metropolitan Police Department radios, which may be of some assistance in identifying officers whose body-worn-cameras were recording at a particular time and location.

I will forward additional discovery as it becomes available. If you have any questions or if you fail to receive two separate USAfx invitations in connection with this production, please feel free to contact me.

Sincerely,

/s/ Risa Berkower

Risa Berkower

Jeffrey Nestler

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*

October 5, 2021

By Electronic Mail

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt*, 21-cr-32-DLF
Discovery Letter # 10

Dear Counsel:

On October 1, 2021, as part of our ongoing discovery production in this case, we produced the following information:

1. 11,176 files (over 3 terabytes) consisting of U.S. Capitol Police Closed Circuit Video footage from 339 cameras were shared to the defense instance of evidence.com. The contents of footage shared includes video from the interior of the U.S. Capitol Visitor Center and from the Capitol grounds. These files are designated Sensitive (not Highly Sensitive) under the protective order.
2. 1,676 files consisting of District of Columbia Metropolitan Police Department body-worn-camera footage recorded between approximately 1:00 p.m. and 6:00 p.m. on January 6, 2021, were shared to the defense instance of evidence.com. We have not designated these materials as either Sensitive or Highly Sensitive under the protective order. Nevertheless, to the extent you intend to disseminate these materials to any persons other than Defendant, the legal defense team, or the person to whom the footage solely and directly pertains or his/her counsel, please ensure that you have reviewed the footage first and do not disseminate further any footage: (1) in which an individual provides or displays personal identifying

information¹ or (2) depicting personal information that may be highly embarrassing to either the officer wearing the camera or a person depicted in the footage.² Such information is Sensitive under the protective order. Should you observe such information, please notify us so that we may make an appropriate designation known to all Capitol Breach defendants.

Based on discussions with the Federal Public Defender for the District of Columbia (“FPD”), within approximately the next week, FPD will be sending out information to defense counsel that includes a point-of-contact for discovery-related inquiries, the procedures to follow for obtaining a license to access evidence.com, and a quick start guide for defense counsel to use with evidence.com.

I will forward additional discovery as it becomes available.

Sincerely,

/s/
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys

¹ Personal identifying information includes civilian names and nicknames, and all social security numbers, driver’s license numbers, physical addresses, e-mail addresses, any other contact information, financial information, medical information, and mental health history information.

² For example, while we believe we have already identified and segregated such footage, we are aware of instances where an officer may have forgotten to turn off his or her body-worn-camera while using a restroom.



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*

October 7, 2021

By Electronic Mail and USAF_x

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32-DLF*
Discovery Letter # 11

Dear Counsel:

We have uploaded additional discovery materials to USAF_x. This includes the following folders:

- (1) FBI agent Notes (6 files);
- (2) FBI materials concerning the device examinations in this case (15 files);
- (3) Cell phone records for T-Mobile cell phone number [REDACTED];
- (4) FBI and ATF materials concerning a device found during the search of your client's residence (2 files);
- (5) Search warrants executed in this case (6 files)—marked "sensitive" under the protective order governing discovery in this case;
- (6) A folder of additional FBI serials, including:
 - a. FBI document relating to a public tip concerning your client (1 file);
 - b. FBI document concerning information obtained from Paypal (1 file);
 - c. A 302 (dated 1/16/21) documenting an interview with [REDACTED], which we believe was previously produced to you, but we are re-producing out of an abundance of caution; (1 file)
 - d. Recent FBI serials created in connection with the ongoing investigation of this case (2 files).

Please contact us with any questions or concerns.

Sincerely,

/s/
Jeffrey Nestler
Risa Berkower
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*

October 14, 2021

By Electronic Mail and USAF_x

William L. Welch, III, Esq.
5305 Village Center Drive, Suite 142
Columbia, Maryland 21044
Attorney for Defendant Reffitt

Re: *United States v. Guy Reffitt, 21-cr-32-DLF*
Discovery Letter # 12

Dear Counsel:

We have uploaded additional discovery materials to USAF_x:

- (1) Grand jury subpoena returns from the following sources:
 - a. Apple
 - b. AT&T (two sets of phone records)
 - c. Endurance
 - d. Equifax
 - e. Experian
 - f. Facebook (three folders containing returns)
 - g. GoFundMe
 - h. Google (two folders containing returns)
 - i. Microsoft
 - j. Parler (two folders containing returns)
 - k. Transunion
- (2) An email from a U.S. Capitol Police officer concerning January 6, 2021 (1 file);
- (3) A tip received by the FBI concerning Mr. Reffitt (1 file).

Please contact us with any questions or concerns.

Sincerely,

/s/
Jeffrey Nestler
Risa Berkower
Assistant United States Attorneys