

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

UNITED STATES OF AMERICA :
 : **Criminal No. 1:21-CR-00214-JDB**
 v. :
 :
 JOSEPH LINO PADILLA, :
 :
 Defendant. :

NOTICE OF FILING

The Government requests that the attached discovery letter, dated **April 15, 2021**, be made part of the record in the above-captioned case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Puja Bhatia
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Acting United States Attorney

District of Columbia

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

April 15, 2021

DISCOVERY LETTER #1

Nate Wenstrup, Esq.
Defense Counsel

**Re: United States v. Jose Padilla
21-CR-214 (JDB)**

Dear Counsel:

Pursuant to our discovery obligations, we have provided the following files via USAfx on April 14, 2021. Note that many of these files and their related physical attachments are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, some of the same files will be re-produced with bates-stamps at a later date.

- Mis-Identification through Public Tips:
 - PADILLA Tip 3 - E-Tip__XX_XX_Reporting_Possible_Identification_of_Individual_Involved
 - PADILLA Tip 5 - E-Tip__Matthew_Penwell_as_Possible_Identification_of_An_Individual_Involved_Redacted
 - PADILLA Tip 6 - E-Tip__Possible_Identification_of_An_Individual_Involved_with_an_Assault_Redacted
 - PADILLA Tip 7 - E-Tip__Possible_Identification_of_an_Individual_Involved_with_an_Assault_Redacted
- Search Warrant Photos (143)
- Videos:
 - Clip_1_of_Ofc_Morris_struck_by_pole_for_FBI_Investigation
 - MPD officer Powell BWC Jan 6th
 - Ofc_Powell_stuck_by_pole-FBI_Investigation
 - MPD officer Morris BWC Jan 6th
 - PADILLA throws pole

- PADILLA throws pole
- 20210209_203402
- PADILLA face and jacket
- PADILLA fighting at barrier

We have provided the following files via USAfx on March 30, 2021 ahead of the detention hearing in this matter:

- Tennessee - 1_21mj34_Joseph_Padilla_PTReport_DET_KW
- Padilla Detention Exhibits
- VictorCleveland_202102230821_Car342_390876148
- Capitol Video - JROBERSON NYC
- MPD Officer Cropper - BWC Jan 6th

We recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. We have provided the mis-identification information described above in line with such obligations. We will continue provide timely disclosure if any such material comes to light. Consistent with *Giglio, Ruiz*, and 18 U.S.C. § 3500, we will provide information about government witnesses prior to trial and in compliance with the court's trial management order.

We 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. We 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). We 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, we request that defendant(s) provide the government with the appropriate written notice if defendant(s) 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.

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

By: /s/ Puja Bhatia
PUJA BHATIA
JACOB STRAIN
Assistant United States Attorneys