

**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 May 5, 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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*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

May 5, 2021

DISCOVERY LETTER #2

Nate Wenstrup, Esq.
Defense Counsel

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

Dear Counsel:

Pursuant to our discovery obligations, I have provided your client's Facebook Search Warrant return via USAfx on May 3, 2021.

Enclosed as discovery in this case is also discovery production via USAFX that contains materials as described in the attached index. Please note that discovery in this case is ongoing, with additional materials forthcoming.

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 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. This material is subject to the terms of the Protective Order issued in this case.

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 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.

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

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

VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
Padilla_01			CAP02_000010202	CAP02_000010202	1	(U) Attempted Interview of Joseph Padilla
Padilla_01			CAP02_000010203	CAP02_000010203	1	(U) JPadilla.JPG
Padilla_01			CAP02_000010204	CAP02_000010205	2	(U) PADILLA - social media review
Padilla_01			CAP02_000010206	CAP02_000010206	1	(U) Jose Padilla - Twitter.pdf
Padilla_01			CAP02_000010207	CAP02_000010243	37	(U) Ghost Soul - thedonaldwin.pdf
Padilla_01			CAP02_000010244	CAP02_000010244	1	(U) Copied video of PADILLA on January 6th
Padilla_01			CAP02_000010245	CAP02_000010245	1	(U) PADILLA fighting at barrier.mp4
Padilla_01			CAP02_000010246	CAP02_000010246	1	(U) PADILLA throws pole.mp4
Padilla_01			CAP02_000010247	CAP02_000010247	1	(U) PADILLA pushes fencing.mp4
Padilla_01			CAP02_000010248	CAP02_000010248	1	(U) PADILLA face and jacket.mp4
Padilla_01			CAP02_000010249	CAP02_000010249	1	(U) Additional submission of Prosecutive Packages to
Padilla_01			CAP02_000010250	CAP02_000010250	1	(U) PADILLA military records
Padilla_01			CAP02_000010251	CAP02_000010254	4	(U) PADILLA military records
Padilla_01			CAP02_000010255	CAP02_000010258	4	(U) PADILLA - Military records.pdf
Padilla_01			CAP02_000010259	CAP02_000010259	1	(U) MPD officer Powell BWC Jan 6th.mp4
Padilla_01			CAP02_000010260	CAP02_000010260	1	(U) MPD officer Morris BWC Jan 6th.mp4
Padilla_01			CAP02_000010261	CAP02_000010261	1	(U) PADILLA throws pole.mp4
Padilla_01			CAP02_000010262	CAP02_000010262	1	(U) Preservation request to Facebook
Padilla_01			CAP02_000010263	CAP02_000010263	1	(U) Lower West Terrace video clip
Padilla_01		X	CAP02_000010264	CAP02_000010264	1	(U) Video clip 1 - USCH Lower W Terrace
Padilla_01			CAP02_000010265	CAP02_000010265	1	(U) JOSEPH LINO PADILLA - face search results
Padilla_01			CAP02_000010266	CAP02_000010385	120	(U) JOSEPH LINO PADILLA - face search results
Padilla_01			CAP02_000010386	CAP02_000010505	120	(U) Jose Lino Padilla face search results.pdf
Padilla_01			CAP02_000010506	CAP02_000010506	1	(U) OVH - Canadian server hosting thedonald.win
Padilla_01			CAP02_000010507	CAP02_000010507	1	(U) Body camera of Officer Jayson Cropper
Padilla_01			CAP02_000010508	CAP02_000010508	1	(U) Additional video located - ABQ RAW
Padilla_01			CAP02_000010509	CAP02_000010510	2	(U) Capitol case - Youtube preservation letter.pdf
Padilla_01			CAP02_000010511	CAP02_000010513	3	(U) ABQ RAW video - Padilla with pole
Padilla_01			CAP02_000010514	CAP02_000010514	1	(U) Google preservation response - ABQ RAW.pdf
Padilla_01			CAP02_000010515	CAP02_000010519	5	(U//FOUO) Videos Captured of AFO BOLO 189 At U.S.
Padilla_01			CAP02_000010520	CAP02_000010520	1	(U//FOUO) gettyimages-1294954885-640_adpp.mp4
Padilla_01			CAP02_000010521	CAP02_000010521	1	(U//FOUO) Tensions-Rise---Chaos-at-the-Capitol---
Padilla_01			CAP02_000010522	CAP02_000010522	1	(U//FOUO) IMG_0166.PNG.jpeg
Padilla_01			CAP02_000010523	CAP02_000010523	1	(U//FOUO) DC-1-6-21-2---YouTube.mp4
Padilla_01			CAP02_000010524	CAP02_000010524	1	(U//FOUO) IMG_0171.PNG.jpeg
Padilla_01			CAP02_000010525	CAP02_000010525	1	(U//FOUO) IMG_0165.PNG.jpeg
Padilla_01			CAP02_000010526	CAP02_000010526	1	(U//FOUO) IMG_0168.PNG.jpeg
Padilla_01			CAP02_000010527	CAP02_000010527	1	(U//FOUO) IMG_0170.PNG.jpeg
Padilla_01			CAP02_000010528	CAP02_000010528	1	(U//FOUO) IMG_0167.PNG.jpeg
Padilla_01			CAP02_000010529	CAP02_000010532	4	(U//FOUO) Surveillance at 2020 Bates Pike SE,
Padilla_01			CAP02_000010533	CAP02_000010533	1	(U) PADILLA Complaint & Arrest warrant

VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
Padilla_01			CAP02_000010534	CAP02_000010535	2	(U) JOSEPH PADILLA -21-mj-252 SIGNED Arrest
Padilla_01			CAP02_000010536	CAP02_000010546	11	(U) JOSEPH PADILLA 21-mj-252 SIGNED Complaint -
Padilla_01			CAP02_000010547	CAP02_000010547	1	(U) JOSEPH PADILLA - 21-mj-252 SIGNED
Padilla_01			CAP02_000010548	CAP02_000010548	1	(U) JOSEPH PADILLA -21-mj-252 SIGNED Redacted
Padilla_01			CAP02_000010549	CAP02_000010549	1	(U) ARREST OF JOSEPH PADILLA
Padilla_01			CAP02_000010550	CAP02_000010550	1	(U) Padilla_Mug.JPG
Padilla_01			CAP02_000010551	CAP02_000010552	2	(U) JOSEPH+PADILLA+-21-mj-
Padilla_01			CAP02_000010553	CAP02_000010553	1	(U) PADILLA Advice of Rights.pdf
Padilla_01			CAP02_000010554	CAP02_000010555	2	(U) PADILLA TOC Log.pdf
Padilla_01			CAP02_000010556	CAP02_000010556	1	(U) Interview of Rebekah Padilla
Padilla_01			CAP02_000010557	CAP02_000010557	1	(U) RPadilla.jpg
Padilla_01			CAP02_000010558	CAP02_000010558	1	(U) GEO Fence results - PADILLA cell phone
Padilla_01			CAP02_000010559	CAP02_000010569	11	(U) PADILLA - GEO Fence results.pdf
Padilla_01			CAP02_000010570	CAP02_000010570	1	(U) JWalkowiak.JPG
Padilla_01			CAP02_000010571	CAP02_000010572	2	(U) Search Warrant Executed at the residence of
Padilla_01			CAP02_000010573	CAP02_000010588	16	(U) PADILLA SW Return.pdf
Padilla_01			CAP02_000010589	CAP02_000010639	51	(U) PADILLA SW Application.pdf
Padilla_01			CAP02_000010640	CAP02_000010646	7	(U) Padilla SW Docs.pdf
Padilla_01			CAP02_000010647	CAP02_000010647	1	(U) CD of photos
Padilla_01			CAP02_000010648	CAP02_000010655	8	(U) PADILLA SW.pdf
Padilla_01			CAP02_000010656	CAP02_000010656	1	(U) Joseph Padilla arrest and search warrant execution
Padilla_01			CAP02_000010657	CAP02_000010657	1	(U) Service of search warrant on Facebook
Padilla_01			CAP02_000010658	CAP02_000010703	46	(U) PADILLA - Facebook - SIGNED 21sc922 Search
Padilla_01			CAP02_000010704	CAP02_000010705	2	(U) Facebook response - service of search warrant.pdf
Padilla_01			CAP02_000010706	CAP02_000010706	1	(U) Indictment of JOSEPH PADILLA
Padilla_01			CAP02_000010707	CAP02_000010712	6	(U) Joseph Padilla Indictment (Filed).pdf
Padilla_01			CAP02_000010713	CAP02_000010713	1	(U) Joseph Padilla Criminal History
Padilla_01			CAP02_000010714	CAP02_000010716	3	(U) Joseph Padilla Criminal History
Padilla_01			CAP02_000010717	CAP02_000010719	3	(U) eAgent_Report_Padilla.docx
Padilla_01			CAP02_000010720	CAP02_000010720	1	(U//FOUO) Baseline Checks for Joseph Padilla
Padilla_01			CAP02_000010721	CAP02_000010722	2	(U//FOUO) Baseline Checks for Joseph Padilla
Padilla_01			CAP02_000010723	CAP02_000010724	2	(U//LES) Joseph Padilla BB Card.docx
Padilla_01			CAP02_000010725	CAP02_000010725	1	(U) Preservation Letter to Oath Holdings, Inc
Padilla_01			CAP02_000010726	CAP02_000010727	2	(U) Preservation Letter to Oath Holdings, Inc
Padilla_01			CAP02_000010728	CAP02_000010729	2	(U) Oath preservatin request 22421170731.pdf
Padilla_01			CAP02_000010730	CAP02_000010730	1	(U) Preservation Letter to Microsoft Corporation USA
Padilla_01			CAP02_000010731	CAP02_000010732	2	(U) Preservation Letter to Microsoft Corporation USA
Padilla_01			CAP02_000010733	CAP02_000010734	2	(U) micrsoft preservation 174131.pdf
Padilla_01			CAP02_000010735	CAP02_000010735	1	(U) DEKXI - Forensic Images & Extractions for 1B4, 1B5
Padilla_01			CAP02_000010736	CAP02_000010736	1	(U) DEKX2- Analysis Results of 1B4, 1B5
Padilla_01			CAP02_000010737	CAP02_000010737	1	(U) DEKX3- X-Ways Processing Files

VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
Padilla_01			CAP02_000010738	CAP02_000010738	1	(U) Video Footage received from Cleveland PD
Padilla_01			CAP02_000010739	CAP02_000010739	1	(U) body cam and interview room video
Padilla_01			CAP02_000010740	CAP02_000010740	1	(U) Preservation Request
Padilla_01			CAP02_000010741	CAP02_000010742	2	(U) Preservation Request
Padilla_01			CAP02_000010743	CAP02_000010744	2	(U) google preservation 134322.pdf
Padilla_01			CAP02_000010745	CAP02_000010745	1	(U) Documentation of the Disposition of Evidence
Padilla_01			CAP02_000010746	CAP02_000010746	1	(U) Documentation of the Disposition of Evidence
Padilla_01			CAP02_000010747	CAP02_000010752	6	(U) Doc0529.pdf
Padilla_01			CAP02_000010753	CAP02_000010753	1	(U) Receipt of Jail Calls from Bradley County Sheriff's
Padilla_01			CAP02_000010754	CAP02_000010754	1	(U) Jail calls DVD