

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Crim. No. 21-CR-127 (ABJ)
	:	
JOSHUA BLACK,	:	
Defendant.	:	

NOTICE OF FILING DISCOVERY CORRESPONDENCE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files a March 6, 2021, preliminary-discovery letter in this case, which was served as an attachment to this notice via the Court's electronic filing system (ECF) on counsel for the defendant.

Respectfully submitted,

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

By: /s/ Seth Adam Meinero
SETH ADAM MEINERO
Trial Attorney
Detailee
D.C. Bar No. 976587
United States Attorney's Office
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Federal Major Crimes Section
555 4th Street, N.W.
Washington, D.C. 20530
202-252-5847
Seth.Meinero@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 6, 2021, I served a copy of this pleading on defendant's counsel through ECF.

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

Detailer

United States Attorney's Office
for the District of Columbia



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*

March 6, 2021

VIA EMAIL @ cufleckinger@aol.com

Clark U. Fleckinger II, Esq.
111 Rockville Pike
Rockville, MD 20850

Re: *United States v. Joshua Black*, 21-CR-127 (ABJ)

Dear Counsel:

This memorializes that the United States Attorney's Office for the District of Columbia provided you preliminary discovery comprising the following materials transmitted on the following dates:

February 25, 2021 (via USAfx)

- 3 FD-1087s (property taken in evidence; note: neither the cellphone itself nor the plastic projectile Mr. Black said was lodged in his cheek were taken in evidence)
- 1 FD-26 (consent to search)
- 1 photo of knife taken in evidence
- 11 photos taken during consent search
- 1 FD-302 (re: consent to search)
- 2 mp4s (YouTube video, parts 1 and 2)

February 26, 2021 (via USAfx)

- 2 video files of Mr. Black's consent interviews with the FBI on January 8 and 14, 2021

March 1, 2021 (via USAfx)

- 1 set of data related to consent search of Mr. Black's iPhone
- 1 Cellebrite.exe file for viewing the iPhone data

March 6, 2021 (via email)

- 1 publicly available video from TikTok depicting Mr. Black

In addition, the government has found this link to public media depicting Mr. Black:

- <https://www.newyorker.com/video/watch/a-reporters-footage-from-inside-the-capitol-siege>

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 preliminary discovery provided 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.

Additional materials will be provided after the entry of a Protective Order 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 the defense provide the government with the appropriate written notice if the defense plans to use one of the defenses referenced in those rules. Please provide any notice within the 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,

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

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