

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 an April 10, 2021, preliminary-discovery letter in this case, which was served as an attachment to this notice via the Court's electronic case files 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
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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 April 10, 2021, I served a copy of this pleading on defendant's counsel through ECF.

/s/ Seth Adam Meinero

SETH ADAM MEINERO

Trial Attorney

Detaillee

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*

April 10, 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, before and following the court's entry of a protective order in the above-referenced case on April 5, 2021, the United States Attorney's Office for the District of Columbia provided you the following additional preliminary discovery on the following dates:

April 1, 2021 (via email)

- Link to YouTube showing breach of Capitol East Front doorway:
<https://www.youtube.com/watch?app=desktop&v=MVullQb-Lec>
- 10 screenshots from the YouTube video

April 5, 2021 (via USAfx)

- One folder of four videos taken from exterior of Capitol West Front (four .mp4s and one .pdf of screenshots taken from the videos; no sensitivity restrictions under protective order)
- One .mp4 of video taken from exterior of Capitol East Front (no sensitivity restrictions under protective order)
- One folder of six videos taken from interior of Capitol East Front (six .mp4s; HIGHLY SENSITIVE under protective order)

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.

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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