

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

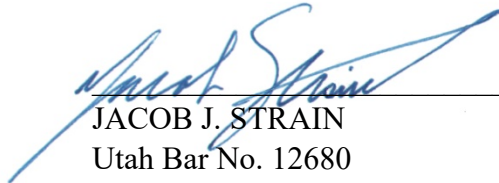
UNITED STATES OF AMERICA :
 :
 v. : **CRIMINAL NO. 21-MJ-135**
 :
JUSTIN MCAULIFFE, :
 :
 Defendant. :

NOTICE OF FILING

The Government requests that the attached discovery letter, dated May 3, 2021, be made part of the record in the above-captioned case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY



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U.S. Department of Justice

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May 3, 2021

Discovery Letter #1

Rick Collins, Esq.
COLLINS GANN McCLOSKEY & BARRY PLLC
138 Mineola Blvd.
Mineola, NY 11501

RE: U.S. v. Justin McAuliffe (21-MJ-135)

Dear Counsel,

Pursuant to our discovery obligations, we have provided the following files via USAfx on May 3, 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.

SIGNED - 21-mj-135 McAuliffe Statement of facts.pdf
SIGNED - 21-mj-135 McAuliffe Warrant.pdf
SIGNED - 21-mj-135 McAuliffe Complaint.pdf
MCAULIFFE, JUSTIN - NY DMV License.pdf
Senator Jeffrey Merkley Hideaway Office.jpg
Stolen Laptop.jpg
Door Damage.jpg
Joint.jpg
McAuliffe Photos.msg
Fw Capitol Building - Justin McAuliffe.msg
McAuliffe .msg
FW_ Kevin McAuliffe.msg
Screenshot_20210107-133436.png
Screenshot_20210107-1334367.png
Screenshot_20210110-133920.png
Screenshot_20210110-142523.png

Screenshot_20210108-162226.png
Screenshot_20210110-134303.png
Screenshot_20210108-162344.png
Screenshot_20210110-133415.png
Screenshot_20210110-133619.png
Screenshot_20210110-134211.png
Screenshot_20210110-133410.png
TrumpRallyDC_2021-01-06 16-17-10.mkv

We recognize the government's discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), its progeny, and Rule 16. 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/ Jacob J. Strain
JACOB J. STRAIN
Assistant United States Attorney