

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

UNITED STATES OF AMERICA :
 :
 : **Case No. 1:21-cr-00118-RCL**
 :
 v. :
 :
 ERIC MUNCHEL and :
 LISA EISENHART, :
 :
 :
 Defendants. :

GOVERNMENT’S NOTICE OF FILING

The United States of America, through its attorney, the United States Attorney for the District of Columbia, respectfully files a copy of the Government’s fifth informal discovery letter (without attachments) provided to defense counsel on August 21, 2021.

Respectfully submitted,

Channing D. Phillips
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D.C. Bar No. 415793

By: /s/ Leslie A. Goemaat
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing motion to be served by electronic means, through the Court's CM/ECF system, upon all parties of record.

/s/ Leslie A. Goemaat

LESLIE A. GOEMAAT

Assistant United States Attorney



U.S. Department of Justice

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August 21, 2021

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BY EMAIL

Re: *United States v. Eric Munchel and Lisa Eisenhart*
Case No. 21-cr-118
Volume 5 of Informal Discovery

Dear Counsel:

Please find enclosed a USAFx file entitled "Volume 5 (Informal) – August 21, 2021" containing Volume 5 of Informal Discovery, which includes the following 1,648 files:

Jan 5, 2021 BWC Folder (14 files):

On June 22, 2021, Ms. Roland requested the BWC footage from the January 5, 2021 MPD encounter with Mr. Munchel. On June 28, 2021 and June 29, 2021, I sent you download links from evidence.com containing links to download 12 BWC videos from the January 5, 2021 MPD encounter with Mr. Munchel.

The 12 BWC videos from January 5, 2021 and associated FBI reports related to receiving the videos from evidence.com are contained in this folder.

TTK Media Objects (1,619 files):

As described in the July 30, 2021 Informal Discovery Volume 4 letter, this folder includes all media objects associated with the previously produced TTK/TIES reports as well as additional omnibus TTK/TIES reports. Please note that although this folder is voluminous, a large number of these media objects are not related to your clients but are being produced as media objects associated with the previously produced TTK/TIES reports.

Apple Subpoena records (11 files)

Please note that these records were likely contained in a prior production but are being re-produced out of an abundance of caution.

Apple Search Warrant (4 files)

A search warrant was issued for Mr. Munchel's icloud account and has been served on Apple. The results of that search warrant will be produced in discovery when received from Apple.

In addition to this production, Volume 5 of Informal Discovery is in the process of being formally processed and produced with Bates numbers and load files as Volume 3 of Fast Track Discovery and will be reproduced once processing is complete.

Summary of Prior Productions

For your convenience, I am summarizing the prior discovery productions in this matter:

Production	Date	Number of Items
Production of Detention Appeal Materials	March 3, 2021	12 items
Informal Discovery Volume 1	March 4, 2021	40 items seized from Mr. Munchel's cell phone
Informal Discovery Volume 2	March 9, 2021	147 search warrant photos
Image of Munchel's cell phone (offered to both counsel and provided to Federal Defenders Office)	March 29, 2021	1 image of cell phone seized from Mr. Munchel
Informal Discovery Volume 3	April 7, 2021	73 items
Fast Track Discovery Volume 1	May 24, 2021	5,461 items
Viewing Letter	July 13, 2021	Regarding 42 physical items
Informal Discovery Volume 4	July 30, 2021	88 items
Fast Track Discovery Volume 2	<i>In Production</i>	<i>Approximately 74 items</i>

Fast Track Discovery Volume 3	<i>In Production</i>	Will include January 5, 2021 BWC, TIES media objects, and comprehensive TIES reports
Informal Discovery Volume 5	August 21, 2021	Contains January 5, 2021 BWC, Apple records, Apple search warrant materials, and media objects from FBI TIES/TTK reports.

The materials are provided to you pursuant to the protective order entered in this case, ECF No. 68.

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. As always, if you have any questions, please feel free to contact me.

Sincerely,

/s/ Leslie A. Goemaat
Leslie A. Goemaat
Assistant United States Attorney

Enclosure(s)

Cc: Shirley Lewis, Federal Defender's Office
Justin Sher, DOJ, National Security Section