

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

**UNITED STATES OF AMERICA** : **No.: 21-CR-207 (TNM)**  
:   
:   
**v.** :   
:   
**MATTHEW COUNCIL** :   
:

**NOTICE OF FILING**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files the discovery letter, dated April 5, 2021 in this case, which was served as an attachment via the Court's Electronic Filing System on counsel for the Defendant.

Respectfully submitted,

CHANNING D. PHILLIPS  
Acting United States Attorney

By:           /s/ Vivien Cockburn            
VIVIEN COCKBURN  
Assistant United States Attorney  
U.S. Attorney's Office  
555 4th Street, NW  
Washington, DC 20530  
(202) 252-7245  
Vivien.cockburn@usdoj.gov

**Certificate of Service**

I hereby certify that I caused a copy of the Notice of Filing and attached Discovery Letter (without attachments) to be served upon defendant's counsel via the Court's Electronic Filing System, and Notice of Filing and attached Discovery Letter (with attachments) via email and/or USAfx on April 5, 2021.

          /s/ Vivien Cockburn            
VIVIEN COCKBURN  
Assistant United States Attorney



U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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

April 5, 2021

Joanne Slaight  
717 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

Re: ***United States v. Matthew Council***  
***Case No. 21-cr-207 (TNM)***

Dear Counsel:

Please find enclosed preliminary discovery in the above-captioned case.

**I. Plea Offer**

There is no plea offer at this time.

**II. Discovery**

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

**Documents/Videos**

- Cobalt report (16 pages)(redacted)
- Gerstein (1 page)
- State of Florida Driver and Vehicle Information (1 page)
- Criminal history report (3 pages)
- Notice to Appear in Court (1 page)
- USDC Middle District of Florida Order of release (6 pages)
- Photographs:
  - Getty photographs (x4)
- Council's statement:
  - 302 report (1 page)
  - SA Brett Lindsey handwritten notes (1 page)
  - *Miranda* warnings (1 page)
- Videos:
  - MPD body-worn camera:
    - Ofc. Sean McCloskey (x1)

- Capitol building video-surveillance: ***The enclosed video-surveillance footage is designated as “Highly Sensitive,” and is subject to the conditions set forth in the signed protective order, dated April 1, 2021, for “Sensitive” and “Highly Sensitive” materials. Please provide a copy of your client’s signed Attachment A form to the government.***
  - Senate Door (x1)
  - West Stairs S (x1)
  - North Door Appointment Desk

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.

### **III. Government’s Discovery Requests**

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.

### **IV. Other information:**

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.

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.

Sincerely,  
CHANNING D. PHILLIPS  
Acting United States Attorney

/s/Vivien Cockburn  
Vivien Cockburn  
Assistant United States Attorney