

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA	:	No.: 21-mj-602 (RMM)
	:	
v.	:	
	:	
MICHAEL ECKERMAN,	:	
Defendant.	:	
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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 its September 24, 2021 discovery letter, memorializing discovery sent September 21 and September 24, 2021, which is served as an attachment via ECF on counsel for the Defendant.

Respectfully submitted,

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

By: /s/ Mona Lee M. Furst
MONA LEE M. FURST
Assistant United States Attorney
Detailee – Federal Major Crimes
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CERTIFICATE OF SERVICE

On this 24th day of September, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court’s Electronic Filing System.

/s/Mona Lee M. Furst
Mona Lee M. Furst
Assistant United States Attorney



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*

September 24, 2021

Richard S. Stern
Attorney at Law
932 Hungerford Drive #37A
Rockville, MD 20850

Re: *United States v. Michael Eckerman*
Case No. 21-mj-602-RMM

Dear Counsel:

This is to memorialize the following discovery 1 and 2 provided September 21 (via email) and September 24, 2021 (via USAFX):

Provided September 21, 2021 via email:

Complaint, SOF, Penalty sheet and links local news stories and Twitter.

Provided September 24, 2021 via USAfx:

USCP OPR reports
Link to obituary of Ben Mires

Search warrant, application and affidavit for premises and devices (all redacted) and the return with M & O to unseal

Serial 1 Case opening
1A-02 criminal history and DL photo
1A_03 Comprehensive Report

Serial 3 is 302 re TTK review and Public tip.
1A_01 is tip – pix of D. in front of GW portrait.

Serial 4 - 302 about defendant's attorney calling Agent.

Serial 5 – Contact with Eckerman.

1A_02 is physical written notes of contact
1A_03 DL print out

Serial 6- 302 – May 4, 2021 Agent called defendant’s attorney.

Serial 7 – 302 check of KS DOL for employment.
1A_01 DOL printout

Serial 8 – 302 re locating the tipster’s picture of defendant in the Capitol in the Rayburn Reception room by GW portrait

1A_01 to 1A_03: opensource pictures of Rayburn Reception room

Serial 9 – 302 documenting and describing hits from facial recognition

1A_01 and _03: opensource picture Rayburn Reception room

1A_02: FB picture

1A_04: pix of def in front of GW portrait

Serial 10 - 302 of ID assistance from Architect of Capitol

Serial 11 - 302 requesting CCTV

Serial 12 - 302 of help from WFO

Serial 14 - 302 documenting receiving Copies of Capitol footage

Serial 15 – 302 of receiving the disk from WFO with video

Serial 17 – 302 of USCP sending disk with CCTV to SA

Serial 19 - 302 of receiving link to download the axon BWC footage.

Serial 20 – 302 re 2 disks to put into evidence

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 discovery 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 when a Protective Order has been entered.

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. If you have any questions, please feel free to contact me.

Sincerely,

/s/ *Mona Lee M. Furst*

Mona Lee M. Furst

Assistant United States Attorney

Enclosure(s)