

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

UNITED STATES OF AMERICA	:	Case No. 21-CR-108 (TSC)
	:	
	:	
v.	:	
	:	
MICHAEL JOSEPH FOY,	:	
Defendant.	:	

NOTICE OF FILING

The United States, by and through its attorney, the United States Attorney for the District of Columbia, respectfully gives notice that undersigned counsel for the government has provided counsel for the defendant discovery in the above-mentioned case as outlined in the government's attached discovery letter dated April 7, 2021.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Emory V. Cole
EMORY V. COLE
Assistant United States Attorney
PA. Bar Number 49136
555 Fourth Street, N.W.
Washington, D.C. 20530
(202) 252-7692
Emory.Cole@usdoj.gov

CERTIFICATE OF SERVICE

On April 7, 2021, a copy of the foregoing notice and attached discovery letter were served on defendant's counsel through the Court's Electronic Filing System with the listed attachments provided to counsel through the means described in the discovery letter.

/s/ Emory V. Cole
Emory V. Cole
Assistant United States Attorney

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Assistant United States Attorney



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

April 7, 2021

By USAfx and Email

Eugene Ohm
Federal Public Defender
for the District of Columbia
625 Indiana Avenue, NW
Suite 550
Washington, DC 20004
(202) 208-7500
eugene_ohm@fd.org
Counsel for Defendant

Re: *United States v. Michael Joseph Foy*
Criminal No.: 21-CR-108 (TSC)

Dear Counsel:

This discovery letter concerns the above-referenced case. Among other things, this letter memorializes ongoing discovery that has been provided to you in the above-referenced matter. By now, you are connected to the USA File Exchange (“USAfx” or “the Box”). As you are aware, there is a case-folder labeled, “Michael Joseph Foy” and you and your paralegal have access to this case-folder and are able to download its contents. **Please keep in mind that all of the items placed in the USAfx case-folder will be deleted automatically – some in as few as 30 days or less. It is therefore imperative that you download all discovery as soon as possible.**

I. Discovery

A. Documents and Digital Files:

Discovery in the above mentioned case has been uploaded to to the USA File Exchange (“USAfx” or “the Box”) titled “Michael Joseph Foy” **Please keep in mind that all of the items placed in the USAfx case-folder will be deleted automatically – some in as few as 30 days or less. It is therefore imperative that you download all discovery as soon as possible.**

<i>Platform</i>	<i>Quantity</i>	<i>Description</i>	<i>Production Date</i>
USAfx	15 photos	Photos <ul style="list-style-type: none"> • Article.FoyPix.png • In_building.jpg • In_building.PNG • Photo 1.jpg • Photo 2.jpg • Photo 3.JPG • Photo 4.JPG • Photo 5.JPG • Photo 6.JPG • Photo 7.JPG • Photo 8.JPG • Photo 9.JPG • TwitterCompilation.jpg • TwitterCompilation.png • WashingtonMonument.jpg 	2021-04-07
USAfx	9 videos	<ul style="list-style-type: none"> • Batko, Matthew <ul style="list-style-type: none"> ○ Ofc_Powell_stuck_by_pole-FBI_Investigation.mp4 • Powell, Divonnie <ul style="list-style-type: none"> ○ 20210106-RIOTOUS_ACTS-US_CAPITOL_COMPLEX-2.mp4 ○ 20210106-RIOTOUS_ACTS-US_CAPITOL_COMPLEX.mp4 ○ 20210106-RIOTOUS_ACTS-US_CAPITOL_COMPLEX.mp4 • 91086_1_10vid-copbeating-top_wg_720p.mp4 • Clip 1.mp4 • Clip 2.mp4 • Clip 3.mp4 • Video showing defendant swinging hockey stick.mp4 	2021-04-07

Please be advised that we anticipate providing additional discovery in this case.

B. Government's Discovery Requests

The government hereby makes a reverse discovery request pursuant to Fed. R. Crim. P. 16(b), including, but not limited to the following:

(1) notice of documents and tangible objects the defendant expects to introduce;

- (2) a Jencks request for all prior statements of any defense witness (excluding the defendant);
- (3) a Lewis request (for which we request the name, date of birth, sex, and social security number of each defense witness prior to trial); and
- (4) a request for information pertaining to any expert or scientific testimony or evidence.

Pursuant to Fed. R. Crim. P. 16, we note our continuing request to receive any material pursuant to Rule 16(b) as the case proceeds.

II. Contact Information

If you have any questions about the information provided above, you may contact me by telephone, fax, or mail; as provided below.

Emory V. Cole
Assistant United States Attorney
United States Attorney's Office
for the District of Columbia
555 Fourth Street, N.W.
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Respectfully,

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