

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

UNITED STATES OF AMERICA

v.

MICHAEL JOSEPH RUSYN,

Defendant.

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Case No. 1:21-cr-00303 (ABJ)

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 June 3, 2021 discovery letter in this case, which was served as an attachment via ECF on counsel for the defendant.

Respectfully submitted,

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

By:

/s/

MICHAEL J. ROMANO
Trial Attorney, Detailee
IL Bar No. 6293658
555 4th Street, N.W.
Washington, D.C. 20530
202-307-6691
michael.romano@usdoj.gov

CERTIFICATE OF SERVICE

On this 3rd day of June, 2021, a copy of the foregoing was served on counsel for the defendant via the court's Electronic Filing System

/s/ Michael J. Romano
Michael J. Romano
Trial Attorney / Detailee



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*

June 3, 2021

Andrea Dechenne Bergman, Esq.
Assistant Federal Public Defender
Office of the Federal Public Defender
22 S. Clinton Avenue
Station Plaza #4, Bldg. #4
Trenton, NJ 08609

Re: *United States v. Michael Joseph Rusyn*
Case No. 1:21-cr-00303

Dear Counsel:

I am writing to memorialize production of discovery in this matter. On April 26, 2021, the government provided you with preliminary discovery, consisting of the items summarized below. All of these were provided by way of USAfx, in a folder titled *US v. Michael Rusyn - Discovery*.

- File folder named *Warrants*. This folder included a total of five files:

File Name
SW – Phone.pdf
Signed_Arrest_Warrant_Rusyn.pdf
SIGNED Order Motion to Seal Complaint.automatic unsealing upon arrest Rusyn.pdf
SIGNED Arrest Warrant- Rusyn.pdf
SIGNED 21-mj-361 Redacted Complaint – Rusyn

- File folder named *Video and Screenshots from John Sullivan YouTube*. This folder included a total of eight files:

File Name

Video from YouTube (John Sullivan).mp4
RusynAppearances.txt
31min22sec.png
28min32sec.png
28min27sec.png
22min58sec.png
20min01sec.png
19min32sec.png

- File folder named *Records Produced Per Subpoena*. This folder included three subfolders, for Frontier Communications (1 file), Facebook (6 files), and AT&T (2 files).
- File folder named *Facebook Screenshots*. This folder included a total of nine files:

File Name
Screenshot_20210107-113840_Facebook.jpg
Screenshot_20210107-113845_Facebook.jpg
Screenshot_20210107-113833_Facebook.jpg
Screenshot_20210107-113813_Facebook.jpg
Screenshot_20210107-113811_Facebook.jpg
Screenshot_20210107-113738_Facebook.jpg
Screenshot_20210107-113633_Facebook.jpg
Screenshot_20210107-113628_Facebook.jpg
Screenshot_20210107-113623_Facebook.jpg

- File folder named *Defendant's Interview*. This folder included a total of nine files:

File Name
0176-PH-3376204_0000012.pdf
0176-PH-3376204_0000012_1A0000001_0000001.pdf

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.

This material is subject to the terms of the Protective Order to which the parties have agreed, and which your client has signed.

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/ Michael J. Romano

Michael J. Romano

Trial Attorney / Detailee