

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PAMELA ANNE HEMPHILL,

Defendant.

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Case No.: 21-CR-555-RCL

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 17, 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
D.C. Bar No. 415793

By: /s/ Katherine Niesl
KATHERINE NIELSEN
Trial Attorney, Detailee
United States Attorney's Office
District of Columbia
D.C. Bar No. 491879
555 4th Street, N.W.
Washington, D.C. 20530
Telephone: (202) 355-5736
Email: Katherine.Nielsen@usdoj.gov

CERTIFICATE OF SERVICE

On this 17th day of September, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Katherine Nielsen

Katherine Nielsen

Trial Attorney

Detailer



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 17, 2021

Via email

Nathan I. Silver, Esq.
6300 Orchid Drive
Bethesda, MD 20817
nisquire@aol.com

Re: *United States v. Pamela Anne Hemphill*
Case No. 21-CR-555

Dear Counsel:

I will be sharing a production of preliminary discovery in this case using the government's USAfx File Exchange System in the next few days. Although you may review the entire discovery on the shared drive, in order to retain access to the discovery, you must download it immediately. Once all uploaded materials are available for download, I will alert you via email. If you have any questions regarding the provided discovery or are missing something, feel free to call or email me. Please note that this discovery does not include protective-order materials.

This production of preliminary discovery contains the following files:

- 266T-SU-3368207_0000008_1A0000005_0000001(FB image).jpg
- 266T-SU-3368207_0000014_1A0000237_0000004.jpg
- 266T-SU-3368207_0000015_1A0000053_0000003.jpg
- 266T-SU-3368207_0000016_1A0005332_0000001(image).jpg
- 266T-SU-3368207_0000028_1A0010333_0000001(image).jpg
- 266T-SU-3368207_0000031_1A0000016_0000003.wmv
- 266T-SU-3368207_0000046_1A0000021_0000001 (image).jpg
- 266T-SU-3368207_0000050_1A0000485_0000001.PNG
- Facebook - Pam Hemphill 1.pdf
- Facebook - Pam Hemphill 2.pdf
- Facebook - Pam Hemphill 3.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.

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.

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/ Katherine Nielsen

KATHERINE NIELSEN

Trial Attorney, Detailee

United States Attorney's Office

District of Columbia

555 4th Street, N.W.

Washington, D.C. 20530

Telephone: (202) 355-5736

Email: Katherine.Nielsen@usdoj.gov