

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

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-cr-046 (RDM)
v.	:	
	:	
PATRICK MONTGOMERY,	:	
	:	
Defendant.	:	

NOTICE OF FILING

The government requests that the attached discovery letter, dated July 6, 2021, be made part of the record in this case.

Respectfully submitted,

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

By: *Elizabeth Kelley*
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Assistant United States Attorney
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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*

July 6, 2021

Dani Jahn, Esq.
Federal Public Defender for the District of Columbia
625 Indiana Ave., N.W., Suite 550
Washington, DC 20004

Re: *United States v. Patrick Montgomery*
Case Number: 21-cr-046

Dear Ms. Jahn:

This letter is notify you of discovery that has been produced via the USAFx folder labeled, "DISCOVERY: Patrick Montgomery." The new items are provided in a sub-folder labeled, "FAST-TRACK Discovery_07.06.2021."

Summary of Materials Provided. The materials provided are Bates stamped CAP04_000013878 to CAP04_000015370, as documented in the enclosed index.

Manner of Production. Please be sure to download the entire USAFx folder, including all subfolders and files contained within the subfolders exactly as it was provided **immediately** upon receipt to your own storage media. The USAFx materials will be deleted automatically in 60 days.

This production contains the following:

- A "PDF" folder containing the discovery in searchable PDF format.
- A "NATIVE" folder of documents that cannot be converted to PDFs such as audio/video recordings. Files that could not be converted to PDF will have a "placeholder" in the "PDF" folder that references the native file. You will find the referenced file by navigating to the corresponding Bates number in the NATIVE folder.
- An index of the production, provided in both Excel and Adobe PDF formats.

If you would like this production in load files for creating a document review database (e.g., Relativity) please let me know and we will provide load files.

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.

Technical Assistance. Assistant Federal Public Defenders with technical discovery questions or those who are in need of assistance managing the discovery in this case can contact Kelly Scribner (kelly_scribner@fd.org) with the Defender Services Office - National Litigation Support Team.

Voluminous Materials. 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, body worn camera footage, 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 of any specific information that you believe is particularly relevant to your client.

Protective Order. This material is subject to the terms of the Protective Order issued in this case. *Certain materials are designated Sensitive or Highly Sensitive and these designations are clearly noted on the provided index.*

Timing of Disclosures. 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.

Reciprocal Discovery. 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 the defendant disclose prior statements of any witnesses the defendant 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 with materials relating to government witnesses.

Notice of Defenses. Additionally, pursuant to Federal Rules of Criminal Procedure 12.1, 12.2, and 12.3, I request that defendant provides the government with the appropriate written notice if defendant 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/ Elizabeth Kelley
ELIZABETH KELLEY
Assistant United States Attorney