



CERTIFICATE OF SERVICE

I certify that a copy of the Government's Notice of Discovery was served on all counsel of record via the Court's electronic filing service.

/s/ Colleen D. Kukowski  
COLLEEN D. KUKOWSKI  
Assistant United States Attorney

Date: August 11, 2021



U.S. Department of Justice

Channing D. Phillips  
Acting United States Attorney

*District of Columbia*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

August 11, 2021

*VIA Email and USAfx*

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Re: *United States v. Sabol et al*  
Case No. 21-CR-35 (EGS)

Dear Counsel:

We are writing to provide you with preliminary discovery in this case through USAFx. This material is subject to the terms of the Protective Order issued in this case. 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.

The files discussed below are available for download on USAfx in a folder entitled "8.11.21 Discovery," available at: <https://usafx.box.com/s/suulcbuinc4nhzcgwipn47hsyjs58egg>

Grand Jury Materials

We are providing you with the following Grand Jury Materials:

- 2021-01-29\_Sabol, et al. (Jason Coe)\_GJ Transcript.pdf (1/29/21 Transcript, 24 pages)
- Sabol\_Moran 3.10.21 Kukowski.pdf (3/10/21 Transcript, 22 pages)
- Exhibits 1 – 8 (8 files)

Additional Officer Interviews

We are providing you with additional statements from Officers B.M. and C.M.:

- 089B-WF-3378028\_0000005\_REDACTED.pdf (Interview of Officer B.M., 1 page)
- 089B-WF-3378028\_0000005\_REDACTED.pdf (Interview of Officer C.M. from another Lower West Terrace Investigation, 2 pages).

Materials Relevant to Defendant Jeffrey Sabol

We are in receipt of Defendant Jeffrey Sabol's discovery letter dated July 21, 2021. We are collecting and disclosing materials that are responsive to the requests in that letter, and that are otherwise relevant to Defendant Sabol's actions on January 6, 2021. Out of an abundance of caution, we are making this material accessible to all defendants so that you can analyze whether they might be relevant to your defense.

*Requests from July 21, 2021 Discovery Letter*

In Mr. Sabol's discovery letter dated July 21, 2021, he requested the following materials: (1) All Body Worn Camera (BWC) from Officer B.M. on the day of January 6, 2021; (2) All Body Worn Camera (BWC) from Officer M.F. on the day of January 6, 2021, specifically beginning at 3:10 p.m.; and (3) All video recordings the Department of Justice has in their possession, that they received from CNN and NBC, from January 6, 2021 in Washington D.C.

As discussed in files 089B-WF-3378028\_0000005\_REDACTED.pdf (Interview of Officer B.M., 1 page) (disclosed above) and r\_089B-WF-3376964\_0000002.pdf (Interview of Officer B.M., 3 pages) (disclosed on 7/12/21), Officer B.M.'s body worn camera was stolen from him on January 6, 2021 and was not recovered. Accordingly, there is no body worn camera footage from Officer B.M.

With respect to Officer M.F.'s body worn camera beginning at 3:10 pm, we are providing you with the file below:

- M.F. - 20210106-ROBBERY\_APO-U\_S\_\_CAPITOL\_GROUNDS-.mp4 (Video begins at 3:02:43)

Please note that on May 13, 2021, we provided you with a body worn camera file from M.F. that began at 3:18:39 pm. There are no other body worn camera files for Officer M.F. on January 6, 2021.

We will respond to your request for “all video recordings the Department of Justice has in their possession, that they received from CNN and NBC” in due course.

#### *West Plaza Body Worn Camera*

The government has located body worn camera from MPD officers on the U.S. Capitol’s West Plaza that shows Defendant Sabol’s movements between approximately 2:00pm and 2:45 pm. We are providing you with the 6 files listed below:<sup>1</sup>

- S.C.B. BWC (beginning at 13:19:34)
- M.T. BWC (beginning at 13:44:30)
- H.F. BWC (beginning at 13:27:50)
- R.R. BWC (beginning at 13:09:23)
- J.M. BWC (beginning at 13:00:59)
- N.R. BWC (beginning at 13:27:44)
- 36 screenshots from the above listed BWC files

#### *Open Source Materials*

The video located at [https://www.youtube.com/watch?v=OsP\\_SFMEeOw](https://www.youtube.com/watch?v=OsP_SFMEeOw) shows defendant Jeffrey Sabol charging at a police line on the Western Plaza of the U.S. Capitol building. Defendant Sabol is visible starting at the 05:35 time stamp.

#### *Other Lower West Terrace Video*

Finally, we are providing you with the video file listed below from 2:51 PM - 3:20 PM. This video shows the Lower West Terrace tunnel and crowd. Defendant Sabol is visible starting at the 08:32 time stamp.

- UNBELIEVABLE Footage \_ Trump Supporters Battle Cops Inside the Capitol.mp4

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<sup>1</sup> Please note that this is not an exhaustive list of body worn cameras from officers on the West Plaza. We will provide you with additional relevant footage as we locate it.

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

/s/ Colleen D. Kukowski  
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