

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

UNITED STATES OF AMERICA

v.

**RICHARD MICHETTI,
Defendant**

Case No.: 1:21-cr-00232-CRC

GOVERNMENT'S NOTICE OF DISCOVERY

The United States of America, 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 July 19, 2021.

Respectfully submitted,

CHANNING PHILLIPS
UNITED STATES ATTORNEY
D.C. Bar Number 415793

By: /s// Amy E. Larson

Amy E. Larson
Assistant United States Attorney
New York Bar Number 4108221
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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 19, 2021

Perry de Marco, Sr.
Law Offices of Perry de Marco, Sr
317 South 13th Street
Philadelphia, PA 19107

Re: *United States v. Richard Michetti*
Case No. 1:21-cr-00232-CRC

Dear Counsel:

We have provided, via USAF_x, preliminary discovery in this case that contains the following materials:

- Highly Sensitive (Folder)
- Sensitive (Folder)
- DiscoveryExport_20210629-1452_BAELLIOTT (Folder)
- RPReplay_Final1609990555.mov
- IMG_0870.mov
- IMG_0871.mov
- Capitol Hill Occupy -ovfr18.mp4

There are subfolders in this production labeled “SENSITIVE” and “HIGHLY SENSITIVE.” You must treat these folders consistent with the terms outlined in the Protective Order. As detailed in the Protective Order, as Sensitive and/or Highly Sensitive Material, it must be maintained in your custody and control. While you may show these documents to the defendant, you may not allow the defendant to maintain copies or write down any personal identity information. Furthermore, absent the Court’s permission, you may not include this information in any public filings.

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.

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//Amy E. Larson
Amy E. Larson
Assistant United States Attorney