

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

<hr/>		
UNITED STATES OF AMERICA	:	No.: 21-CR-103 (CJN)
	:	
v.	:	
	:	
ROBERT PACKER,	:	
Defendant.	:	
<hr/>		

**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 March 17, 2021 discovery letter, memorializing discovery sent on February 9<sup>th</sup> and March 15<sup>th</sup>, which is 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/ Mona Lee M. Furst*  
Mona Lee M. Furst  
Assistant United States Attorney  
Detailee – Federal Major Crimes  
United States Attorney’s Office  
District of Columbia  
Cell No. (316) 213-7420  
Kansas Bar Number 13162  
*Mona.Furst@usdoj.gov*

**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of March, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court’s Electronic Filing System.

*/s/Mona Lee M. Furst*  
Mona Lee M. Furst  
Assistant United States Attorney



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*

March 17, 2021

Stephen F. Brennwald  
Brennwald & Robertson, LLP  
VIA E-mail

Re: *United States v. Robert Packer*  
Case No. 21-cr-103-CJN

Dear Counsel:

This is to memorialize the following initial discovery sent you via email on February 9, 2021 by AUSA Molly Gaston:

Serial 1\_Redacted; case initiation  
Serial 4; Serial 4\_1A\_001\_001: report of pulling driver's license and DL photograph  
Serial 5; Serial 5\_1A\_002\_001; \_002\_004: memorializing issuance of criminal complaint and arrest warrant; copy of the complaint and arrest warrant  
Serial 9; Serial 9\_1A\_001\_001 to \_002; photographs of Packer inside and outside Capitol  
Serial 12; Serial 12\_1A\_006\_001: surveillance of house and photograph of house;  
Serial 14; Serial 14\_1A\_007\_001 to \_005: execution of search warrant, evidence log and diagram, evidence receipt and list of items seized;  
Serial 15; Serial 15\_1A\_008\_001 to \_003: surveillance of house and photographs;  
Serial 15; Serial 15\_1A\_009\_001: hand written notes of surveillance  
Executed Arrest Warrant

And, to memorialize discovery set 2, sent you on March 15, 2021 via email:

Serial 11\_1A\_007\_001 Execution and sign in log for search warrant, and notes taken during the execution  
Serial 11\_1A\_007\_003 Receipt for property seized  
Serial 11\_1A\_007\_004 Diagram of house  
Serial 22\_Redacted Report of arrest with voluntary statements by your client  
Serial 22\_1A\_001 Miranda form  
Serial 22\_1A\_002 Notes from brief interview

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.

Additional materials will be provided after the entry of a Protective Order in this case.

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/ *Mona Lee M. Furst*

Mona Lee M. Furst  
Assistant United States Attorney

Enclosure(s)

cc: