

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

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

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 June 25, 2021 discovery letter, memorializing discovery sent on June 15, 21, 22 and 25, 2021, 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
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CERTIFICATE OF SERVICE

On this 25th day of June, 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*

June 25, 2021

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

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

Dear Counsel:

Included with this letter is preliminary discovery 9 sent US mail and via USAFX on June 25, 2021:

US Mail:

1. Physical disk with telephone download
2. Physical disk with photographs from residence search warrant

Instructions to open the telephone download:

When you open the file named "Phone extraction", click on the file named UFED

- 2) Open the file named "CellebriteReader.exe. It is a very large file, so it takes a few minutes to load
- 3) At the Reader Activation screen, click "activate later"
- 4) wait for the "Apple_iPhoneX_A1901" file to load (it also takes a few minutes)
- 5) once that loads you will be able to read the reports and see the information extracted from phone.

Via USAFX

3. Interview Notes 1 and 2 (redacted);
4. Packer SW logs (redacted)
5. Serial 34 – 302 marking defendant's arrest
6. Serial 35 – 302 listing items seized in search warrant of residence
7. Serial 36 – 302 marking collection of download onto blu ray disk downloads
8. Serial 37 - 302 marking collection of download onto blu ray disk download

Previously provided via email, as preliminary discovery 6 on June 15, 2021:

1. Youtube link - in Statuary Hall hallway going into the House area;
2. 5 screen shots from Capitol Police surveillance footage

Previously provided via email, as preliminary discovery 7 on June 21, 2021:

1. Youtube link to video - near the Speaker Lobby doors;
2. JaydenX video - walking in hallway and toward Speaker Lobby doors.

Previously provided via email and USAFX, as preliminary discovery 8 on June 22, 2021:

1. Youtube link to video - in hallway near other with gas masks and Pelosi sign;
2. Audio of the interview with your client and corresponding 302. (NFK-FO-20210131-RM_138.D. pdf and _D.mp4)

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 are provided now since 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: