

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

<b>UNITED STATES OF AMERICA</b>	:	<b>Criminal No. 21-cr-278 (BAH)</b>
	:	
<b>v.</b>	:	
	:	
<b>ROBERT SCHORNAK and</b>	:	
<b>DANIEL HEREDEEN,</b>	:	
<b>Defendants.</b>	:	
	:	

**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 September 23, 2021, discovery letter in this case, which was served as an attachment via ECF on counsel for the defendants.

Respectfully submitted,

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

By: /s/ Amanda Fretto  
Amanda Fretto  
Assistant United States Attorney  
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(202) 252-7268



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*

September 23, 2021

**BY EMAIL**

Colleen Fitzharris, Esq.  
Counsel for Daniel Herendeen

Eugene Ohm, Esq.  
Counsel for Robert Schornak

Re: *United States v. Schornak and Herendeen*  
Case No. 21-cr-278 (BAH)

Dear Counsel:

The government has produced the following additional materials in the above captioned case.

**(1) Capitol Breach Discovery**

As part of our ongoing discovery production in this case, you (Eugene Ohm on September 13, 2021, and Colleen Fitzharris on September 23, 2021) received an invitation via USAF<sub>x</sub> to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. Officer names, witness names, and complainant names have been redacted. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still on-going, and we will provide reports of those investigations on a rolling basis as they are concluded.

Initially, we did not designate this material as sensitive under the Protective Order entered in this case, however, the government is notifying you to correct the sensitivity designation. It was brought to our attention that we inadvertently omitted a redaction to an

officer's name in the production. If an officer's name is not redacted, and that officer is a subject of or witness to the allegation of misconduct, **we are designating that information highly sensitive under the protective order.** That means that you should not share the unredacted report with your client unsupervised unless you redact it. If you have already shared the files with your client, please ensure that your client knows that the information can only be used consistent with the protective order's rules for handling sensitive materials.

**(2) September 23, 2021 Production – Case-Specific Production #3**

On September 23, 2021, we produced the following additional materials via USAFX that are designated under the Protective Order. **You have received a table of contents via USAFX, which clearly designates each document as either Sensitive or Highly Sensitive under the Protective Order.** These materials were produced within the following folder: "Discovery Production #3". Below is a list of the files produced, however, please see the detailed table of contents for the Sensitivity Designation of each file.

**File Name**

<a href="#">0176-DE-3373739_0000045.pdf</a>
<a href="#">0176-DE-3373739_0000045_1A0000517_0000001.msg</a>
<a href="#">0176-DE-3373739_0000001.pdf</a>
<a href="#">0176-DE-3373739_0000002.pdf</a>
<a href="#">0176-DE-3373739_0000002_Import.pptx</a>
<a href="#">0176-DE-3373739_0000002_1A0000001_0000001.png</a>
<a href="#">0176-DE-3373739_0000003.pdf</a>
<a href="#">0176-DE-3373739_0000003_1A0000002_0000001.pdf</a>
<a href="#">0176-DE-3373739_0000007.pdf</a>
<a href="#">0176-DE-3373739_0000008.pdf</a>
<a href="#">0176-DE-3373739_0000008_1A0000005_0000001.pdf</a>
<a href="#">0176-DE-3373739_0000008_1A0000005_0000002.pdf</a>
<a href="#">0176-DE-3373739_0000009.pdf</a>
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<a href="#">0176-DE-3373739_0000011_1A0000007_0000001.msg</a>
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<a href="#">0176-DE-3373739_0000041_1A0000002_0000001.pdf</a>

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.

This material is subject to the terms of the Protective Order issued 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 will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,

/s/ Amanda Fretto

Amanda Fretto

Assistant United States Attorney