

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

UNITED STATES OF AMERICA

v.

KURT PETERSON,

Defendant.

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Case No. 21-cr-427 (CJN)

NOTICE OF FILING

The government requests that the attached discovery letter, dated June 25, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Alison B. Prout
Alison B. Prout
Georgia Bar No. 141666
Assistant United States Attorney
Detailed to:
United States Attorney's Office
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (202) 252-2641

CERTIFICATE OF SERVICE

On June 25, 2021, a copy of the foregoing notice and attached discovery letter were served on counsel for defendant through the Court's Electronic Filing System and by email with the listed attachments provided to counsel through the means described in the discovery letter.

/s/ Alison B. Prout
Alison B. Prout
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

VIA EMAIL AND USAFX

Laura Wyrosdick
Federal Defender Program
200 Theatre Building
629 Fourth Avenue
Louisville, KY 40202
Laura_Wyrosdick@fd.org

Re: *United States v. Kurt Peterson.*
Case No. 21-cr-427

Dear Ms. Wyrosdick:

Today I have made available to you preliminary discovery via the USAfx portal in a folder named "U.S. v. Kurt Peterson, 21-cr-427." Within that folder is a subfolder named "2021-06-25 Production" that contains the following materials:

- File folder named "302s" that includes 2 files:

File Name	Description
266O-LS-3374791_0000002_Redacted.pdf	FD-302 - Interview of [Redacted]
266O-LS-3374791_0000024.pdf	FD-302 - Arrest of Peterson

- File folder named "Facebook Return" that contains 1 zip file containing one pdf file:

File Name	Description
PetersonFBreturn.7z (containing PetersonFBreturn.pdf)	Facebook Search Warrant Return

- File folder named “Open Source Videos” that contains 2 subfolders. The first subfolder, “Youtube et al. Open-Source Videos” contains 6 files, and the second subfolder, “Additional Open-Source Videos” contains 11 files:

Subfolder 1: “Youtube et al. Open-Source Videos”	Description
1 youtube DHessyWYXqM.wmv	Open Source Videos of Events of January 6, 2021
1-Clip 00.24.37 to 00.24.59.wmv	
2 youtube PfiS8MsfSF4&t=2320s.wmv	
3 youtube P34tO5eaLhg&t=4577s.wmv	
4 ugetube nemos-news-network-exclusive-storming-dc-capitol-jan-6-2021 A2GILld8lraEst4.html.wmv	
5 youtube hvSyF9DVKK4&t=45s.wmv	

Subfolder 2: “Additional Open-Source Videos”	Description
banned-video -- TheResistance.video long.mp4	Open Source Videos of Events of January 6, 2021
FNTV .mp4	
Insurgence USA long -- Full Video Trump Supporters Storming The Capitol.mpv	
JaydenX -- Footage After the Shooting of Ashli Babbitt.mp4	
JaydenX long--Shooting and Storming Of The US Capitol In Washington DC.mp4	
LiveLeak.mp4	
minuta dogman outside from youtube.com watch v=oy6Wyeqvsx0.mp4	
National File -- BREAKING Woman shot DEAD by Capitol Police inside the Capitol Building.mp4	
RMG News long -- Inside the 2021 Storming of the US Capitol.mp4	
RoutzJamaica -- woman shot in DC Capitol Building D1es.mp4	

Washington Post video from shooting story 1-8-2021.mp4	
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- File folder named “Screen Shots” that contains 9 files:

File Name	Description
Screen shot 1.png	Screen shot of window damage
Screen shot 2.png	Screen shot of window damage
Screen shot 3.png	Screen shot of window damage
Screen shot 4.png	Screen shot of window damage
Screen shot 5.png	BWC screen shot in Capitol building
Screen shot 6.png	BWC screen shot in Capitol building
Screen shot 7.png	BWC screen shot in Capitol building
Screen shot 8.png	BWC screen shot in Capitol building
Screen shot 9.png	CCTV screen shot of building exit

- File folder named “Additional Files” that contains 3 files:

File Name	Description
Peterson Custodial Interview (1).WAV ¹	Recorded Interview of Kurt Peterson
Email 1.pdf	Email from Case Agent
Email 2.pdf	Email from Case Agent

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.

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

¹ This file appears to run best when played with Windows Media Player

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/ Alison B. Prout

Alison B. Prout

Assistant United States Attorney