

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

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-00040 (TNM)
v.	:	
	:	
PATRICK E. McCAUGHEYIII et al.,	:	
	:	
	:	
Defendants	:	

NOTICE OF FILING

The government requests that the attached discovery letter, dated August 9, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Melissa Jackson
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U.S. Department of Justice

Channing D. Phillips
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District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

August 9, 2021

VIA USAFX and Email

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Re: *United States v. Patrick McCaughey, Tristan Stevens, Christopher Quaglin, David Judd, Robert Morss, and Geoffrey Sills 21-CR-40 (TNM) - Production 10*

Dear Counsel:

Production 10:

Pursuant to our discovery obligations, we provided the following files via USAfX on August 9, 2021:

- Grand Jury Transcripts and Exhibits from June 16, 2021

(As with all files uploaded to USAfX, they automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)

Note that all these files and their related physical attachments are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

We have indicated whether the files are Sensitive or Highly Sensitive pursuant to the Protective Order in the index and in the corresponding folder on USAfx.

Note that even though a file may be listed as being part of only one of particular defendant's file – each of these cases are inter-related and the evidence is often relevant to all defendants. Please review accordingly.

Upcoming Discovery:

The government anticipates providing another set of BWC footage related to the Lower West Terrace cases within the next few weeks. Again, our understanding is that all of this BWC will be made available once the formal FPD January 6, 2021 discovery platform is online. However, we wanted to provide you what we have identified as being potentially relevant in the meantime.

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.

By: 
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Enclosure(s):
cc:

EXHIBIT A:

PRODUCTION 10 INDEX – GJ files- June 16, 2021

<u>Title</u>	<u>File Name</u>	SENSITIVE	HIGHLY SENSITIVE
Grand Jury Transcript- B.F. – June 16, 2021	2021-R-01008.06-16-21 - B.F.pdf		
Grand Jury Transcript- C.R. – June 16, 2021	2021-R-01008.06-16-21 – C.R.pdf		
GJ Exhibit 33	EX 33.mp4		
GJ Exhibit 34	EX 34.mp4		
GJ Exhibit 35	EX 35.mp4		
GJ Exhibit 36	EX 36.mp4		
GJ Exhibit 37	EX 37- BWC still.jpg		
GJ Exhibit 38A	EX 38A- USCP surv around 257pm.JPG		
GJ Exhibit 38B	EX 38A- USCP surv around 301pm.JPG		
GJ Exhibit 39	EX 39.mp4		
GJ Exhibit 40	EX 40.mp4		X
GJ Exhibit 41	ex 41.mp4		X
GJ Exhibit 42	EX 42-5b_lpJf42ss.mp4		
GJ Exhibit 43	EX 43- USCP surv around 310pm.JPG		
GJ Exhibit 41	EX 44.mp4		X
GJ Exhibit 45	EX 45.jpg		
GJ Exhibit 46	EX 46.jpg		
GJ Exhibit 47	EX 47.jpg		
GJ Exhibit 48	EX 48.jpg		
GJ Exhibit 49	EX 49.jpg		
GJ Exhibit 50	EX 50.jpg		
GJ Exhibit 51	EX 51.png		
GJ Exhibit 52A	EX 52A.jpg		
GJ Exhibit 52B	EX 52B.mp4		
GJ Exhibit 52C	EX 52C.jpg		
GJ Exhibit 53	EX 53.mp4		
GJ Exhibit 54	EX 54.jpg		
GJ Exhibit 55	EX 55.jpg		
GJ Exhibit 56B	EX 56B.jpg		
GJ Exhibit 56C	EX 56C.jpg		
GJ Exhibit 56	EX 56-EX 56-QfEjzABHqeY.mp4		
GJ Exhibit 57	EX 57.mp4		
GJ Exhibit 58	EX 58.jpg		

<u>Title</u>	<u>File Name</u>	SENSITIVE	HIGHLY SENSITIVE
GJ Exhibit 59	EX 59.jpg		
GJ Exhibit 60	EX 60.jpg		
GJ Exhibit 61	EX 61.mp4		
GJ Exhibit 61A	EX 61A.jpg		
GJ Exhibit 61B	EX 61B.jpg		
GJ Exhibit 61C	EX 61C.jpg		
GJ Exhibit 62	EX 62-0074 LWT Door -249.asf		X
GJ Exhibit 63	EX 63.mp4		