

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-cr-338-TFH
	:	
v.	:	
	:	
DOVID SCHWARTZBERG,	:	
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 7, 2021 discovery letter, memorializing discovery sent on this same day, which is served as an attachment via ECF on counsel for Defendant.

Respectfully submitted,

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

By: *s/ Monica A. Stump*
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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 7, 2021

VIA EMAIL

Steven Yurowitz
Newman & Greenberg LLP

Re: *United States v. Schwartzberg*
Case No. 21-cr-338-TFH
Letter No. 1

Dear Mr. Yurowitz:

This is to memorialize the following preliminary discovery sent you **on June 2, 2021, June 6, 2021, and June 7, 2021**, via USAFX which contained the following materials:

Serial 2 and Serial 2_1A_01: Report of interview of N. Schwartzberg and notes
Serial 3, 1A_02-1 through 3, 1A_03_1 through 4, 1A_04_01 through 4: Report of interview of D. Schwartzberg, notes, screenshots and videos of Schwartzberg and others on social media at the Capitol, receipt of property, and consent to search
Serial 4 and 1A_05_01: Seizure of Cell phone and property receipt
Serial 8_1A_06_01 and 1A_07_01: Passport and Driver's license photographs of D. Schwartzberg
Serial 9: Search Warrant of Cell phone
Serial 12 and 1A_11_01: Interview of S. Yurowitz and notes
Serial 13_1A_066_01 through _06: D. Schwartzberg driver's license photograph and photographs of house
Serial 14 and 1A_012_01 through 05: Arrest warrant, Statement of facts, and complaint documents
Serial 16 and 1A_013_01 through 05: Arrest of D. Schwartzberg and arrest forms
Serial 17 and 1A_013_01: Image of D. Schwartzberg
Serial 18: Device Extraction
Screen shot 2021-01-21 at 2.20.19 PM: D. Schwartzberg
Screen-shot_of_Capitol_Video: D. Schwartzberg
Serial 1 GJ and 1A_140_01 and 03 SENSITIVE: Records from Dropbox and declaration

Serial 2 GJ and 1A_116_01 and 03 through 05 SENSITIVE: Records from Instagram
Serial 3 GJ and 1A_139_01 through 02 and 04 SENSITIVE: Records from Google
Serial 4 GJ and 1A_01_01, 03 through 06, and 08 through 11 SENSITIVE: Records from
T-Mobile

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.

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 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/ Monica A. Stump

Monica A. Stump
Assistant United States Attorney

Enclosure(s)