

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

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<b>UNITED STATES OF AMERICA</b>	:	<b>No.: 21-CR-197 DLF</b>
	:	
<b>v.</b>	:	
	:	
<b>JACKSON KOSTOLSKY,</b>	:	
<b>Defendant.</b>	:	
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**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 March 17, 2021 discovery letter, memorializing discovery sent on March 16th, which is served as attachments 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  
United States Attorney’s Office  
District of Columbia  
Cell No. (316) 213-7420  
Kansas Bar Number 13162  
Mona.Furst@usdoj.gov

**CERTIFICATE OF SERVICE**

On this 17<sup>th</sup> day of March, 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*

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

March 17, 2021

Dani Jahn  
Assistant Federal Public Defendant  
VIA E-mail

Re: *United States v. Jackson Kostolsky*  
Case No. 21-CR-197 DLF

Dear Counsel:

This is to memorialize initial discovery sent to you via one email on March 16, 2021, that contained the following materials:

Serial 7- 1A\_001 Criminal History  
Serial 7-1A\_002 Driver's License  
Serial 7-1A\_007 Firearm Purchases  
Serial 9 Execution of cell phone Search Warrant\_redacted  
Serial 11 Execution of cell phone Search Warrant\_redacted  
Serial 11\_1A\_008\_001 Receipt for cell phone

A second set was delivered via USAFX on March 16, 2021 that contained the following materials:

Serial 10\_1A\_007\_0016 through \_0027 Photographs from your client's cell phone taken pursuant to the search warrant  
New York Times photograph depicting your client, and accompanying article.

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 will be provided after 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: