

CERTIFICATE OF SERVICE

On this 19th day of April, 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Hava Mirell
Hava Mirell
Assistant United States Attorney
Detailee



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*

April 19, 2021

VIA E-MAIL

David Bos
Assistant Federal Public Defender
625 Indiana Ave, NW
Suite 550
Washington, D.C. 20004

Re: *United States v. Michael Sparks*
Case No. 21-cr-87 (TJK)

Dear Counsel:

I will be sharing preliminary discovery in this case using the government's USAfx File Exchange System. Although you may review the entire discovery on the shared drive, in order to retain access to the discovery, you must download it immediately. Once all uploaded materials are available for download, I will alert you via email. If you have any questions regarding the provided discovery or are missing something, feel free to call or email me. Please note that additional materials will be provided after the entry of a Protective Order in this case. The preliminary discovery available to you via USAfx contains the following materials:

- Case File 266T-LS-3367835 Serial Nos. 1-11 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 13-22 and all attachments except for the attachments to Serial No. 22.
- Case File 266T-LS-3367835 Serial Nos. 23-36 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 38-39 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 41-45 and all attachments except for attachment 7 to Serial No. 45.
- Case File 266T-LS-3367835 Serial Nos. 46-50 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 53-54 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 56-63 and all attachments.
- Case File 266T-LS-3367835 Serial Nos. 65-73 and all attachments.

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 also 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.

Sincerely,



HAVA MIRELL
Assistant United States Attorney