

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 July 12, 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*
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*

July 12, 2021

VIA EMAIL

Steven Yurowitz
Newman & Greenberg LLP

Re: *United States v. Schwartzberg*
Case No. 21-cr-338-TFH
Letter No. 2

Dear Mr. Yurowitz:

This is to memorialize the following preliminary discovery sent you on **June 9, 2021, June 14, 2021, June 17, 2021, June 23, 2021, and July 3, 2021**, via USAFX which contained the following materials:

Security footage 01 Crypt North and 01 Memorial Door HIGHLY SENSITIVE
Surveillance Report -- Serial FIS 2
Surveillance Report and Log -- Serial FIS 3 and FIS 3_1A_02_01
Search Warrant of Schwartzberg's cell phone -- Serial 09_1A_08_01
Surveillance Request -- Serial 13 and 1A_67_01
Report identifying security footage -- Serial 19 HIGHLY SENSITIVE
Report of tower query -- Serial 20 HIGHLY SENSITIVE
Report identifying YouTube video -- Serial 21
Report of Information from Schwartzberg during interview -- Serial 22
Security footage Report -- Serial 23 and 23_1A_015_01 HIGHLY SENSITIVE
Report reidentifying an attachment -- Serial 24

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)