

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

UNITED STATES OF AMERICA

v.

RICKY C. WILLDEN

Defendant.

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Case No. 21-CR-423

NOTICE OF LETTER PROVIDED TO DEFENSE COUNSEL

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby gives notice that the United States gave to counsel of record in the above-captioned case via USAfx file exchange and via email the discovery listed in the attached letter on the dates set forth in the letter. The government requests that the attached discovery letter, dated August 18, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Angela N. Buckner
Angela N. Buckner
DC Bar #1022880
Assistant United States Attorney
United States Attorney's Office
555 Fourth Street, N.W.
Washington, DC 20530
Phone: (202) 252-2656

CERTIFICATE OF SERVICE

On August 18, 2021, a copy of the foregoing notice and attached discovery letter were served on defendants' counsel through the Court's Electronic Filing System with the listed attachments provided to counsel through the means described in the discovery letter.

/s/ Angela N. Buckner_____
Angela N. Buckner
Assistant United States Attorney



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*

August 18, 2021

By e-mail

Matthew Lemke, Esq.
Matthew.Lemke@fd.org

Re: *Ricky C. Willden*
Preliminary Discovery for Case Number 21-cr-423

Dear Counsel:

I have uploaded preliminary discovery to USAfx. As we receive and review additional discovery, it will be uploaded to USAfx. When our investigation and review is complete, I will provide a more formal, bates stamped production which will include items such as serialized 302s and responsive search warrants returns.

For now, I have included below most (if not all) of the warrant affidavits we have sought thus far so that you have an idea of the universe of discovery. Because the search warrant returns belong to your client, you will receive a full copy.

To protect identities and privacy, I have redacted the following: day and month of birthdays, street addresses, names of witnesses and tipsters.

Additionally, where the documents involve sensitive internal FBI databases, such as documentation involving "TTK" and/or "FACES" (facial recognition) searches, I have marked those items "highly sensitive" (**[HS]**).

If you have any questions, issues, or concerns with how I've marked (or not marked) documents, please let me know and I'm happy to revisit.

On or about August 18, 2021, the following items were uploaded to USAfx:

Facebook Search Warrant	Search Warrant, Application, and Affidavit (48 pages) Sealing Order (11 pages)
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On or about August 16, 2021, the following items were uploaded to USAfx:

Serial 37	Surveillance (2 pages)
Serial 38	Employment records request (1 page)
Serial 39	Surveillance (4 pages) Attachments: Written notes (2 pages) Two .zip files of photos (59 total)
Serial 40	TTK Tip (2 pages) [HSI] Attachment: TTK report (4 pages) [HSI]
Serial 41	Facebook preservation request (1 page) Attachment: Email of response
Serial 44	Surveillance (1 page)
Serial 45	Witness interview (1 page) Attachment: PowerPoint of Photos (6 slides)
Serial 46	Witness interview (1 page) Attachments: Two PDF documents with embedded photos (6 pages)
Serial 47	Facebook warrant executed (1 page)
Serial 48	Police called (1 page)

Serial 49	Facebook records received (1 page)
Serial 51	Surveillance (1 page)
Serial 52	Surveillance (2 pages)
	Attachments: Photos (7) Written Notes (1 page)
Serial 53	Surveillance (2 pages)
	Attachments: Written Notes (1 page)
Serial 54	Anonymous tip (1 page)
Serial 55	Criminal history check (1 page)
	Attachment: Criminal history (22 pages)
Serial 57	Review of A.W. Facebook Account (1 page)
	Attachments: Facebook Account – PDF (123 pages) Videos (5) Photos (14)
Serial 58	Review of Willden Facebook Account (1 page)
	Attachments: Facebook Account – PDF (54 pages) Photo (1)
Serial 59	Surveillance (1 page)
Serial 60	Criminal history checks (1 page)
	Attachments: A.W. Criminal History (9 pages) C.W. Criminal History (6 pages)
Serial 61	Surveillance (1 page)

Serial 62	Surveillance (1 page) Attachment: Written notes (1 page)
Serial 65	Preservation letter to Instagram (1 page)
Serial 67	Surveillance (2 pages) Attachment: Written notes (1 page)
Serial 68	Surveillance (2 pages) Attachment: Written notes (1 page)
Serial 69	Surveillance (1 page) Attachments: Photos (25)
Serial 70	Police reports (1 page) Attachment: Police reports (40 pages)
Serial 71	Surveillance (1 page)
Serial 72	R41 Search Warrants obtained (2 pages)
Serial 73	Surveillance (1 page)
Serial 74	Arrest Warrant obtained (4 pages) Attachments: Arrest warrant (2 pages), criminal history (25 pages), and entry into NCIC (1 page)
Serial 75	Search warrants executed (4 pages)
Serial 76	Processing and booking (1 page)

Serial 77	Attachments: Fresno (1 page) and USM booking form (1 page)
	Arrest warrant removal from NCIC (1 page)
	Attachment: Removal documentation (1 page)
Serial 78	Surveillance (1 page)
Serial 79	Arrest warrant executed (2 pages)
Serial 80	Attachments: Receipt for property (1 page), sketch (1 page), evidence recovery log (2 pages), photos (134), protective order (2 pages)
	Phone examination (3 pages)
Serial 81	Interview (1 page)

On or about August 4, 2021, the following items were uploaded to USAfx:

Serial (GJ) 1	Opening subfile (1 page)
Serial (GJ) 2	Subpoena to GiveSendGo (2 pages)
	Attachments: Certified mail receipt NDO and Subpoena
Serial (GJ) 3	Subpoena for Instagram and Facebook (1 page)
	Attachments: NDO and Subpoena Facebook Response
Serial (GJ) 4	Subpoena for Google (1 page)
	Attachments: NDO and Subpoena Google Response

Serial (GJ) 5	Subpoena for XXX-XXX-6750 (1 page) Attachments: NDO and Subpoena
Serial (GJ) 6	Subpoena for Parler (1 page) Attachments: NDO and Subpoena
Serial (GJ) 7	Subpoena for Amazon (1 page) Attachments: NDO and Subpoena
Serial (GJ) 8	Subpoena for ARC (1 page) Attachments: Subpoena ARC Response
Serial (GJ) 9	Facebook Subpoena response received (1 page) Attachments: Two Responses - PDF (5 pages) and PDF (7 pages) Certifications Two .zip files with weblinks to account and folder of linked media
Serial (GJ) 10	(1 page) Attachments: Zip file containing records for XXX-XXX-6750, including 7 PDFs, 11 Excel Sheets
Serial (GJ) 11	Google Attachments: .zip file containing records, including chrome link to account Response and Certificate of Authenticity (3 pages)
Serial (GJ) 12	ARC response received (1 page) Attachments:

	Response, declaration, excel sheet of results
Serial (GJ) 13	Parler response received (1 page)
	Attachments: Response
Serial (GJ) 14	GiveSendGo response received (1 page)
	Attachments: Certified mail receipt, NDO and subpoena, excel sheet of results
Serial (GJ) 15	Amazon response received (1 page)
	Attachments: Response
Serial 1	Tip received (1 page)
Serial 2	Criminal History Check (1 page)
Serial 3	Tip received (1 page)
Serial 4	Preservation request (1 page)
	Attachment: Preservation request received
Serial 5	Open source checks (1 page)
Serial 6	Interview of tipster (2 pages)
Serial 7	Preliminary records checks (5 pages)
Serial 8	Interview of A.W. (1 page)
Serial 9	(1 page)
Serial 10	Social media review (1 page)
Serial 12	Article regarding Proud Boys (3 pages)
	Attachments: Article, GiveSendGo information

Serial 14	Opening investigation (6 pages) Attachments: Photos (5)
Serial 15	Tip received (1 page)
Serial 16	Records checks (1 page)
Serial 17	Local police reports (1 page) Attachment: Police report (5 pages)
Serial 18	Surveillance (1 page) Attachments: Vehicle information – two PDFs (2 pages)
Serial 20	Third party Twitter post regarding Willden (1 page) Attachments: Two photos from Twitter account
Serial 21	YouTube review (1 page)
Serial 22	YouTube review (1 page)
Serial 23	Records checks (2 pages)
Serial 24	CCTV Review (1 page)
Serial 25	Publicly available information regarding Willden’s involvement on January 6, 2021 (7 pages) Attachments: Collection of publicly available records (two separate documents totaling 6 pages)
Serial 27	Open source checks (2 pages)
Serial 28	Phone query for XXX-XXX-6750 (1 page)

Serial 29	(1 page)
Serial 30	(1 page)
Serial 31	Surveillance (1 page)
Serial 32	Surveillance (1 page)
Serial 33	Surveillance (3 pages)
Serial 34	Google preservation (1 page)
Serial 36	Verizon preservation (1 page)
	Attachment: Preservation request letter

On or about July 26, 2021, the following items were uploaded to USAfx:

Facebook Video	From K.B. (Third Party) [HS]
Capitol Building CCTV	0686 USCH 02 Rotunda Door Interior [HS] 0959 USC 02 Rotunda South [HS] 0960 USC 02 Rotunda North [HS] 7029 USCS 02 Rotunda Door Interior [HS] 7029 USCS 02 Rotunda Door Interior [HS] 7216 USCH 02 Rotunda Lobby East Stairs [HS]

On or about July 18, 2021, the following items were uploaded to USAfx:

Rule 41 Search Warrant	Affidavit (44 pages) Residential Warrant (7 pages) Vehicle Warrant (7 pages) Telephone Warrant (7 pages) Sealing Order (1 page)
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On or about July 10, 2021, the following items were uploaded to USAfx:

Police Reports	February Report (5 pages) February through May Reports (40 pages)
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FBI 302	Witness Identification of Willden
YouTube Video	Hunting Insurrectionists Nigrotime

On or about June 3, 2021, the following items were uploaded to USAfx:

Facebook Account	A.W. (123 pages) Willden (54 pages)
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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.

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,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Angela N. Buckner
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