

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

**UNITED STATES OF AMERICA** :  
 :  
 **v.** : **Case No. 21-CR-91 (RCL)**  
 :  
 **CRAIG MICHAEL BINGERT, and** :  
 **ISAAC STEVE STURGEON,** :  
 :  
 **Defendants.** :

**GOVERNMENT’S SUPPLEMENT TO RESPONSE IN OPPOSITION  
TO DEFENDANTS’ MOTION TO COMPEL**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully submits this Supplement to its Response in Opposition (Dkt. Entry 98) to defendant Sturgeon’s Motion to Compel (Dkt. Entry 83), which was joined by defendant Bingert (Dkt. Entry 86). In the defendants’ Motion to Compel, they requested discovery of “[a]ny Secret Service and/or Capitol Police communications...specifically, pertaining to... (6) the identity/actions of any law enforcement personnel who encouraged activity among the crowd at the Capitol or Capitol Grounds on January 6, 2021.” Dkt. Entry 83, at 2. In opposing this request on December 6, 2022, at the time, the government stated that it “does not have any information that law enforcement personnel ‘encouraged activity among the crowd.’” Dkt. Entry 98, at 9. Since that time, the undersigned counsel have learned that certain video recordings taken by members of the Metropolitan Police Department’s (MPD) Electronic Surveillance Unit (ESU)—which were disclosed in global discovery to all defendants, including Bingert and Sturgeon, in January 2022 (65 videos) and April 2023 (two videos)—include statements and actions by plainclothes MPD officers in the crowd, as described in further detail at *United States v. Pope, et al.*, D.D.C. Case No. 21-cr-128-RC (Dkt. 90, at 2).

Undersigned counsel has not located any evidence indicating that these events took place within the vicinity of defendants Bingert and Sturgeon. The evidence—which is in the defendants’ possession already as part of global discovery—does not relate specifically to their case, and undersigned counsel is aware of no indication that Bingert or Sturgeon saw or heard these officers’ statements or actions on that day. Nevertheless, out of an abundance of caution, we supplement the record to advise the Court and the defendants of this information.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
D.C. Bar No. 481052

By: /s/ Kaitlin Klamann  
KAITLIN KLAMANN  
Assistant United States Attorney  
601 D Street NW  
Washington, D.C. 20530  
IL Bar No. 6316768  
(202) 252-6778  
Kaitlin.klamann@usdoj.gov

By: /s/ Courtney A. Howard  
COURTNEY A. HOWARD  
Trial Attorney, Criminal Division  
Detailed to the U.S. Attorney’s Office  
601 D Street NW  
Washington, D.C. 20001  
NY Bar No. 4513909  
202-514-3130  
Courtney.Howard2@usdoj.gov