

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	No.: 21-CR-334 (TJK)
	:	
v.	:	
	:	
DALE JEREMIAH SHALVEY,	:	
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 15th discovery letter, memorializing discovery sent in this case on July 14 and 15, 2021 which is served as an attachment via ECF on counsel for the Defendant.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
D.C. Bar No. 415793

By: /s/ *Anthony L. Franks*
ANTHONY L. FRANKS
Missouri Bar No. 50217MO
Assistant United States Attorney
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CERTIFICATE OF SERVICE

On this 15th day of July, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.

/s/

Anthony L. Franks
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*

July 15, 2021

Danielle Courtney Jahn

Assistant Federal Public Defender for the District of Columbia
625 Indiana Ave, NW, Suite 500
Washington, DC 20004











Re: *United States v. Dale Jeremiah Shalvey*
Case No. 1:21-cr-00334 TJK

Dear Ms. Jahn:

This letter summarizes the preliminary discovery that has been served by USAFx in this case on July 14th and July 15th 2021:

- a. Grand Jury Transcript dated April 30, 2021
- b. Phone download data labeled
 - i. 1B1.zip
 - ii. 1B4.zip
 - iii. 1B3.zip
- c. Serial 28 (redacted)
- d. Serial 28 (TTK report)
- e. Serial 29 (redacted) Officer Neil McAllister interview
- f. Notes regarding Officer Neil McAllister interview
- g. Serial 16
- h. United States Capitol Police (USCP) surveillance videos – HIGHLY SENSITIVE pursuant to the Protective Order

An image of the titles of the material provided on USAfx in this time period is below:

Name	Updated ▾	Size	⌵ ➤
 USCP Surveillance Footage - Highly Sensitive.zip	Yesterday by Anthony Franks	2.2 GB	
 Officer Neil McAllister 0176-WF-3366759-SHALVEY_SERIAL_29...	Yesterday by Anthony Franks	426.1 KB	
 0176-WF-3366759-SHALVEY_SERIAL_29_NOTES_FROM_MCAL...	Yesterday by Anthony Franks	1 MB	
 0176-WF-3366759-SHALVEY_SERIAL_28_REDACTED TTK .pdf	Yesterday by Anthony Franks	1,011.3 KB	
 0176-WF-3366759-SHALVEY_SERIAL_16_REDACTED.pdf	Yesterday by Anthony Franks	417 KB	
 SERIAL 28 0176-WF-3366759-SHALVEY_0000028_REDACTED...	Yesterday by Anthony Franks	1.8 MB	
 1B1.zip	Yesterday by Anthony Franks	1.1 GB	
 1B3.zip	Yesterday by Anthony Franks	672 MB	
 1B4.zip	Yesterday by Anthony Franks	632.4 MB	
 Dale Jeremiah Shalvey Grand Jury Transcript 2021-R-00780.04-3...	Yesterday by Anthony Franks	50.6 KB	

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 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 disclose prior statements of any witnesses defendant 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 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/ Anthony L. Franks
Anthony L. Franks
Assistant United States Attorney