



**CERTIFICATE OF SERVICE**

On this 3<sup>rd</sup> day of May, 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*

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*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

May 3, 2021

VIA E-MAIL

Jim Monroe  
211 Main Street, PO Box 470  
Goshen, New York 10924

Re: *United States v. Thomas Webster*  
Case No. 21-CR-208-APM-1

Dear Counsel:

This letter is to memorialize additional preliminary discovery that was shared with you using the government's USAfx File Exchange System on May 3, 2021. The production is saved in a folder labeled "5.3.2021" and contains the following:

- Case File 0176-NY-3393426: Serial Nos. 1-22 and all attachments except:
  - o 0176-NY-3393426\_0000003\_Import.pdf
  - o 0176-NY-3393426\_0000015.pdf
  - o 0176-NY-3393426\_0000015\_Import.txt
- Case File 089B-WF-3368293-145\_AFO: Serial Nos. 1-74 and all attachments except:
  - o Any attachments ending in ".json," which have been substantively reproduced in reader-friendly ".pdf" files, including:
    - 089B-WF-3368293-145\_AFO\_0000007\_1A0000003\_0000003.json
    - 089B-WF-3368293-145\_AFO\_0000011\_1A0000005\_0000003.json
    - 089B-WF-3368293-145\_AFO\_0000015\_1A0000007\_0000005.json
    - 089B-WF-3368293-145\_AFO\_0000022\_1A0000016\_0000002.json
    - 089B-WF-3368293-145\_AFO\_0000025\_1A0000019\_0000002.json
    - 089B-WF-3368293-145\_AFO\_0000037\_1A0000021\_0000002.json
    - 089B-WF-3368293-145\_AFO\_0000038\_1A0000022\_0000001.json
    - 089B-WF-3368293-145\_AFO\_0000039\_1A0000023\_0000001.json
    - 089B-WF-3368293-145\_AFO\_0000041\_1A0000024\_0000002.json
    - 089B-WF-3368293-145\_AFO\_0000042\_1A0000025\_0000002.json
    - 089B-WF-3368293-145\_AFO\_0000044\_1A0000027\_0000001.json

- 089B-WF-3368293-145\_AFO\_0000045\_1A0000028\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000046\_1A0000029\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000047\_1A0000030\_0000004.json
- 089B-WF-3368293-145\_AFO\_0000048\_1A0000031\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000049\_1A0000032\_0000004.json
- 089B-WF-3368293-145\_AFO\_0000050\_1A0000033\_0000006.json
- 089B-WF-3368293-145\_AFO\_0000051\_1A0000034\_0000002.json
- 089B-WF-3368293-145\_AFO\_0000052\_1A0000035\_0000005.json
- 089B-WF-3368293-145\_AFO\_0000054\_1A0000037\_0000003.json
- 089B-WF-3368293-145\_AFO\_0000055\_1A0000038\_0000002.json
- 089B-WF-3368293-145\_AFO\_0000056\_1A0000039\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000063\_1A0000047\_0000002.json
- 089B-WF-3368293-145\_AFO\_0000065\_1A0000048\_0000003.json
- 089B-WF-3368293-145\_AFO\_0000066\_1A0000049\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000070\_1A0000051\_0000001.json
- 089B-WF-3368293-145\_AFO\_0000023\_Import.msg
- 089B-WF-3368293-145\_AFO\_0000042\_1A0000025\_0000007.xlsx
- 089B-WF-3368293-145\_AFO\_0000069.pdf
- 089B-WF-3368293-145\_AFO\_0000069\_Import.pdf

In addition, the following materials designated as “Sensitive” have been produced in a separate subfolder on USAfx labeled “SENSITIVE - SUBJECT TO PROTECTIVE ORDER.” Pursuant to the Protective Order entered by the Court on April 9, 2021 (Docket Entry 12), defense counsel must obtain a fully executed copy of Attachment A to the Protective Order before providing the defendant with access to sensitive or highly sensitive materials, and must file a copy with the Court within one week of execution.

- 0176-NY-3393426\_0000001\_1A0000001\_0000001.pdf
- 089B-WF-3368293-145\_AFO\_0000073\_Import.pdf

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(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/ Hava Mirell*

Hava Mirell  
Assistant United States Attorney  
Detailee