

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

UNITED STATES OF AMERICA

v.

**GEORGE AMOS TENNEY III and
DARRELL ALAN YOUNGERS,

Defendants.**

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Case No.: 21-MJ-505-GMH

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 15, 2021 discovery letter in this case, which was served via e-mail on counsel for the defendants, and which is also being served via ECF on defense counsel listed on the ECF system for this case.

Respectfully submitted,

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

By: /s/ Alexis J. Loeb
Alexis J. Loeb
California Bar No. 269895
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CERTIFICATE OF SERVICE

On this 15th day of July, 2021, a copy of the foregoing was served via e-mail upon all parties and via ECF on all parties listed on the ECF system.

/s/ Alexis J. Loeb
Alexis J. Loeb
Assistant United States Attorney
Detailee



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

*Judiciary Center
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July 15, 2021

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Via ECF and e-mail

Re: *United States v. George Amos Tenney III and Darrell Alan Youngers*
Case No. 21-mj-505-GMH

Dear Counsel:

I will be sharing a first production of preliminary discovery in this case using the government's USAfx File Exchange System. Each defendant will receive a separate production via USAfx. Although you may review the entire discovery on the shared drive, in order to retain access to the discovery, you must download it immediately. Once all uploaded materials are available for download, I will alert you via email. If you have any questions regarding the provided discovery or are missing something, feel free to call or email me. Please note that this discovery includes materials designated Highly Sensitive or Sensitive under the protective order entered in this case. Materials may have different designations for each defendant. The designations are noted in the folder name or file name.

This first production of preliminary discovery includes the following:

1. Video from U.S. Capitol Police security footage (also known as Capitol CCTV or Capitol CCV)
2. Data obtained from search warrants served on Apple, Instagram, Facebook, and Verizon
3. Information obtained from subpoenas
4. FBI-302 reports relating to interviews of civilian witnesses, individuals providing photographs/videos, employees of the U.S. Capitol Police and House Sergeant-at-Arms, and George Tenney
5. Interview notes and documents relating to U.S. Capitol Police officers
6. Search warrants for Tenney's and Youngers' premises and devices, Facebook data, Verizon data, Youngers' Instagram data, and Youngers' Apple data
7. A New York filmmaker's footage and related documents
8. Copies of photographs, still images, social media videos and posts
9. Facial recognition reports
10. Executed arrest warrants and 302s relating to the execution of arrest and search warrants
11. Tenney's criminal history (produced to Tenney only). A check for Youngers' criminal history returned a negative result.

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/ Alexis J. Loeb

Alexis J. Loeb
Assistant United States Attorney
Detailee