

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

**UNITED STATES OF AMERICA**

v.

**MICHAEL STEPAKOFF,**

**Defendant.**

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**Case No. 21-CR-96 (RC)**

NOTICE OF FILING

The government requests that the attached discovery letter, dated June 2, 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/ Alison B. Prout  
Alison B. Prout  
Georgia Bar No. 141666  
Assistant United States Attorney  
detailed to United States Attorney's Office  
555 Fourth Street, N.W.  
Washington, DC 20530  
Phone: (404) 772-4456

CERTIFICATE OF SERVICE

On June 2, 2021, a copy of the foregoing notice and attached discovery letter were served on counsels for defendant through the Court's Electronic Filing System and by email with the listed attachments provided to counsel through the means described in the discovery letter.

/s/ Alison B. Prout  
Alison B. Prout  
Assistant United States Attorney



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*

June 2, 2021

**VIA EMAIL**

Marina Medvin, Esq.  
Medvin Law PLC  
916 Prince Street  
Alexandria, VA 22314  
marina@medvinlaw.com

Re: *United States v. Michael Stepakoff*  
Case No. 1:21-CR-96 (RC)

Dear Counsel:

Please find discovery in this matter, which is being provided today through a shared file on USA File Exchange (USAfx) titled "US v. Michael Stepakoff, 21-cr-96," within subfolder "6.2.21." I have enclosed an index of the material being produced with this letter.

**Summary of Materials Provided.** As further described in the enclosed index, the discovery includes FBI reports, search warrant documents, CCTV video footage of inside the U.S. Capitol as well as additional photos and videos. Some or all of the material contained in this production was previously produced to you before being Bates labeled in an effort to provide discovery to you as expeditiously as possible. We have also obtained evidence seized from your client's cell phone pursuant to a search warrant. The device itself has already been returned to your client. Upon request, we are willing to make available a copy of the raw collection extracted from the device.

**Manner of Production.** This production is being transmitted via USAfx. Please be sure to download the entire folder, including all subfolders and files contained within the subfolders exactly as it was provided immediately upon receipt to your own storage media.

This production contains the following:

- A "PDF" folder containing the discovery in searchable PDF format.

- A “NATIVE” folder of documents that cannot be converted to PDFs such as audio/video recordings. Files that could not be converted to PDF will have a “placeholder” in the “PDF” folder that references the native file. You will find the referenced file by navigating to the corresponding Bates number in the NATIVE folder.
- An index of the production, provided in both Excel and Adobe PDF formats.

If you would like this production in load files for creating a document review database (e.g., Relativity) please let me know and we will provide load files.

The discovery is unencrypted. 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.

**Technical Assistance.** CJA panel counsel and Assistant Federal Public Defenders with technical discovery questions or those who need of assistance managing the discovery in this case can contact Kelly Scribner (kelly\_scribner@fd.org) with the Defender Services Office - National Litigation Support Team. While Ms. Scribner is not specifically tasked with assisting retained counsel, she is willing to talk with you about your discovery issues on a limited basis. However, the National Litigation Support Team typically cannot support retained defense counsel as the National Litigation Support Team is funded to assist CJA panel counsel and Federal Public Defender offices appointed through the CJA Act.

**Voluminous Materials.** 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, body worn camera footage, 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 of any specific information that you believe is particularly relevant to your client.

**Protective Order.** This material is subject to the terms of the Protective Order issued in this case.

**Timing of Disclosures.** 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.

**Reciprocal Discovery.** 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.

**Notice of Defenses.** 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/ Alison B. Prout*

Alison B. Prout  
Assistant United States Attorney

Enclosure

VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
Stepakoff_01			CAP01_000014551	CAP01_000014554	4	(U) Subfile Opening Document
Stepakoff_01			CAP01_000014555	CAP01_000014557	3	(U) Stepakoff DL Info..msg
Stepakoff_01			CAP01_000014558	CAP01_000014559	2	(U) Michael_Stepakoff_NCIC.pdf
Stepakoff_01	X		CAP01_000014560	CAP01_000014567	8	(U) Stepakoff_Michael_G_-_Subject_Detail_Report_-SIM.pdf
Stepakoff_01	X		CAP01_000014568	CAP01_000014671	104	(U) Stepakoff_CLEAR.pdf
Stepakoff_01			CAP01_000014672	CAP01_000014673	2	(U) Stepakoff complaint email to USCP.msg
Stepakoff_01			CAP01_000014674	CAP01_000014674	1	(U) Stepakoff complaint email to USCP.msg
Stepakoff_01			CAP01_000014675	CAP01_000014675	1	(U) Stepakoff complaint email to USCP.msg
Stepakoff_01			CAP01_000014676	CAP01_000014676	1	(U) Stepakoff complaint email to USCP.msg
Stepakoff_01			CAP01_000014677	CAP01_000014677	1	(U) Stepakoff complaint email to USCP.msg
Stepakoff_01			CAP01_000014678	CAP01_000014679	2	(U) Interview of J.B. on 1/8/21
Stepakoff_01			CAP01_000014680	CAP01_000014681	2	(U) J.B. Notes.pdf
Stepakoff_01			CAP01_000014682	CAP01_000014683	2	(U) RE EXTERNAL EMAIL - Re E.T.'s Phone Number.msg
Stepakoff_01			CAP01_000014684	CAP01_000014684	1	(U//FOUO) Physical Surveillance
Stepakoff_01			CAP01_000014685	CAP01_000014686	2	(U) Interview of E.T. on 1/9/21
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Stepakoff_01			CAP01_000014697	CAP01_000014697	1	(U) Email from J.B. on 1/15/21
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Stepakoff_01			CAP01_000014703	CAP01_000014703	1	(U) CD Containing Videos and Photographs /video_1056340008205522.mp4
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Stepakoff_01			CAP01_000014706	CAP01_000014706	1	(U) CD Containing Videos and Photographs /video_303118840830428.mp4
Stepakoff_01			CAP01_000014707	CAP01_000014707	1	(U) CD Containing Videos and Photographs /video_3909250329099820.mp4
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VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
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Stepakoff_01			CAP01_000014787	CAP01_000014787	1	(U) CD Containing Videos and Photographs /video_846837016078395.mp4
Stepakoff_01			CAP01_000014788	CAP01_000014788	1	(U) Receipt of CCTV Security Video from 1/6/21 of Inside the U.S. Capitol
Stepakoff_01		X	CAP01_000014789	CAP01_000014789	1	0102 USCS 01 Senate Wing Door near S139-2021-01-06_14h48min39s000ms.mp4
Stepakoff_01			CAP01_000014790	CAP01_000014790	1	(U) Receipt of CD Containing CCTV Video Footage from 1/6/21 on 1/26/21
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Stepakoff_01			CAP01_000014792	CAP01_000014793	2	(U) signed-21-mj-166_Arrest_Warrant_Stepakoff.pdf
Stepakoff_01			CAP01_000014794	CAP01_000014794	1	(U) DL Photo - Michael Stepakoff.jpg
Stepakoff_01			CAP01_000014795	CAP01_000014796	2	(U) signed-21-mj-166_Arrest_Warrant_Stepakoff.pdf
Stepakoff_01			CAP01_000014797	CAP01_000014802	6	(U) signed-21-mj-166_Statement_of_Facts_Stepakoff_final_redacted.pdf
Stepakoff_01			CAP01_000014803	CAP01_000014808	6	(U) signed-21-mj-166_Statement_of_Facts_Stepakoff_final.pdf
Stepakoff_01			CAP01_000014809	CAP01_000014809	1	(U) signed-21-mj-166_Complaint_Stepakoff.pdf

VOLUME	SENSITIVE	HIGHLY SENSITIVE	BEGINBATES	ENDBATES	PAGECOUNT	DESCRIPTION
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Stepakoff_01			CAP01_000014812	CAP01_000014812	1	(U) EXTERNAL EMAIL - Preservation Request Received Case #5758707.msg
Stepakoff_01			CAP01_000014813	CAP01_000014814	2	(U) EXTERNAL EMAIL - Case# 0189083913 Twitter Receipt of Preservation Request - FBI ref_00DA0K0A8_5004w24stlXref .msg
Stepakoff_01			CAP01_000014815	CAP01_000014821	7	(U) Stepakoff, Michael Clear.pdf
Stepakoff_01			CAP01_000014822	CAP01_000014822	1	(U) Search Warrant - 4244 Tremblay Way, Palm Harbor, FL 34684
Stepakoff_01			CAP01_000014823	CAP01_000014831	9	(U) search paperwork121109.pdf
Stepakoff_01			CAP01_000014832	CAP01_000014900	69	(U//FOUO) Final_SW_Signed.pdf
Stepakoff_01			CAP01_000014901	CAP01_000014901	1	(U//FOUO) Search Warrant Return
Stepakoff_01			CAP01_000014902	CAP01_000014904	3	(U//FOUO) SW Return.pdf
Stepakoff_01			CAP01_000014905	CAP01_000014906	2	(U//FOUO) MICHAEL STEPAKOFF - Arrest
Stepakoff_01			CAP01_000014907	CAP01_000014910	4	(U//FOUO) Arrest documents101341.pdf
Stepakoff_01			CAP01_000014911	CAP01_000014912	2	(U) Evidence Collection
Stepakoff_01			CAP01_000014913	CAP01_000014916	4	(U//FOUO) 022421-1257.pdf
Stepakoff_01			CAP01_000014917	CAP01_000014918	2	(U) DEWF5_iPhone_Archive
Stepakoff_01			CAP01_000014919	CAP01_000014920	2	(U) CART iPhone Extraction - MDUS 24940
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Stepakoff_01			CAP01_000014930	CAP01_000014998	69	(U) Final_SW_Signed.pdf
Stepakoff_01			CAP01_000014999	CAP01_000015000	2	(U) Return of Evidence item 1B5 to Owner
Stepakoff_01			CAP01_000015001	CAP01_000015001	1	(U) WF_3366759-STEPAKOFF_MICHAEL.pdf
Stepakoff_01			CAP01_000015002	CAP01_000015004	3	(U) _image_150819.pdf
Stepakoff_01			CAP01_000015005	CAP01_000015008	4	(U//FOUO) 2021-03-10_17h58m53s.pdf
Stepakoff_01			CAP01_000015009	CAP01_000015013	5	(U//FOUO) 2021-03-10_20h49m23s.pdf
Stepakoff_01			CAP01_000015014	CAP01_000015014	1	(U) WF-3366759-STEPAKOFF_MICHAEL FD-597.pdf
Stepakoff_01			CAP01_000015015	CAP01_000015016	2	(U) Tara Stepakoff Interview