

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :
 :
 v. : Case No. 21-CR-00123 (PLF)
 :
 :
 VITALI GOSSJANKOWSKI, :
 :
 Defendant. :

NOTICE OF FILING

The government requests that the attached discovery letter, dated April 28, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Cara Gardner
Cara Gardner
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U.S. Department of Justice

Channing D. Phillips
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District of Columbia

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

April 28, 2021

VIA USAFX and Email
Celia Goetzl, Esq.
Celia_Goetzl@fd.org

Ubong Akpan, Esq.
Ubong_Akpan@fd.org

Re: *United States v. Vital GossJankowski, 21-CR-123 (PLF)*

Dear Counsel:

Pursuant to our discovery obligations, I am writing to document previous discovery provided as well as discovery that the government is providing with this letter:

- On **February 9, 2021**, the government provided a partial Facebook return via USAfx, as documented in the screenshot below.



Facebook Partial Return

Feb 9, 2021 by Kondi Kleinman

- On **March 31, 2021**, the government provided via email a redacted copy of the search warrant return, which included a list of the items seized.
- On **April 23, 2021**, the government provided via USAfx, a copy of your client's interview from 1/17/21, and a written summary of your client's interview from 1/18/21, as shown in the screenshot below.



Vitali GossJankowski interview_1.17.21.mp4

Apr 23, 2021 by Cara Gardner



2_Case_Notes_-_Additional_Information_-_Jan_18__2021_20_18_Redacted.pdf

Apr 23, 2021 by Cara Gardner

- On **April 28, 2021**, the government is providing the following items via USAfx:
 - An annotated video that depicts some of your client's relevant conduct in this case
 - 4 files of BWC camera and a table of contents
 - Video of your client's interview from 1/18/21



GossJankowski Interview 2

Today by Cara Gardner

1 File



BWC

Today by Cara Gardner

1 File



Taser video

Today by Cara Gardner

1 File

(As with all files uploaded to USAfX, they may automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)

Note that all these files will be being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

Upcoming Discovery

The government anticipates providing additional files related to this by the end of next week. Like the files being provided in connection with this letter, all the files will be re-disclosed once processed and bates-stamped by the discovery team.

Additionally, once we have a protective order in place in this case, as I have previously discussed with you, the government will be able to provide additional materials, subject to the protective order.

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.

/s/ Cara Gardner

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