

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-cr-417-PLF
	:	
v.	:	
	:	
DANIEL WARMUS,	:	
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 September 28, 2021, discovery letter, memorializing discovery sent on September 14 and 24, 2021, which is served as an attachment via ECF on counsel for Defendant.

Respectfully submitted,

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

By: s/ Monica A. Stump
MONICA A. STUMP
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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*

September 28, 2021

VIA EMAIL

Dan DuBois
DuBois Law

Re: *United States v. Warmus*
Case No. 21-cr-417-PLF

Dear Mr. DuBois:

This is to memorialize the following preliminary discovery sent you via email on **September 14, 2021** and **September 24, 2021**, via USAFX which contained the following materials:

- Three surveillance videos of Warmus inside the Capitol
- Face image search reports
- Five videos of Warmus outside the U.S. Capitol
- Identification Report of Warmus inside the U.S. Capitol
- Source of information reports describing Warmus' residence and notes
- Records checks, including criminal history and vehicle information
- Log reports for Arrest
- Tipster reports and notes
- Email Communication with Verizon
- U.S. Capitol Police Internal Affairs Reports

The file names for these disclosures are listed in Attachment A to this letter.

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.

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.

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

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/ *Monica A. Stump*

Monica A. Stump
Assistant United States Attorney

Enclosure(s)

ATTACHMENT A

Within Folder Daniel Warmus Disclosures 09.24.2021

Serial 0000002_1A0005755_0000001.pdf
Serial 0000006_1A0000002_0000001.pdf
Serial 0000013.pdf
Serial 0000021_1A0000015_0000001.pdf
Serial 0000021_1A0000015_0000004.pdf
Serial 0000021_1A0000015_0000005.pdf
Serial 0000021_1A0000015_0000007.pdf
Serial 0000027.pdf
Serial 0000027_1A0000019_0000001.pdf
Serial 0000032_1A0000026_0000001.pdf
Serial 0000037.pdf
Serial 0000037_Import.pdf
Serial 0000049.pdf
Serial 0000052_1A0000048_0000001.pdf
Serial 0000057.pdf
Serial 0000057_1A0000051_0000001.pdf
Serial 0000057_1A0000051_0000002.pdf
IMG_0191 SENSITIVE
IMG_0192 SENSITIVE
IMG_0186 SENSITIVE
IMG_0188 SENSITIVE
IMG_0185 SENSITIVE
USC 02 Rotunda South 2021-01-06 14h26min19s000ms HIGHLY SENSITIVE
USC 02 Rotunda Interior Door 2021-01-06 14h15min00s000ms
HIGHLY SENSITIVE
USC 02 RotundaNorth 2021-01-06 14h20min01s463ms HIGHLY SENSITIVE

Within Folder DOJCB_001_2021.09.10 Capitol Breach

Discovery:

DOJCB_001.zip
DOJCB_001_Index.zip
DOJCB_001_Index.xlsx

