

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-cr-338-TFH
	:	
v.	:	
	:	
DOVID SCHWARTZBERG,	:	
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 August 25, 2021 discovery letter, memorializing discovery sent on August 16, August 19, August 23, and August 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
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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*

August 25, 2021

VIA EMAIL

Steven Yurowitz
Newman & Greenberg LLP

Re: *United States v. Schwartzberg*
Case No. 21-cr-338-TFH
Letter No. 3

Dear Mr. Yurowitz:

This is to memorialize the following discovery sent you on **August 16, 2021, August 19, 2021, August 23, 2021, and August 24, 2021** via USAFX. This discovery is identified as:

Video: Senate Wing Door near S139-2021-01-06_14h45min00s000ms.asf
HIGHLY SENSITIVE

Video: USCS 01 Senate Wing Door near S139-2021-01-06_14h47min00s000ms.asf HIGHLY SENSITIVE

Serial 0000006_1A0004578_0000001_Redacted.pdf—notes of interview

Serial 0000025.pdf—report of receipt of tagged items

Serial 0000025_1A0000016_0000001.pdf

Serial 0000026.pdf HIGHLY SENSITIVE—report indicating receipt of video

Serial 0000026_1A0000017_0000001 HIGHLY SENSITIVE

Serial 0000027. HIGHLY SENSITIVE—video request

Serial 0000027_1A0000018_0000001 HIGHLY SENSITIVE—request form

Serial 0000028 HIGHLY SENSITIVE—video request

Serial 0000028_1A0000019_0000001.HIGHLY SENSITIVE—request form

Serial 0000029 HIGHLY SENSITIVE—video request

Serial 0000029_1A0000020_0000001 through 3 HIGHLY SENSITIVE—request forms and receipt of video

Serial 0000029_1A0000020_0000001 HIGHLY SENSITIVE—request form

Serial 0000030—report of receipt of tagged items

Serial 0000030_1A0000021_0000001—receipt of evidence
Video: USCH 01 Memorial Door Exterior-2021-01-06_15h32min00s000ms.asf HIGHLY SENSITIVE
Serial 1 Redacted.pdf SENSITIVE—case opening
Serial 6 Redacted.pdf SENSITIVE—report of tipster interview
Serial_8_redacted.pdf—Records review report
Tagged/Scoped items from Defendant’s phone 7-21-2021 and 08-18-2021
Timestamps for video by Senate Wing Door and Memorial Door

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)