

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	Case No.: 21-cr-00079-BAH
	:	
v.	:	
	:	
KEVIN JAMES LYONS,	:	
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 May 18, 2021, discovery letter, memorializing discovery sent on this same day, which is served as an attachment via ECF on counsel for Defendant.

Date: May 19, 2021

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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Assistant United States Attorney
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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*

May 18, 2021

VIA EMAIL

Lawrence Wolf Levin
Law Office of Lawrence Wolf Levin

Re: *United States v. Lyons*
Case No. 21-cr-79-BAH
Discovery Letter No. 2

Dear Mr. Levin:

This is to memorialize the following supplemental discovery sent you via email **on May 18, 2021** via USAFX, containing the following materials:

Serial 17_1A_08_01 and 02 SENSITIVE: Recognition reports
Serial 20 SENSITIVE: Opening document
Serial 22, Serial 22 Import, and 22_1A_0615_11 SENSITIVE: Tipster report
Serial 26 SENSITIVE and 26_1A_1943_01 SENSITIVE: Tipster report
Serial 30: Database search
Serial 31: Video identification of E. S.
Serial 32 and 32_1A_18_01 SENSITIVE: Tipster report and notes
Serial 33 and 33_1A_12_01 to 04: Instagram search warrant and return

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)