

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 29, 2021, discovery letter, memorializing discovery sent on September 24 and 28, 2021 via USAfx, 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 29, 2021

VIA EMAIL

Dan DuBois
DuBois Law

Re: *United States v. Warmus*
Case No. 21-cr-417-PLF
Discovery Letter 3

Dear Mr. DuBois:

This is to memorialize the following preliminary discovery sent you via email on **September 24, 2021** and **September 28, 2021**, via USAfx and evidence.com, which contained the following materials:

- 125 Search Warrant Photographs
- One video of Warmus at the Washington Monument
- One photograph of Warmus outside and one inside the Capitol
- Six videos inside the U.S. Capitol (surveillance video)
- MPD and USCP Internal Affairs Reports (62 files total)
- 4,044 files of Surveillance video from the U.S. Capitol Police (via evidence.com)

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 09.28.2021

DSC_0157

Tipster Photograph

Folder entitled Search Warrant Photos (125 files)

Folder entitled Capitol Videos containing the following:

1. IMG_8655.MOV
2. USC 02 Rotunda South 2021-01-06 14h24min00s000ms HIGHLY SENSITIVE
3. USC 02 Rotunda North 2021-01-06 14h24min00s000ms HIGHLY SENSITIVE
4. USC 01 Senate Wing Door near S139 2021-01-06 14h17min00s000ms HIGHLY SENSITIVE
5. USC 01 Senate Wing Door near S139 2021-01-06 14h32min00s000ms HIGHLY SENSITIVE
6. USC 01 Supreme Court Chamber Stairs 2021-01-06 14h23min00s000ms HIGHLY SENSITIVE

Within Folder DOJCB 002 2021.09.24 Capitol Breach

Discovery:

DOJCB_002.zip file

DOJCB_002_Index.xlsx

Within Folder DOJCB 003 2021.09.24 Capitol Breach

Discovery:

NATIVES folder (19 files)

IMAGES folder (1 file)

DOJCB_003_Index.xlsx

4,044 files of Surveillance video from the U.S. Capitol Police (via evidence.com)