

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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| UNITED STATES OF AMERICA | : | No.: 21-CR-131 (PLF) |
| | : | |
| v. | : | |
| | : | |
| JASON GERDING, | : | |
| CHRISTINA GERDING, | : | |
| Defendants. | : | |
| <hr/> | | |

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 February 23, 2021 and March 2, 2021 discovery letters in this case, which are hereby served as an attachment via ECF on counsel for the Defendants.

Respectfully submitted,

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

By: /s/ Anthony L. Franks
ANTHONY L. FRANKS
Missouri Bar No. 50217MO
Assistant United States Attorney
Detailee – Federal Major Crimes
United States Attorney’s Office
for the District of Columbia
Telephone No . (314) 539-3995
anthony.franks@usdoj.gov

CERTIFICATE OF SERVICE

On this 16th day of March, 2021, a copy of the foregoing was served on counsel of record for the defendant via the Court’s Electronic Filing System.

/s/
Anthony L. Franks
Assistant United States Attorney



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*

March 3, 2021

Eugene Ohm
FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF COLUMBIA
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004

Re: *United States v. Jason and Christine Gerding*
Case No. 1:21-cr-00131-PLF

Dear Mr. Ohm:

Enclosed as preliminary discovery in this case served by USAF~~x~~, are the following materials:

- a. Images of the Gerding house;
- b. Two images of Jason and Christine Gerding inside of the Capitol;
- c. The Gerdings property records;

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.

Additional materials will be provided after the entry of a Protective Order 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 disclose prior statements of any witnesses defendant 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 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/ Anthony L. Franks
Anthony L. Franks
Assistant United States Attorney

Enclosures
cc:



U.S. Department of Justice

Channing D. Phillips
Acting United States Attorney

District of Columbia

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Washington, D.C. 20530*

March 3, 2021

Jerry Ray Smith , Jr.
JERRY RAY SMITH, JR., ATTORNEY AT LAW
717 D Street, NW
Suite 310
Washington, DC 20004-2812

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March 16, 2021

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Dear Mr. Ohm:

In accordance with Rule 16 of the Federal Rules of Criminal Procedure, and as otherwise required by law (*e.g.*, *Brady v. Maryland*, 373 U.S. 63 (1963), *United States v. Giglio*, 405 U.S. 150 (1972)), the Government has produced preliminary discovery through USAfx File no. 3370093, which contains video recordings and images in separate folders labeled as 1B1- Images and 1B1- Video.

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.

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