

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	Case No. 21-cr-00053 (CJN)
	:	
v.	:	
	:	
EDWARD JACOB LANG	:	

NOTICE OF FILING

The government requests that the attached discovery letters, dated June 14, 2021, be made part of the record in this case.

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney

By: /s/ Melissa Jackson
Melissa Jackson
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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*

June 14, 2021

VIA USAFX and e-mail

Marty Tankleff

martytankleff@gmail.com

Steven A. Metcalf II

metcalflawnyc@gmail.com

Counsel for Edward Jacob Lang

Re: *United States v. Edward Lang
21-CR-53 - Production 6*

Dear Counsel:

Pursuant to our discovery obligations, we are providing the following files via USAfx:

- All of the files listed in the index in Exhibit A.

(As with all files uploaded to USAfx, they automatically delete after 60 days per the automatic retention policy in place. Please download the files before then.)

Note that all these files are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, the same files will be re-produced with bates-stamps at a later date. Nevertheless, we wanted to provide you what we can now as we wait for this processing to be finalized.

Upcoming Discovery

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.

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.

By: 
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Enclosure(s):

cc:



U.S. Department of Justice

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June 14, 2021

VIA Email and Download Links from USAO.Evidence.com

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Steven A. Metcalf II, Esq.
metcalflawnyc@gmail.com

Re: *United States v. Edward Jacob Lang*
Case No. 21-CR-53 (CJN)

Dear Counsel:

Pursuant to our discovery obligations, we are providing download links to an additional 103 body worn camera (BWC) files listed in the tab called "Round 2" in the attached Excel spreadsheet. The links should last for a year, please download before then. This should include any BWC videos mentioned in the discovery recently provided.

(This list is *over-inclusive*, as it includes all additionally potentially relevant BWC videos that I have seen during the review for this and other Lower West Terrace related cases. Out of an abundance of caution, we are making all of these BWC videos accessible to the defense so that you can analyze whether they might be relevant to your defense.)

My understanding is that the office is working to develop a system to make BWC available on a broader level in the coming months – along with additional files. We continue to identify additional BWC related to the Lower West Terrace and will provide an additional round of potentially relevant BWC in the next few weeks – assuming that the database or system that the office is putting in place is not available by then. In the meantime, to the extent you identify other officers with BWC that you believe might be relevant to the case, please let us know and we will do what we can to provide that BWC if it exists.

If you have any questions, please feel free to contact me.

By: 

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cc: