

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

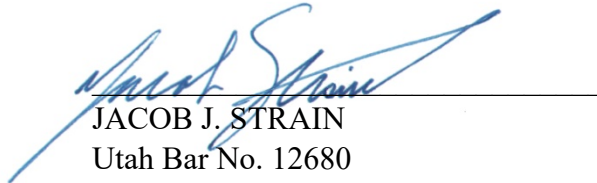
**UNITED STATES OF AMERICA** :  
 :  
 v. : **CRIMINAL NO. 1:21-CR-538**  
 :  
**JACOB TRAVIS CLARK,** :  
 :  
 **Defendant.** :

**NOTICE OF FILING**

The Government requests that the attached discovery letter, dated September 14, 2021, be made part of the record in the above-captioned case.

Respectfully submitted,

CHANNING D. PHILLIPS  
ACTING UNITED STATES ATTORNEY



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JACOB J. STRAIN  
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Assistant United States Attorney  
U.S. Attorney's Office for the District of Columbia  
555 4th Street, N.W.  
Washington, D.C. 20530



**U.S. Department of Justice**

**CHANNING D. PHILLIPS**  
Acting United States Attorney  
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*Judiciary Center  
555 Fourth St. N.W.  
Washington, D.C. 20530*

**September 14, 2021**

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

RE: U.S. v. JACOB TRAVIS CLARK (1:21-CR-538)

Dear Counsel,

Pursuant to our discovery obligations and pursuant to the protective order, we have provided the following files via USAfx on September 14, 2021. Note that many of these files and their related physical attachments are currently being formally processed for discovery by the discovery team assigned to the Capitol Riots cases. As such, some of the same files will be re-produced with bates-stamps at a later date. The following files have all been designated as "Sensitive" pursuant to the terms of the Protective Order:

1. (U)\_Interview\_of\_of\_US\_Capitol\_Police\_Sergeant\_Kevin\_Tuohy.pdf
2. (U)\_Interview\_of\_United\_States\_Capitol\_Police\_Officer\_Ryan\_Salke.pdf
3. (U)\_Interview\_of\_US\_Capitol\_Police\_Officer\_Brian\_Adams.pdf
4. (U)\_Interview\_of\_US\_Capitol\_Police\_Officer\_Governor\_Latson,\_Jr.pdf
5. (U)\_Interview\_of\_US\_Capitol\_Police\_Sergeant\_Nairobi\_Timberlake.pdf
6. (U\_FOUO)\_Interview\_of\_United\_States\_Capitol\_Police\_Officer\_Anthony\_Warner.pdf
7. 266N-DN-3390749\_0000035.pdf
8. 266N-DN-3390749\_0000035\_1A0000033\_0000001.pdf
9. 266N-DN-3390749\_0000035\_1A0000033\_0000002.pdf
10. 266N-DN-3390749\_0000035\_1A0000033\_0000003.pdf
11. 266N-DN-3390749\_0000035\_1A0000033\_0000004.pdf
12. 266N-DN-3390749\_0000035\_1A0000033\_0000005.pdf
13. 266N-DN-3390749\_0000035\_1A0000033\_0000006.pdf
14. 266N-DN-3390749\_0000036.pdf
15. Adams\_interview\_notes (Gebing).pdf

16. Adams+interview+notes+and+photographs.pdf
17. GP010391.MP4
18. Latson+interview+notes+picture.pdf
19. RE\_Jacob Clark Entrance\_Redacted.pdf
20. Salke+interview+notes+and+photographs.pdf
21. Timberlake+interview+notes+picture.pdf
22. Tuohy+interview+notes+photographs.pdf
23. U\_FOUO Interview\_of\_US\_Capitol\_Police\_Officer\_CS\_R\_Redacted.pdf
24. U\_Interview\_of\_USCP\_Officer\_CS\_r\_Redacted.pdf
25. Warner+interview+notes+and+photographs.pdf
26. 266N-DN-3390749\_0000030.pdf
27. 266N-DN-3390749\_0000031.pdf
28. 266N-DN-3390749\_0000032.pdf
29. 266N-DN-3390749\_0000032\_1A0014509\_0000001.pdf
30. 266N-DN-3390749\_0000032\_1A0014510\_0000001\_PHYSICAL.pdf
31. 266N-DN-3390749\_0000033.pdf
32. 266N-DN-3390749\_0000034.pdf
33. 266N-DN-3390749\_0000035.pdf
34. 266N-DN-3390749\_0000035\_1A0000033\_0000001.pdf
35. 266N-DN-3390749\_0000035\_1A0000033\_0000002.pdf
36. 266N-DN-3390749\_0000035\_1A0000033\_0000003.pdf
37. 266N-DN-3390749\_0000035\_1A0000033\_0000004.pdf
38. 266N-DN-3390749\_0000035\_1A0000033\_0000005.pdf
39. 266N-DN-3390749\_0000035\_1A0000033\_0000006.pdf
40. 266N-DN-3390749\_0000036.pdf
41. 266N-DN-3390749\_0000037.pdf
42. 266N-DN-3390749\_0000037\_1A0000034\_0000001.pdf
43. 266N-DN-3390749\_0000038.pdf
44. 266N-DN-3390749\_0000039.pdf
45. 266N-DN-3390749\_0000039\_1A0000035\_0000001\_PHYSICAL.pdf
46. 266N-DN-3390749\_0000040.pdf
47. 266N-DN-3390749\_0000041\_1A0000037\_0000001\_Redacted.pdf
48. 266N-DN-3390749\_0000041\_1A0000037\_0000002\_Redacted.pdf
49. 266N-DN-3390749\_0000041\_Redacted.pdf
50. Teleconference 9\_7 at 1100 EDT\_Redacted.pdf

The following files have all been designated as “Highly Sensitive” pursuant to the terms of the Protective Order:

51. 102 USCS 1 Senate Wing Door near S139 - 2021-01-06\_19h11min04s.mp4
52. 114 USCS 1 Senate Carriage Door - 2021-01-06\_19h40min02s.mp4
53. 117 USCS 1 Senate Carriage Door Exterior - 2021-01-06\_19h40min01s.mp4
54. 214 USCS 2 S207 - 2021-01-06\_19h40min02s.mp4
55. 300 USCS 3 East Corridor near S306 - 2021-01-06\_19h40min02s.mp4
56. 402 USCH 1 Crypt North - 2021-01-06\_19h17min43s.mp4
57. 204 USCS 2 Room 224 - 2021-01-06\_19h40min01s.mp4
58. 613 USCG 0 North Screening Entrance - 2021-01-06\_19h40min00s.mp4

59. 686 USCH 2 Rotunda Door Interior - 2021-01-06\_19h37min05s.mp4
60. 925 USCG 0 Upper Terrace West - 2021-01-06\_19h00min00s.mp4
61. 926 USCG 0 Upper Terrace West - 2021-01-06\_19h00min01s.mp4
62. 932 USCG 0 CVC Elevator Tower South - 2021-01-06\_20h05min06s.mp4
63. 933 USCG 0 CVC Elevator Tower North - 2021-01-06\_19h59min57s (1).mp4
64. 959 USC 2 Rotunda South - 2021-01-06\_19h25min35s.mp4
65. 959 USC 2 Rotunda South - 2021-01-06\_19h34min32s.mp4
66. 962 USCS 3 S309 - 2021-01-06\_19h40min01s.mp4
67. 0213USCS02OhioClockCorridorNearS208\_2021-01-06\_14h40min02s917ms.mp4
68. 0402USCH01CryptNorth\_2021-01-06\_14h06min08s433ms.mp4
69. 0961USCS02HALLBYS208\_2021-01-06\_14h40min01s367ms.mp4
70. 7029 USCS 2 Rotunda Door Interior - 2021-01-06\_19h35min54s.mp4
71. 7216 USCH 2 Rotunda Lobby East Stairs-2021-01-06\_14h36min50s000ms.asf
72. 7218 USCH 3 Gallery Stairs - 2021-01-06\_19h20min01s.mp4
73. 102 Senate Wing Door 14.15.18.png
74. 14.14.21 camera 0102.PNG
75. 14.14.21 camera 0102.PNG
76. 14.14.48 camera 0102.PNG
77. 14.14.48 camera 0102.PNG
78. 14.15.18 camera 0102.PNG
79. 14.15.18 camera 0102.PNG
80. 14.16.23 2x4 Crypt.png
81. Clark 14.15.18 camera 102 v2.PNG
82. Clark 14.31.14 camera Clark Facing camera OAP hallway.PNG
83. Clark throwing object in crypt.png
84. Exit.jpg
85. Jacob Clark entry into Capitol.docx
86. Jacob Clark timeline as of 8.30.2021.docx
87. jacob Clark timeline.docx
88. Jacob Clark Timeline.pptx
89. UNSUB 14.14.48 camera 0102.PNG
90. UNSUB 14.15.49.PNG
91. USCP officer Crypt.PNG
92. 0157.PNG

I am also hereby notifying you that we will make devices (in their entirety) seized in the search warrant available for your review upon request. The search of these devices is ongoing. Relevant evidence within the scope of the warrant will be extracted and provided to you in future discovery rounds. However, the entire devices will not be provided as part of discovery, and they will only be made available for your review should you desire. The devices seized in the warrant are as follows:

- Samsung Galaxy Note 10
- Samsung Galaxy J7
- Razer Phone 2
- Sony Thumb Drive
- Black Electronic Device

- Ledger - Nano X with Cord

Likewise, I am also hereby notifying you that we will make Gmail accounts (in their entirety) seized in the search warrant available for your review upon request. In this case, the Defendant's Gmail accounts with usernames clarkyardcare@gmail.com and imawesome1260@gmail.com, were seized and are being searched. The Defendant has control of these accounts and has access to them, so there is no specific discovery obligation that arises from the seizure, but as previously stated, we will make the entire accounts available only upon request as a professional courtesy. The search of these accounts is ongoing. Relevant evidence within the scope of the warrant will be extracted and provided to you in future discovery rounds.

Additional evidence seized in the search warrant of Defendant's residence includes:

- Boots
- Black Hat
- Black Carhartt Jacket

Moreover, a phone tracker warrant was obtained in the case which generated significant geolocation data both in relation to the January 6<sup>th</sup> investigation and in relation to the execution of the arrest. A significant portion of the January 6<sup>th</sup> geolocation data has been provided in these discovery rounds. The geolocation information designed to assist with the arrest has not been provided because it has no evidentiary value in establishing the guilt or innocence of the Defendant related to his actions on January 6, 2021. The entirety of the data from the phone tracker warrant is available for your review upon request.

I am also hereby notifying you that significant surveillance, including aerial surveillance, was conducted by the FBI of Defendant and his residence. The first round of discovery includes some surveillance reports and a few photographs. However, the FBI has significant data comprised of pictures and videos taken of Defendant and his residence. Because the surveillance data has no evidentiary value in establishing the guilt or innocence of the Defendant related to his actions on January 6, 2021, this surveillance data will not be produced as part of discovery; however, it is available for your review upon request.

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.

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.

By: /s/ Jacob J. Strain  
JACOB J. STRAIN  
Assistant United States Attorney