

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

UNITED STATES OF AMERICA

v.

DENNIS SIDORSKI,

Defendant.

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Case No: 21-cr-48(ABJ)

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 16, 2021 discovery letter in this case, which was served as an attachment via ECF on counsel for the defendant.

Respectfully submitted,

CHANNING D. PHILLIPS
ACTING UNITED STATES ATTORNEY
D.C. Bar No. 415793

By: /s/ Sonia Mittal
Sonia Mittal
Illinois Bar No. 6314706
Special Assistant United States Attorney
U.S. Attorney’s Office for the District of Columbia
555 Fourth Street, N.W.
Washington, DC 20530
Tel. (202) 252-7062
sonia.mittal@usdoj.gov

CERTIFICATE OF SERVICE

On this 16th day of September 2021, a copy of the foregoing was served upon all parties listed on the Electronic Case Filing (ECF) System.

/s/ Sonia Mittal
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Illinois Bar No. 6314706
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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 16, 2021

VIA EMAIL

Nikki Lotze
LOTZE MOSLEY LLP
400 7th Street, Suite 202
Washington, DC 20004

Re: *United States v. Dennis Siderski*
Case No. 21-cr-48(ABJ)

Dear Counsel:

I have shared a further production of preliminary discovery in this case using the government's USAfx File Exchange System. Although you may review the entire discovery on the shared drive, in order to retain access to the discovery, you must download it immediately. If you have any questions regarding the provided discovery or are missing something, feel free to call or email me.

The preliminary discovery available to you via USAfx contains the following materials.

- 0176-WF-3366759-SIDORSKI_0000032.pdf
- 0176-WF-3366759-SIDORSKI_0000033_1A0009357_0000001_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000033_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000034_1A0011733_0000001_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000034_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000035.pdf
- 0176-WF-3366759-SIDORSKI_0000036.pdf
- 0176-WF-3366759-SIDORSKI_0000037_Import.docx
- 0176-WF-3366759-SIDORSKI_0000037_Import.pdf
- 0176-WF-3366759-SIDORSKI_0000037_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000038.pdf

The following materials are designated Sensitive under the protective order entered in this case:

- 0176-WF-3366759-SIDORSKI_0000033_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000033_1A0009357_0000001_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000034_Redacted.pdf
- 0176-WF-3366759-SIDORSKI_0000034_1A0011733_0000001_Redacted.pdf

In addition, I have uploaded twelve videos from the CCTV video system of the U.S. Capitol. The twelve videos are designated Highly Sensitive under the protective order entered in this case. Finally, I have uploaded an additional video, which has not been designated Sensitive or Highly Sensitive under the protective order.

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. Some defense counsel in the Capitol Breach cases have requested information that they claim suggests a member (or members) of law enforcement allowed people to enter or remain in the Capitol or on restricted grounds, acted friendly or sympathetic to the rioters, or otherwise failed to do their jobs. As an initial matter, we do not believe that such information is exculpatory as to guilt or punishment within the meaning of *Brady v. Maryland*, 373 U.S. 83 (1973). Nevertheless, the government possesses some information that arguably could be responsive to these requests. Out of an abundance of caution, the government will be making such information available to you. As part of our ongoing discovery production in this case, you will receive an invitation via USAFx to download reports from U.S. Capitol Police (USCP) investigations of alleged wrongdoing by USCP officers on January 6, 2021. Officer names, witness names, and complainant names have been redacted. We are working to produce a set of reports that replaces the redactions with unique identifiers for individuals whose names have been redacted. When that process is complete, we will reproduce the documents with the unique identifiers. Additional exhibits from these investigations are forthcoming. At this time, we understand that a small number of investigations are still on-going, and we will provide reports of those investigations on a rolling basis as they are concluded. 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,

Sonia Mittal
Special Assistant United States Attorney