

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Case No. 1:21-cr-267-CRC
	:	
BRYAN WAYNE IVEY	:	
	:	
Defendants.	:	

GOVERNMENT’S NOTICE OF FILING

The United States of America, through its attorney, the United States Attorney for the District of Columbia, respectfully files a copy of the Government’s second, third, fifth, and sixth preliminary discovery letters (without attachments) provided to defense counsel on April 6, 2021, April 14, 2021, and September 27, 2021 respectively.

Respectfully submitted,

Channing D. Phillips
Acting U.S. Attorney
D.C. Bar No. 415793

By: *Leslie A. Goemaat*
LESLIE A. GOEMAAT
MA Bar No. 676695
Assistant United States Attorney
Fraud Section
U.S. Attorney’s Office
555 4th Street, N.W., Room 5840
Washington, D.C. 20530
Office: 202-803-1608
Email: Leslie.Goemaat@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused a copy of the foregoing notice to be served by electronic means, through the Court's CM/ECF system, upon all parties of record.

/s/ Leslie A. Goemaat
LESLIE A. GOEMAAT
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*

April 6, 2021

R. David Baker
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: david_baker@fd.org

BY EMAIL

Re: *United States v. Bryan Wayne Ivey*, Volume 2 of Informal Discovery
Case No. 21-cr-267-CRC

Dear Counsel:

Enclosed please find Volume 2 of Informal Discovery, which contains the following materials:

- (1) Forensic images of two cell phones obtained from Bryan Wayne Ivey

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.

Sincerely,



Leslie A. Goemaat
Assistant United States Attorney

Enclosures



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*

April 14, 2021

R. David Baker
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: david_baker@fd.org

BY EMAIL

Re: *United States v. Bryan Wayne Ivey*, Volume 3 of Preliminary Discovery
Case No. 21-cr-267-CRC

Dear Counsel:

Enclosed please find Volume 3 of Preliminary Discovery, a USAFx file which contains the following materials (93 files):

Highly Sensitive

(1) Capitol Police Surveillance (1 file)

Sensitive

(2) 302 Reports (2 files)

Other

- (3) 302 Reports (2 files)
- (4) Body Worn Camera (1 file)
- (5) Screenshots (3 files)
- (6) Social Media Videos (2 files)
- (7) Search Warrant Photos (82 files)

These materials are provided to you pursuant to the protective order entered in this case, Doc. No. 12, a copy of which is enclosed for your convenience.

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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I will forward additional discovery as it becomes available. If you have any questions, please feel free to contact me.

Sincerely,



Leslie A. Goemaat
Assistant United States Attorney

Enclosures



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 27, 2021

R. David Baker
Federal Public Defender's Office (MDTN)
810 Broadway
Suite 200
Nashville, TN 37203
(615) 736-5047
Email: david_baker@fd.org

BY EMAIL

Re: *United States v. Bryan Wayne Ivey*, Volume 5 and 6 of Discovery
Case No. 21-cr-267-CRC

Dear Counsel:

I previously provided the video entitled ““RMG News long – Inside the 2021 Storming of the US Capitol.mp4” as Volume 5 of discovery.

I have just shared three USAFx folders with your assignee, Daniel Meehan, which constitutes Volume 6 of discovery in this matter.

USAFx Folder 1:

As part of our ongoing discovery production in this case, you or your designee 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.¹ 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

¹ Please note that significant efforts have been made to redact officers’ names. If an officer’s name was inadvertently not redacted and that officer is a subject of or witness to an allegation of misconduct, please treat that information as highly sensitive under the protective order.

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.

USAFx Folders 2 & 3:

As part of our ongoing discovery production in this case, we produced the following information on September 24, 2021:

1. 4,044 files (over one terabyte) consisting of U.S. Capitol Police (“USCP”) Closed Circuit Video (“CCV”) footage from 118 cameras has been shared to the defense instance of evidence.com. The contents of footage being shared includes video from the interior of the U.S. Capitol Visitor Center and from the Capitol grounds. These files are designated Sensitive under the protective order. Additional footage will be provided on a rolling basis, as we ingest it into our own instance of evidence.com.
2. Twenty files that are exhibits to previously produced USCP OPR reports, and a corresponding index, have been shared via USAfx and you should have received a notification via email. Any applicable sensitivity designations are reflected in the index. Additional exhibits will be provided on a rolling basis as we continue to ingest and quality-check them.
3. Forty-two files that consist of MPD internal investigation reports and exhibits, and a corresponding index, have been shared via a second, separate USAfx production, and you should have received a notification via email. These reports and exhibits are unredacted and thus designated Highly Sensitive under the protective order.

The Federal Public Defender for the District of Columbia (“FPD”) has agreed to serve as the Discovery Liaison for defense counsel in Capitol Breach cases. FPD is currently reviewing the various features of evidence.com and testing out the capabilities of the program with sample data. Within the next two weeks, FPD will be sending out information to defense counsel that includes a point-of-contact for discovery-related inquiries, the procedures to follow for obtaining a license to access evidence.com, and a quick start guide for defense counsel to use with evidence.com.

It has come to our attention that there are sensitivities that must be addressed prior to large scale disclosure of body-worn-camera footage. We are working diligently to resolve these issues and in the interim we have produced a sample of fifty body-worn-camera files to FPD’s instance of evidence.com. This sample will allow our technological teams to discuss the necessary infrastructure and workflows that need to be implemented. Ultimately, we intend to produce the majority of body-worn-camera footage with the least restrictive applicable sensitivity designations, if any, in order to facilitate defendant review.

In the near future, we expect to provide tools that will assist your review of the voluminous video footage described above, to include:

1. Camera maps for USCP CCV;
2. Our work product, consisting of a spreadsheet and related zone maps, identifying body-worn-camera footage by agency, officer, video start time, a summary of events, and location of the camera in 15-minute increments; and
3. Global Positioning Satellite information for Metropolitan Police Department radios, which may be of some assistance in identifying officers whose body-worn-cameras were recording at a particular time and location.

If you have any questions or if you fail to receive two separate USAfx invitations in connection with this production, please feel free to contact me.

This material is subject to the terms of the Protective Order issued in this case, ECF 12.

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

Sincerely,

/s/ Leslie A. Goemaat
LESLIE A. GOEMAAT
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555 4th Street, N.W., Room 5840
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