

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

UNITED STATES OF AMERICA : **Criminal No. 21-CR-68 (TNM)**
 :
 :
 v. :
 :
 :
 JENNY CUDD, :
 ELIEL ROSA, :
 :
 Defendants. :
 :

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 March 10, 2021 discovery letter in this case, which was 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/
Amanda Fretto
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CERTIFICATE OF SERVICE

On this 10th day of March, 2021, a copy of the foregoing was served on counsel of record for the defendants via the Court's Electronic Filing System.

/s/
Amanda Fretto
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 10, 2021

VIA ELECTRONIC MAIL

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Re: United States v. Jenny Louise Cudd and Eliel Rosa
Case No. 21-cr-68
Discovery Production No. 1

Dear Counsel:

In response to your request for discovery, and in the hopes of exploring a possible resolution of this matter in the future, we write to memorialize the preliminary discovery that we provided for download off of USAfx from the USAfx folder labeled, "Cudd-Rosa Discovery Production 1."

The following materials were provided via USAfx on February 17, 2021:

- Jenny_Cudd_1-6-21_video.mp4 (video);
- Jenny_Cudd_Revolution_video.mp4 (video);
- Jenny_Cudd_video_preview_of_1-6_event.mp4 (video);
- FBI 302 (Eliel Rosa), dated 1/9/21 (4 pages).

The following materials were provided via USAfx on March 9, 2021:

- From the USAfx folder labeled, “NewsWest 9”:
 - 8e05fdda-0b06-43de-92ef-1aa5412d14df_6000.mp4 (video);
 - d69e678c-8c91-471f-a86e-e3d658690745_6000.mp4 (video).
- From the USAfx folder labeled, “CBS7, KOSA-TV”, containing subfolder “JENNY CUDD RAW INTVW 010821.zip”:
 - PART 1.MOV (video);
 - PART 2.MOV (video);
 - PART 3.MOV (video);
 - JENNY CUDD INTVW FB 010821.mp4 (video);
 - JENNY CUDD JANUARY 6.mp4 (video);
 - JENNY CUDD PHONE INTVW 010621.wav (audio).
- From the USAfx folder labeled, “Hotel Invoices”:
 - Cudd, Jenny 1 (1 page);
 - Cudd, Jenny 2 (1 page);
 - Cudd, Jenny 3 (1 page);
 - Cudd, Jenny 4 (1 page);
 - Rosa, Eliel 1 (1 page);
 - Rosa, Eliel 2 (1 page);
 - Rosa, Eliel 3 (1 page).

We received a notification that counsel has already downloaded some of the materials for this case from USAfx. To the extent you have not already done so, please download all of these files as soon as possible from USAfx, as it is not a storage medium; rather, it is a file transfer method. The folder and its contents will expire within 60 days. Please advise me immediately if you have difficulty downloading the discovery folder. This early discovery is not a complete production, but rather preliminary discovery. We anticipate producing more fulsome discovery in the future. 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.

A proposed protective order was provided, which will allow the production of additional discovery. Counsel for Ms. Cudd notified us that she objects to the protective order but did not propose revisions for the government’s consideration. Counsel for Mr. Rosa has proposed revisions to the U.S. Attorney’s Office. We will provide an update as soon as possible. Additional materials will be provided after the entry of a Protective Order in this case.

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.

